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No. 157

House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. CASTEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
September 28, 2022.

I hereby appoint the Honorable SEAN CASTEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 10, 2022, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with time equally allocated between the parties and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

RECOGNIZING SAMANTHA GONZALEZ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. BOST) for 5 minutes.

Mr. BOST. Mr. Speaker, I rise today to celebrate the service of one of my staffers on the Committee on Veterans' Affairs.

Ms. Samantha Gonzalez has dedicated over 10 years of her career to our Nation's veterans, their families, and their survivors. She started on the committee as an intern and has worked her way up to being the communica-

tions director and senior health policy adviser.

Samantha helped craft messages and advance a number of bills supporting veterans and their families—notably, the Choice and VA MISSION Acts, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act, the PACT Act, and so many more landmark pieces of legislation.

There is no doubt that the entire veteran community is better off because of her tireless work on their behalf.

I thank Samantha for her commitment to America's veterans, and wish her the best of luck in her next adventure. She will be missed.

NATIONAL SUICIDE PREVENTION AWARENESS MONTH

Mr. BOST. Mr. Speaker, I rise today to remind everyone that while National Suicide Prevention Awareness Month is concluding, we cannot afford to lower our guard. It dismays me that still so many veterans take their lives every day.

In 2020, approximately 16 veterans died by suicide daily, another year with more than 6,000 veteran suicide deaths. We must stay vigilant.

It took an incredible amount of work to get the Staff Sergeant Parker Gordon Fox Suicide Prevention Grant Program passed in legislation through Congress. I am pleased that the first grants were awarded just last week.

Now, 80 community-based organizations in 43 States, D.C., and American Samoa will receive funding to provide or coordinate suicide prevention services for veterans and their families where and when they need it.

Many veterans either cannot or will not access the VA, but their community knows how to find them, how to get them out of isolation and out of trouble and get them the care that can save their lives and offer them a future of hope. I am excited to see just what these grants can do.

CELEBRATING THE LIFE OF RICHARD MARTIN

Mr. BOST. Mr. Speaker, I rise today to celebrate the life of Richard Martin, a good friend and great man who passed suddenly this week.

You get to know people very closely in stressful conditions. Well, many of you know that I was a professional firefighter, and Richard always had my back.

Richard and I both served on the Murphysboro Fire Department. Richard served with the department for 32 years, from 1984 until 2016. During that time, he was a member of the Firefighters Pension Board and served as the treasurer and president of the Murphysboro Firefighters Local 3042.

Never fully retiring, he went on to become the southern district's legislative representative for the Associated Fire Fighters of Illinois.

Richard was dedicated to his family, his friends, his career of service, our hometown, Murphysboro, and the community. Our prayers are with his family, including daughter Olivia and sons Eli and Zeke during this difficult time.

He was a close friend. He will be missed tremendously. His ability to teach others the art of fighting fire and doing it safely and the number of lives that he saved and the amount of property he saved will not be forgotten.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 468. An act to amend title 49, United States Code, to permit the use of incentive payments to expedite certain federally financed airport development projects.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 4673. An act to reauthorize the National Computer Forensics Institute of the United

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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States Secret Service, and for other purposes.

SLAVERY REMEMBRANCE DAY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GREEN) for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, and still I rise, a proud descendant of the enslaved people who made cotton king and America great; the enslaved people who had a hand in the construction of this Capitol, who had a hand in the construction of the White House; the enslaved people who constructed roads and bridges across the length and breadth of this country, who worked for more than 200 years without a payday. They made the difference for what we call the United States of America on the global scene at the time.

I am honored to be a descendant, and I am honored to say also that this House, on July 27, took the historic step of according them Slavery Remembrance Day, a day to remember their lives and commemorate their accomplishments.

It is important that we do this because, for too long, we have reviled the slaves and revered the enslavers. For too long, we have placed them in such a position as to cause the people who are the very descendants to be ashamed of who they were associated with, with reference to their heritage.

I am proud that this House has taken this important historic step with Slavery Remembrance Day, but I am also proud to say that at 2 o'clock tomorrow in Room 145A at the Washington Convention Center, we will continue to talk about this piece of legislation that we passed, H. Res. 517, the Original Slavery Remembrance Day Resolution.

We will talk about this. We will give a legislative update. The Reverend Al Sharpton will be there, and he will give insightful information on this very topic.

I am just proud that we no longer fear having those persons who made this country great recognized by this Congress, and that had been the case in the past.

I thank all the Members of the Congress, 218 of whom who voted for this legislation. I thank the President, who recognized Slavery Remembrance Day. I thank all of the leadership for allowing this resolution to come to the floor.

I thank Ms. ELIZABETH WARREN, the Senator who supported it, and I thank Mr. HOYER. Mr. HOYER was a man of his word, a person of his word. He said this resolution would come to the floor for a vote. He supported it, and it came to the floor for a vote.

I thank you for the courage that you showed, Mr. HOYER, and the judicious insight that you utilized to make sure that we had this opportunity.

Tomorrow, we continue what I cannot finish today at the convention center, 2 o'clock, Room 145A.

STANDING WITH IRANIAN WOMEN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Mrs. KIM) for 5 minutes.

Mrs. KIM of California. Mr. Speaker, I rise today to support the people of Iran protesting the ayatollah's regime after a 22-year-old young woman, Mahsa Amini, died after being detained by Iran's morality police for allegedly incorrectly wearing a hijab.

Iranians are standing up to the ayatollah's regime's oppression of women by cutting their hair, burning their hijabs, and demanding freedom.

The Iranian Government began a violent crackdown on the protests that have resulted in dozens of protesters being killed, including women and teenagers.

I want Iranian women to know that the United States stands with you in your fight against the ayatollah's oppression and that the Iranian people have our support in your fight for freedom.

Mr. Speaker, I urge my colleagues to join me in amplifying our voices for the people of Iran and holding the regime accountable.

BRETT FAVRE CONTROVERSY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. PAYNE) for 5 minutes.

Mr. PAYNE. Mr. Speaker, I rise today to discuss an issue that is very troubling. It is an issue that needs to be addressed.

You see, I rise today because of the outrage and shock that Brett Favre stole money that was supposed to be used to buy formula for babies in Mississippi to build a volleyball stadium at the school his daughter played at.

Today, I join the calls of millions of Americans demanding that he and the corrupt Mississippi Republican Governor be held accountable for this action.

Brett Favre is a millionaire. In a 20-year football career, he made over \$100 million. It would take an average Mississippian 20 years to make just \$1 million.

Instead of coming out of his own pocket, he used his power, influence, and relationships with corrupt Republican lawmakers to steal the money from those in Mississippi who need it the most. His actions were criminal, shameful, reckless, and irresponsible.

Brett Favre is from Mississippi. One might think he should have cared that his home State is one of the poorest in the Nation and suffers from one of the highest rates of child poverty in this country.

He should have cared that one in every five Mississippians lives in extreme poverty. One might think that he should have cared that in Jackson, Mississippi, the capital, almost 25 percent of the households depend on minimum wage. In these families, most earn less than \$15,000 a year.

One might think he should have cared that hundreds of thousands of Mississippians often have to boil their water due to the corruption and the neglect by the leadership in Mississippi, the Republican leadership, neglect that Brett Favre was a key and influential factor of, neglect that he and the corrupt Governor benefited from, but Brett didn't care.

In July 2019, Brett texted Governor Bryant, telling him how much he loved Nancy New and John Davis for what they did for him and Southern Miss.

□ 1215

He called the theft of funds amazing. Governor Bryant knew that the money could have been used to provide thousands of low-income families with a year's worth of rent. He knew that it could have covered the cost of their electricity and their childcare bills. He knew that it could have provided thousands of Mississippi families with as many as nine meals a day.

But they didn't care. They didn't care that year after year many of Mississippi's most vulnerable people can't shower, cook, or bathe for weeks on end due to the systemic neglect in their water system.

In a report released earlier this month by Vox, Benji Jones explained the water crisis in Jackson, Mississippi, perfectly. He wrote: "However, infrastructure is often poorly maintained or intentionally overlooked in particular places, leading to a lack of access, affordability, and safety for many communities of color."

Brett and Governor Bryant intentionally overlooked the needs of Mississippi's poor people for a volleyball stadium. Perhaps this New York Times headline says it best: Brett Favre's most memorable stat may now be the \$8 million he helped steal from the poor.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, this is a travesty in this country to take from the poorest of the poor and to neglect what they have done. Brett Favre and that government should atone and pay for what they have done.

The SPEAKER pro tempore. The gentleman is no longer recognized.

REPUBLICAN COMMITMENT TO AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, the American people are at their wits' end.

They fear that our great country has fallen into a state of disrepair the likes of which have never been seen before.

They have watched as our time-tested institutions have become engulfed by a smog of bureaucratic rot.

They have gathered at their kitchen tables for nights on end wondering how much further they could stretch their budgets to support their families.

All the while, Washington has trudged onward with more spending schemes and irresponsible policies that are poisoning America.

Mr. Speaker, I cannot overstate the severity of the catastrophes that this administration has created. From the southern border being overrun to inflation that has robbed hardworking Americans and their families, no matter where you turn, the carnage is palpable.

Republicans are taking a stand to end this madness and move America in the right direction. That starts with our Commitment to America. The American people deserve an economy that is strong, a Nation that is safe, a future built on freedom, and a government that is accountable.

These are the tenets of the Commitment to America.

Mr. Speaker, let me be clear, the American people can no longer afford one-party Democrat rule in Washington.

Under one-party rule, Americans are bearing the brunt of 40-year high inflation.

Crime has exploded in major cities across the entire country.

Millions of illegal aliens have poured across the southern border.

Gas and grocery prices are growing by leaps and bounds.

The list goes on and on. Mr. Speaker, there is no denying that.

Americans are not witnessing progress under one-party rule, they are watching our Republic crumble by the second.

It is time for a serious change in leadership in Washington.

No more reckless spending. No more policies that are antithetical to the will of the American people.

No more bureaucratic assaults on the freedoms and values that this country was built upon.

Mr. Speaker, the American people deserve much better than the hand that Washington Democrats have dealt them. In a few short weeks, Americans across the country will make their voices heard, and I can guarantee you that they will not speak softly.

The disarray, incompetence, and negligence in Washington must be put to an end. It is time that Washington truly delivers on the priorities of hardworking taxpayers and families across our country. There is not a second to lose.

NEW SAVINGS FOR MEDICARE PART B

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. COURTNEY) for 5 minutes.

Mr. COURTNEY. Mr. Speaker, a couple days ago, Medicare beneficiaries all across America received very welcome news. For 2023, Medicare announced that the part B premiums, which are deducted from seniors' Social Security checks, will actually be reduced by \$6 a

month. That is the first time in 11 years that the Medicare program has actually cut the premiums that erode month by month Social Security checks.

There is a reason for this, which is that last year there was a spike in terms of the part B premiums. It was driven by the fact that a new drug, Aduhelm, was approved just about the same time the actuaries were calculating the part B premiums.

Aduhelm's cost, when it was initially approved by FDA, was about \$58,000 per patient. That one medication resulted in half of the increase last year in terms of Medicare part B premiums. There was a hue and cry about the cost of that drug after the new premium had kicked in. They cut the price from \$58,000 per patient to \$26,000. Medicare also limited the use of that drug in terms of experimental, controlled settings because it was so brand new.

Unfortunately, the premium had already kicked in, and a number of us were working with the Department of Health and Human Services saying that the premium should be adjusted because it was based on data which had been overtaken by events. At that point, it was too late for Medicare to readjust the premium in the last calendar year, 2022, but next year they will make the adjustment, and those premiums will go down.

In about a week or so, the government is going to be announcing the COLA for Social Security for 2023 for seniors, which is obviously a very intensely watched event. Right now, the projection, based again on the market-basket system that they use to calculate COLA, looks like it is going to be an 8 percent increase for Social Security for 2023.

Mr. Speaker, I think it is important to note that in past years some of those COLA increases have been eroded, as I mentioned earlier, by increases in the part B premium. In 2023, the opposite is going to happen. There will actually be, not only a COLA increase but a reduction in the premium, and that means more money in the pockets of seniors and people on disability.

Again, this is very welcome news. Obviously, inflation has been really tough for a lot of families, and particularly seniors on fixed incomes, but in 2023 there is going to be, again, more relief coming their way.

It also coincides with the new Inflation Reduction Act, which will be capping the cost of insulin, starting in January, at \$35 a month. For seniors who are on Medicare today who need insulin, which is a life or death drug, insulin roughly costs about \$160 per month.

There will be savings, not only in terms of a new COLA and a reduced part B premium, but also the cost of insulin will be capped at \$35 a month. In 2024 and 2025, under the Inflation Reduction Act, because of savings resulting from price negotiation, which the bill finally enabled and empowered, we

are going to see an overall cap on out-of-pocket costs for prescription drugs at \$2,000 for seniors through the part D program.

If you talk to anybody who has an MS condition or an MS patient in someone's family, the mere infusion of a monthly MS treatment basically forces most seniors onto Medicaid because it is thousands of dollars per treatment.

Starting with this new program, their overall cap for a year will be \$2,000. That is why the Multiple Sclerosis Society endorsed this bill, as did many other patient advocacy groups. As valuable as Medicare was for prescription drugs, the existing system still is way too expensive.

With the Inflation Reduction Act, we are going to cap insulin, we are going to cap the overall cost of medications. Unbelievably, just a few days ago, the minority came out with their commitment for America where they actually want to repeal the law on which the ink is barely dry, that is going to provide a ray of hope for seniors to pay for the cost of lifesaving drugs. We can't let that happen.

Starting in January, we are going to see the real benefits of that law, as well as welcome news in terms of a higher COLA and a smaller part B premium.

RESIDENCY AND RURAL HOSPITALS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. JOYCE) for 5 minutes.

Mr. JOYCE of Pennsylvania. Mr. Speaker, today, fourth-year medical students submitted their applications to residency programs across our country, preparing to enter the workforce as surgeons, specialists, and family doctors.

As these students begin the process of choosing the hospitals where they will work, I urge them to consider working in rural communities. Working in facilities that are struggling right now to recruit new physicians, and these new medical students—these new, highly-trained individuals—will be able to serve communities that desperately need them.

For too long, a lack of doctors has been a significant barrier to care for families in rural Pennsylvania. To address this critical shortage, I am proud to have created the Homegrown Healthcare Initiative, which pairs third- and fourth-year medical students with hospitals across Pennsylvania's 13th Congressional District.

So far we have been able to place nearly 30 students in hospitals in Blair, Cambria, Fulton, and Franklin counties. It is time to ensure the students who were raised in rural communities return to these communities to live, to work, and to practice medicine.

To all of the medical students applying for residency today, good luck, and

I thank them for all the work that they will do on behalf of their patients.

OUT OF CONTROL INFLATION

Mr. JOYCE of Pennsylvania. Mr. Speaker, today, we recognize the problems that we are facing with a country that has spiraling out of control inflation. We have an opportunity with the Republican Commitment to America, the commitment that the Republican Party has put forward, to make a Nation that is safe, to make a Nation that is accountable.

As Republicans, we have brought forth a four-part statement that will have the necessary oversight to control and have the citizens have the ability to have their voices heard.

The Commitment to America is the path forward throughout this spiraling inflation that is affecting each and every American today.

Mr. Speaker, I urge all Americans to look at this valuable commitment that we as Republicans will bring forward.

HAWAIIAN HISTORY MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Hawaii (Mr. KAHELE) for 5 minutes.

Mr. KAHELE. Mr. Speaker, I rise today to continue to honor September as Hawaiian History Month in my home State of Hawaii.

Today, in "olelo Hawaii", "Hawaiian language", I will honor Joseph Kaho'oluhi Nawahi.

Joseph Kaho'oluhi Nāwahīkalani'ōpu'u was born on January 13, 1842 in Kaimū, Puna on the Island of Hawai'i.

Keaweolalo was his true mother. Nāwahīkalani'ōpu'u was his true father. Joseph Pa'akaula was his foster father. Joseph Pa'akaula was a teacher at Ke Kula 'Aiakalā.

Nāwahī attended 4 schools, Ke Kula 'Aiakalā, Ke Kula Hānai O Hilo, Ke Kulanui O Lahainaluna and ke Kula Ali'i O Kahehuna.

Ua hānau 'ia 'o Iosepa Kaho'oluhi Nāwahīkalani'ōpu'u ma ka lā 'umikūmūākolū o Ianuali makahiki 'umikāmāwalu kanahākūmālua ma Kaimū, Puna, Moku o Keawe.

'O Keaweolalo kona lūau'i makuahine. 'O Nāwahīkalani'ōpu'u kona lūau'i makua kāne. 'O Iosepa Pa'akaula kona makua hānai. He kumu 'o Iosepa Pa'akaula ma ke Kula 'Aiakalā.

'Ehā kula a Nāwahī i komo ai. 'O Ke Kula 'Aiakalā, Ke Kula Hānai O Hilo. Ke Kulanui O Lahainaluna a me Kula Ali'i O Kahehuna.

Mr. Speaker, these words that I just shared are a simple recitation of biographical facts regarding Joseph Kaho'oluhi Nāwahīkalani'ōpu'u, who was a Native Hawaiian nationalist leader, legislator, lawyer, newspaper publisher, and painter.

This speech has been memorized by hundreds of elementary school students—my own keiki included—who attend the Hawaiian language immersion school, Ke Kula 'o

Nāwahīkalani'ōpu'u. These keiki not only honor these Native Hawaiian heroes but ensure that their names are heard, and their work lives on through them for generations to come. "E ola kou inoa e Nawahi."

The SPEAKER pro tempore. The gentleman from Hawaii will provide a translation of his remarks to the Clerk.

□ 1230

SHOULD WE HAVE RURAL TOWNS

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. LAMALFA) for 5 minutes.

Mr. LAMALFA. Mr. Speaker, I am pointing to a map here showing the several fires we have had in Northern California. This is only a small snippet. There is much more besides that that I could show you.

This is mostly in my district, the First District of Northern California here over several years. The Dixie fire being the big one here last year, about a million acres. The Camp fire that a lot of people have heard about that consumed the town of Paradise back in 2018; but there are many others.

So what am I talking about here today? The idea that rural America isn't worth saving; isn't worth having. So as we contemplate fire after fire and the recovery from there, there are those who are questioning should we have rural towns anymore; should we have people living in them; should we help them recover?

I go back to the root of the problem. First, I think the answer is yes because we need rural towns. We need people out there that are the productive people that used to do amazing things before regulations and environmental groups shut them down; we would not have the products that come from these areas.

So, not only rebuild them, but let's do the things that help them to thrive. Because it isn't just about some jobs in a rural town, it is also about everybody in this country prospering from the products that come from there.

What am I talking about? In this area, timber, lumber products, paper products. Heaven knows, we use a lot of paper around here. Do we want that to come from the United States, from our workers, from our productive lands, or do we want to continue as the United States, for some reason, is the Number 2 importer of wood products in the world. And yet, we are burning millions of acres across the West every year. Why is that?

I could also say mining used to occur more heavily here and in other parts, anywhere from Minnesota all through the Western States, as well.

And farming, which is under attack. The water is being taken away from many of the farmers in my district and in California in general because it is going for environmental purposes.

So yes, rural America feels under attack. So a recent Los Angeles Times article comes out saying, should billions continue to be spent rebuilding burned towns? This is the case for calling it quits.

I appreciate the L.A. Times is covering the fires that affected California; most recently, the Dixie fire in the town of Greenville, which is 75 percent wiped out from that fire; the town of Paradise 4 years before, 90 percent wiped out.

But I wish they would tell the whole story. They didn't tell my part of the story. Yes, it is difficult to keep asking for money back in D.C. to come help, whether it is one of my disasters—I am sure my colleagues in the South like right now are dealing with in Florida. Do they enjoy having to come back to help get rebuild money for Florida after the hurricanes they are dealing with, or flood or what have you?

No, they don't enjoy that, and I don't think we want to have to ask taxpayers for it.

But fire is something we can manage. We can't manage the weather. We can't stop hurricanes. We can't stop other things like that. But do we have the ability to manage our forests in such a way that towns would not be subject so much to immediate wildfire; harvesting buffers around them; putting fire breaks up, things like that.

And then when you do rebuild the town, they are building them with newer, better materials for the housing and things like that. There are underground power lines, so it is not going to be the same town that went up a hundred years ago that started out as a timber town, as a mining town, or even an ag town.

So it does improve. It does get better. It is worth the value because, the bottom line is, even though we want to blame climate change and say that is the big problem, we have got to kick people out of rural areas; we have got to kick them out of these communities because of climate change.

Well, if the climate is changing, then what are we going to do about it? Are we going to not have timber products? Are we going to not ensure the safety of those areas? Because we still need these people out there producing these products. If you want to have electric cars, someone has got to do some mining somewhere, right?

And the mandate keeps coming down the pike in my own State and more and more around the country, and we are not going to have those products. We are not going to have wood and timber products, paper products coming from somewhere besides being imported; and you know what happens when we get too dependent on import. Ask anybody getting natural gas in Europe what that looks like.

Our food; everybody is seeing food prices skyrocketing at the shelves, and sometimes that very shelf is empty. With all the acres that got left out because the water got taken away this

year in California, food shelves are going to be even more empty and prices even higher.

Someone in rural America has to be producing something. So for people to say that well, climate change, times are changing, we have to shift in a new direction, and we don't need these people there, and we don't need these towns there, we do need these towns. We need them there, and we need to help them to thrive by letting them manage the timber to begin with.

DISASTER RELIEF IN PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN) for 5 minutes.

Miss GONZÁLEZ-COLÓN. Mr. Speaker, earlier this month, we were thinking about the 5 years since Hurricane Maria, and 5 years felt like nothing. Maria was one of our greatest natural disasters, causing collapse of all of the essential infrastructure in Puerto Rico. We still see the effects linger.

My colleagues in Congress came with me to the Island and responded with funding for recovery. Staff from FEMA and other agencies have been working hard, but the effects have been slow to be seen. Major obligations for permanent infrastructure rebuilding began only in late 2020.

Meanwhile, challenges continued: Earthquakes, COVID, supply chain crisis, a power grid that remains unreliable, uncertainty about the continuity of Medicaid and nutritional assistance funds. The people were exhausted and stressed.

Then came Hurricane Fiona. Fiona did not bring Category 4 or Category 5 winds but, instead, rainfall like never before, up to 30 inches in some locations. It was raining 2 days before the hurricane and 2 days after the hurricane.

Fiona caused a lot of flooding. It was historic and, in many places in the south of the Island, and the West, and the central mountains, beyond what was experienced for Maria. Thousands of families needed to be moved from flood waters in places like Salinas, leaving behind everything.

In rural areas like Arecibo, San Lorenzo, Orocovis, Utuado, Barranquitas, bridges that had been repaired or replaced after Maria, and roads that had been cleared and repaved, are again washed out, damaged, and blocked by landslides.

Housing and transportation work done after the last disaster, some even barely finished, now needs to be addressed again.

The power system again fell into a blackout. Although a majority is back up, it is still shaky. More than 70 percent of the Island now has power. Plants at Aguirre and Costa Sur are running available units at the edge of capacity; distribution networks at Aguadilla, San Sebastian, and Baya-

mon needed to be attended by local governments. This slow-down recovery of the water system is a problem for citizens needing life support devices, and keeps businesses closed.

Although there are sufficient fuel and supplies in the depots, communities have difficulty receiving enough because of transportation problems at a time of increased demand.

The agricultural sector, that was expecting finally the first normal productive year after devastation of Maria, lost everything again. We lost 90 percent of our agriculture in plantains, bananas, and many others; back to square one. Across the land, in Lares, Patillas, Aibonito, Guanica, mostly small or family farms now are at risk of simply never coming back; a lot from damage, and others from heartbreak.

Our low-income families face faster depletion of the funds for Medicaid and for nutritional assistance programs. It is not just a matter of more eligibility but continuity of the funding.

A real answer to this would be true permanent equal treatment for Puerto Rico in these Federal programs, instead of a special provision over and over every year.

I have engaged the President and many Federal agencies on this and other issues, to seek the needed support for the Island at this moment.

Some Members of Congress, of this House, are traveling to Puerto Rico after Fiona, and I am, again, inviting all my colleagues who want to come and join me to see the need directly and hear from those who can tell you what is really happening.

Today, we watch Florida also face a major disaster, and knowing firsthand what that means, I keep the people of Florida in my heart. Take care, and God bless and keep you in this time.

I am sure that both Florida and Puerto Rico, we will come back from this disaster, and, as Americans, we must all stand together, in a bipartisan way, to make sure the rebuilding happens visibly and promptly.

HONORING THE SERVICE OF CHAD ROBICHAUX AND STAFF SERGEANT DENNIS PRICE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Missouri (Mrs. HARTZLER) for 5 minutes.

Mrs. HARTZLER. Mr. Speaker, I rise today to honor the extraordinary heroism of Chad Robichaux and Staff Sergeant Dennis Price during the Afghanistan evacuation last year. Their selfless actions evacuating tens of thousands of Afghan interpreters and their families, vulnerable women and children, persecuted Christians, and American citizens, represents the highest levels of patriotism.

I met Chad through his work supporting our Nation's veterans as the founder of the Mighty Oaks Foundation, a leading nonprofit serving the

military, veteran, and first responder communities around the world. Through faith-based combat trauma and resiliency programs, Chad has been instrumental in ensuring our brave warriors are supported when they return home from the battlefield.

Chad's work doesn't stop there. He is also the co-founder of Save Our Allies, a nonprofit focused on the evacuation and recovery of Americans, our allies, and the most vulnerable people trapped in Afghanistan. Save Our Allies began as a personal quest for Chad, as he set out to rescue his longtime friend and Afghan interpreter. However, the mission quickly evolved because of Chad's compassion for all people and his servant's heart.

While the U.S. military held the Kabul airport in Afghanistan, the Save Our Allies Task Force successfully extracted approximately 17,000 evacuees in a period of 10 days. Despite these courageous efforts, a report from the U.S. Joint Chiefs of Staff estimated over 142,000 vulnerable Afghans remained in the country following the exit from Kabul.

With the complete takeover of Afghanistan by the Taliban, the report projected 20 million women would be vulnerable to sexual abuse and slavery; Christians would be persecuted and executed; Afghan interpreters and their families would be hunted down and killed; children would be abused through religious manipulation; and the 1,000-plus Americans left behind would be killed or held hostage for ransom.

Understanding the ruthlessness of the Taliban as a former Force Recon Marine, Chad Robichaux knew the rescue mission had to continue. In response, Save Our Allies launched several operations to explore new ways for extractions. Robichaux and his team first identified possible ground evacuations that could be feasible by cross-border movements into Tajikistan and quickly planned a reconnaissance operation. Robichaux hand-selected Staff Sergeant Dennis Price, a Force Recon Marine and Scout Sniper, to take part in the mission.

I want to share two stories from that mission to highlight their incredible acts of sacrifice, service, and bravery. Early in the mission, Staff Sergeant Price sought a higher vantage point to evaluate a potential river crossing area. Upon his ascent up a mountain, he came under sniper fire two separate times, pushing him back to return to the safe house to reconvene with Robichaux and discuss moving forward with the operation.

These two brave men humbly discussed their families, loved ones, and all that would be left behind should they not make it out of this mission ahead. Still, both men agreed to continue their mission of building safe passage for American and Afghan evacuees.

During day 3 of the mission, and upon confirmation of possible river crossing,

Staff Sergeant Price found himself 10 feet away from an armed Chinese militant hiding in the bushes, utilizing the vegetation as concealment.

□ 1245

Robichaux, using his uncanny observation and combat skills, noticed the looming threat and physically ushered Staff Sergeant Price into a nearby vehicle before he could be captured or killed, ultimately saving his life. Because of this heroic act, the two men were able to continue providing real-time information to American intelligence agencies.

During their 10-day operation, Robichaux and Price were able to cover 90 miles of border between Afghanistan and Tajikistan, remaining undetected by countless Tajik, Russian, and Chinese military patrols, all while avoiding Taliban-infested areas and checkpoints.

These examples, and countless others that cannot be shared due to their sensitive nature, underscore the exemplary efforts undertaken by both Americans behind enemy lines to collect the critical information needed to bring so many to safety.

Mr. Speaker, I am humbled to stand before the House to honor their courageous bravery and willingness to sacrifice their lives for their fellow man. The mission that these men completed has saved and will continue to save hundreds and possibly thousands of lives.

On behalf of a grateful Nation, I express my sincere gratitude. God bless Chad Robichaux and Staff Sergeant Price for their service to our country.

RECOGNIZING NATIONAL CLEAN ENERGY WEEK

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Iowa (Mrs. MILLER-MEEKS) for 5 minutes.

Mrs. MILLER-MEEKS. Mr. Speaker, I rise today to recognize National Clean Energy Week and the benefits of alternative energy sources.

National Clean Energy Week is a time to recognize and celebrate innovative policies that allow the United States to limit greenhouse gas emissions.

Iowa leads the Nation in clean energy production, and Iowans are constantly seeking ways to make clean energy more affordable, accessible, and abundant. Just last year, the American Clean Power Association reported that over 50 percent of Iowa's electricity is generated by renewable sources, ranking it highest in the United States.

Clean energy sources, including renewable fuels, organic materials, wind, and solar, create affordable electricity and power our transportation sector. Additionally, alternative energy sources bring jobs and revenue while allowing the United States to remain a global leader in energy production.

Since taking office, I have advocated for conservative, climate-friendly leg-

islation that promotes alternative forms of energy. Consumers should always be provided with choices as it promotes competition for businesses and lowers the cost of goods and services, which is crucial now with record-high inflation.

I have also introduced bipartisan legislation, such as the Biochar Research Network Act of 2022, to expand clean energy in the United States. This bill would create a national biochar research network, where the benefits of biochar can further be tested and explored. Research would include how well biochar works to sequester carbon, how biochar increases crop production, improves marginal soil health, improves water quality, and reduces the amount of fertilizers and pesticides regularly used. I was proud that Senator GRASSLEY introduced the same bill in the U.S. Senate last week.

Additionally, I have supported numerous bills, such as the Lower Food and Fuel Costs Act, which expands year-round E15, and the Home Front Energy Independence bill, which would prohibit the imports of petroleum from Russia while expanding production and availability of biofuels.

Increasing domestic energy production and the use of biofuels would also help our allies around the world wean off from Russia's dirty oil and cut off the funding for the Russian war machine.

Iowa's vast farmland is why alternative forms of energy like biofuels and wind and solar are successful. However, when determining our Nation's energy strategy, we must analyze geographic composure and natural resources in the area. Different geographical features allow for clean energy to succeed, such as solar in the Southwest, natural gas in Texas, hydropower in the Pacific Northwest, or nuclear energy in the South.

As we continue pursuing clean energy production, I hope my colleagues will look to Iowa as an example of an any- and all-of-the-above approach. In order to leave a healthier planet for our children and grandchildren, we must enact policies that benefit a wide variety of energy sources where they work best and flexibility within the States to do so.

I also wish a happy birthday to Kendyl Willox, who is an amazing health policy portfolio manager in our office. Happy birthday to Kendyl.

FARM OVERTIME WAGE THRESHOLD

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. TENNEY) for 5 minutes.

Ms. TENNEY. Mr. Speaker, I rise today to highlight a looming catastrophe for New York farmers, farmworkers, and consumers across New York State and the country.

On September 6, the New York State Farm Laborers Wage Board voted to advance a proposal to lower the State's

overtime wage threshold for farm laborers from 60 to 40 hours per week, despite overwhelming opposition to the recommendation.

During the public comment period, farmers, farmworkers, and consumers all turned out in droves to oppose the recommendation. Farmers, who are struggling with inflation already, are now very worried about keeping up with yet another price hike. Farmworkers are gravely concerned about the possible lost hours on the job, cutting their wages. Consumers should fear even higher increases to food costs, which have already increased 11.4 percent over the last year, the biggest increase since 1979, with prices continuing to go up.

Their fears are real. Cornell University's College of Agriculture and Life Sciences projected that the overtime rule's implementation could force two-thirds of dairy farmers to make significant changes to their operations, including, and dramatically bad, leaving the industry or investing in other States.

New York State already leads the Nation in the highest out-migration of people and jobs. This would be a disaster for our agricultural community.

Cornell University Ag Sciences also found that half of New York's fruit and vegetable farmers likely would have to reduce operations or leave the industry altogether. The second largest apple-producing county in the entire Nation is Wayne County, located in upstate New York.

Despite all this, the board still voted to advance the recommendation anyway. We are incredibly disappointed that the board ignored such compelling input from important stakeholders, worsening the already difficult headwinds for New York's agriculture industry. The board ultimately decided to undermine the very industry and workers they are supposed to be serving.

This week, I joined upstate farmers for a roundtable discussion hosted by Dale Hemminger and his son, Clay, at Hemdale Farms in Seneca Castle, New York. The feedback from the farmers was unanimous: Lowering the overtime threshold will devastate New York's agricultural industry and have a critically difficult impact on the future of family farms in New York and could leave New York as one of the few States in the country with such an onerous and unreasonable restriction on family farms.

Family farms, large and small, are the lifeblood of New York's economy. Everyone thinks it is New York City. It is actually agriculture.

Now, the recommendation is with the State labor commissioner, Roberta Reardon. I have and continue to urge her to reject this change and maintain the current 60-hour threshold. New York family farms and consumers simply cannot bear any further price increases.

I have also joined my other New York colleagues, Representatives ELISE

STEFANIK and CHRIS JACOBS, in introducing legislation in Congress known as the Protect Local Farms Act to stop this misguided policy from taking effect.

If there are no farms, there will be no nutritious food to feed our State, our Nation, and, yes, the world, as we face a potential food shortage worldwide.

REDESIGNING THE MARKETPLACE OF IDEAS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Rhode Island (Mr. LANGEVIN) for 5 minutes.

Mr. LANGEVIN. Mr. Speaker, I rise today because Americans are divided. Our public discourse is broken. Instead of fostering open and honest political debate, our flawed information environment creates echo chambers and partisan silos.

At times, it feels like the very fabric of our Nation is being torn at the seams. This toxic polarization has infected the Capitol, too, where it is becoming increasingly difficult to get things done in a bipartisan manner.

The nonstop outrage and anger must end.

To begin solving some of these issues, I propose an idea, which I developed in partnership with my former science and technology policy adviser, Eric Saund, a phenomenal cognitive science and artificial intelligence researcher. Together, we call for redesigning what is popularly described as the “marketplace of ideas.”

As economists point out, markets are information systems. The invisible hand of supply and demand discovers the value of goods and services, and the equal access to information in a market yields collective efficiency.

Now, imagine a market where suppliers or, in this case, speakers of ideas hawk their wares in a public square, while consumers, or listeners, sample and choose the news, stories, and opinions they prefer. The best ideas would win by virtue of the audience's discernment and collective wisdom, right?

But what if the market's information architecture, the modes and pathways of information exchange and processing, is fundamentally broken? Just like a market wouldn't function properly if the vendors' loudspeakers and telephones were damaged, the algorithms, programmatic methods, and platform designs that govern our marketplace of ideas are clearly not working. When a market is broken, it is the responsibility of government to act.

How do we fix it? We start by leveling the playing field and modifying the shape, not the content, of our ideas marketplace to facilitate healthy exposure and competition among all ideas within our political discourse.

As it currently stands, our marketplace has been distorted to resemble a dome-like shape in which discourse is driven to the extremes of each side. Instead, we propose bending the dome

shape of our marketplace into a bowl shape, encouraging people to seek common ground and creating space for productive conversation among ideological foes and compatriots alike.

By leveling the playing field through tweaks to both the supply and demand side, we can create a marketplace of ideas where fairness and civility are rewarded and extremism is discouraged.

On the demand side, we can invest in civics education initiatives that teach children critical reading, listening, and thinking skills, like how to spot disinformation on social media. Adults, too, can lose awareness of how their buttons are being pushed by sophisticated propagandists.

As our Founders recognized, our democracy requires an educated citizenry. However, the demands of our modern media environment require our education system to grow and adapt accordingly.

We could borrow from the playbooks of other countries, like Finland and the Baltic states, which have developed robust civil defenses against insidious disinformation campaigns emanating from neighboring Russia. We can even motivate public awareness and engagement through playful, competitive, and financial incentives to reward people for knowing basic civics and following factual, unbiased news and information sources. We should encourage participation in nonpolitical areas of life, such as sports, hobbies, recreation, civics projects, and family activities, to reinforce the common bonds between us.

Solutions arise on the supply side, as well. In a traditional public square, each speaker's identity is known and thereby can be held accountable for their speech. But on social media, phony accounts and troll farms can spread lies, disinformation, and distorted narratives without consequence. A solution may be found in modern technologies for digital identity tools, which can ensure that every social media account is held by a unique, real human being.

Congressman BILL FOSTER's Improving Digital Identity Act of 2021, of which I am a proud cosponsor, advances associated frameworks and standards and promotes the adoption of privacy-preserving digital identity technologies.

This is a complicated issue, but I think it is worth giving thought to.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 59 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CUELLAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Almighty and powerful God, our creator and defender, we call upon You this day to speak into the whirlwind of the life-threatening storm surge and catastrophic winds that now bombard the Florida peninsula and have left behind unfathomable destruction in Cuba.

As Hurricane Ian rages, those who are caught in its ravages are filled with dread. Their personal calamity is its own whirlwind around them. In their distress and anguish, they—and we on their behalf—pray to You for their safety and refuge.

For You alone have the power with but a word to cause the tempest to still and the wind and waves to be hushed. Speak Your word. Shine Your light into the darkness of these days.

Listen to these fervent prayers. Deliver the thousands of evacuees from their plight. Lead them to find shelter in You from all that threatens them this day.

And for all the National Guardsmen, first responders, and those who will provide security and offer assistance for yet another natural disaster, we pray for their strength and fortitude. Use them to bring Your hope to those who cannot see their way through the destruction of their homes and their lives.

In Your sovereign and saving name, we pray.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1 of rule I, the Journal of the last day's proceedings is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Utah (Mr. OWENS) come forward and lead the House in the Pledge of Allegiance.

Mr. OWENS led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following

enrolled bill was signed by Speaker pro tempore RASKIN on Tuesday, September 27, 2022:

S. 2293, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

CONCERNS ABOUT OUR STRATEGIC PETROLEUM RESERVE

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, as Hurricane Ian barrels toward the Florida coast, residents are boarding up their homes, packing up their families, and rushing to evacuate.

Across the State, FEMA is unloading barrels of fuel from our Strategic Petroleum Reserve on evacuation routes to help those leaving to fuel up. That is the correct intent of our Strategic Petroleum Reserves, to help people in the event of a severe weather event or other disaster.

But there is reason to be concerned now that the SPR, as it is known, is now at its lowest point since 1984 because of President Biden's policy. For nearly 2 years he has been halting leases for domestic oil and gas production, paused pipeline development, and launched a regulatory assault on U.S. energy development and financing, all while releasing our strategic reserves in order to combat rising prices—thinking that amount is really going to do so. They have been shipped overseas in some cases.

This is unconscionable. We are in the middle of a hurricane season. What will we do when our reserves are eventually depleted and people are actually stranded?

In my district in northern California we don't have hurricanes, but we are too familiar with natural disasters. Each summer residents are forced to flee due to catastrophic wildfires, and this winter they were even trapped in their homes without electricity due to snowstorms.

We need plentiful electricity: natural gas and oil. It is a matter of life and death for many, and SPRs need to be used properly.

BIOSCIENCE INDUSTRY IN UTAH

(Mr. OWENS asked and was given permission to address the House for 1 minute.)

Mr. OWENS. Mr. Speaker, on December 2, 1982, the medical team from the University of Utah successfully implanted the first permanent artificial heart in the world.

Forty years later, Utah remains a trailblazer in healthcare innovation. Over the past 2 years, I had the pleasure of visiting many Utah businesses at the forefront of the healthcare industry. Ortho Development Corporation,

Xenter, Canyon Labs, and Ultradent are among the leading biotech firms that call Utah home.

BioHive, a collaboration of 1,100 companies representing Utah's life science and healthcare innovative ecosystem is the driving force behind the Beehive State's success.

Additionally, the bioscience industry in Utah supports 130,000 local jobs, accounts for 8 percent of GDP, and produces hundreds of patents for lifesaving medical devices.

Behind these extraordinary accomplishments are the pioneering spirit, grit, and kindness of Utahns. I am proud to represent my State and know that we will continue to lead the Nation.

WJAG'S 100TH ANNIVERSARY

(Mr. FLOOD asked and was given permission to address the House for 1 minute.)

Mr. FLOOD. Mr. Speaker, I rise today to honor one of America's first radio stations, WJAG-AM, licensed to Norfolk, Nebraska. It is celebrating 100 years this year.

In 1922, radio pioneer Gene Huse established WJAG as one of the first radio stations west of the Mississippi River.

The station became and remains an important part of everyday life for Nebraskans. Gene Huse realized that most people did not own a radio, so he printed instructions in his local newspaper on how to build one. Many more went to the movie theater or the fire station to hear play-by-play of the World Series, dance to music, and receive agricultural news.

Today, his grandson, Bill Huse, continues the tradition of service. WJAG has been owned by the same family since its start in 1922. The station is an American original.

On behalf of the First District of Nebraska, I congratulate WJAG on 100 years of service and wish those at the station another 100 years of success.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 8446.

Ms. MCCOLLUM. Mr. Speaker, I ask unanimous consent to remove the gentleman from Texas (Mr. PFLUGER) as cosponsor of H.R. 8446.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which the yeas and nays are ordered.

The House will resume proceedings on postponed questions at a later time.

SBIR AND STTR EXTENSION ACT OF 2022

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 4900) to reauthorize the SBIR and STTR programs and pilot programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 4900

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SBIR and STTR Extension Act of 2022".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively.

(2) FEDERAL AGENCY; PHASE I; PHASE II; PHASE III; SBIR; STTR.—The terms "Federal agency", "Phase I", "Phase II", "Phase III", "SBIR", and "STTR" have the meanings given those terms, respectively, in section 9(e) of the Small Business Act (15 U.S.C. 638(e)).

SEC. 3. REAUTHORIZATION OF SBIR AND STTR PROGRAMS AND PILOT PROGRAMS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking "2022" each place that term appears and inserting "2025".

SEC. 4. FOREIGN RISK MANAGEMENT.

(a) DEFINITIONS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (13)(B), by striking "and" at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(15) the term 'covered individual' means an individual who—

"(A) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency; and

"(B) is designated as a covered individual by the Federal research agency concerned;

"(16) the term 'foreign affiliation' means a funded or unfunded academic, professional, or institutional appointment or position with a foreign government or government-owned entity, whether full-time, part-time, or voluntary (including adjunct, visiting, or honorary);

"(17) the term 'foreign country of concern' means the People's Republic of China, the Democratic People's Republic of Korea, the Russian Federation, the Islamic Republic of Iran, or any other country determined to be a country of concern by the Secretary of State;

"(18) the term 'malign foreign talent recruitment program' has the meaning given such term in section 10638 of the Research and Development, Competition, and Innovation Act (division B of Public Law 117-167); and

"(19) the term 'federally funded award' means a Phase I, Phase II (including a Phase II award under subsection (cc)), or Phase III SBIR or STTR award made using a funding agreement."

(b) DUE DILIGENCE PROGRAM TO ASSESS SECURITY RISKS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(vv) DUE DILIGENCE PROGRAM TO ASSESS SECURITY RISKS.—

“(1) ESTABLISHMENT.—The head of each Federal agency required to establish an SBIR or STTR program, in coordination with the Administrator, shall establish and implement a due diligence program to assess security risks presented by small business concerns seeking a federally funded award.

“(2) RISKS.—Each program established under paragraph (1) shall—

“(A) assess, using a risk-based approach as appropriate, the cybersecurity practices, patent analysis, employee analysis, and foreign ownership of a small business concern seeking an award, including the financial ties and obligations (which shall include surty, equity, and debt obligations) of the small business concern and employees of the small business concern to a foreign country, foreign person, or foreign entity; and

“(B) assess awards and proposals or applications, as applicable, using a risk-based approach as appropriate, including through the use of open-source analysis and analytical tools, for the nondisclosures of information required under (g)(13).

“(3) ADMINISTRATIVE COSTS.—

“(A) IN GENERAL.—In addition to the amount allocated under subsection (mm)(1), each Federal agency required to establish an SBIR program may allocate not more than 2 percent of the funds allocated to the SBIR program of the Federal agency for the cost of establishing the due diligence program required under this subsection.

“(B) REPORTING.—

“(i) IN GENERAL.—Not later than December 31 of the year in which this subparagraph is enacted, and not later than December 31 of each year thereafter, the head of a Federal agency that exercises the authority under subparagraph (A) shall submit to the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Small Business and Entrepreneurship of the Senate, and the Administrator, for the covered year—

“(I) the total funds allowed to be allocated for the cost of establishing the due diligence program required under this subsection;

“(II) the total amount of funds obligated or expended under subparagraph (A); and

“(III) the due diligence activities carried out or to be carried out using amounts allocated under subparagraph (A).

“(ii) ANNUAL REPORT INCLUSION.—The Administrator shall include the information submitted by head of a Federal agency under clause (i) in the next annual report submitted under subsection (b)(7) after the Administrator receives such information.

“(iii) COVERED YEAR.—In this subparagraph, the term ‘covered year’ means, with respect to the information required under clause (i), the year covered by the annual report submitted under subsection (b)(7) in which the Administrator is required to include such information by clause (ii).

“(C) TERMINATION DATE.—This paragraph shall terminate on September 30, 2025.”

(2) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the head of a Federal agency required to establish an SBIR or STTR program shall implement a due diligence program under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), at the Federal agency that, to the extent practicable, incorporates the applicable best practices disseminated under paragraph (3).

(B) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to the implementation of a due diligence program under subsection (vv)

of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1).

(C) BRIEFING.—Not later than 30 days after the date of enactment of this Act, and on a recurring basis until implementation is complete, each Federal agency required to establish a due diligence program under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), shall brief the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives on the implementation of the due diligence program.

(3) BEST PRACTICES.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(A) in coordination with the Director of the Office of Science and Technology Policy and in consultation with the Committee on Foreign Investment in the United States, disseminate among Federal agencies required to establish an SBIR or STTR program best practices of those Federal agencies for due diligence programs required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1); and

(B) in consultation with the Committee on Foreign Investment in the United States, provide to Federal agencies described in subparagraph (A) guidance on the business relationships required to be disclosed under paragraph (13)(G) of subsection (g) and paragraph (17)(G) of subsection (o) of section 9 of the Small Business Act (15 U.S.C. 638), as added by this Act.

(4) GAO STUDY.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Comptroller General of the United States shall conduct a study and submit to the Committee on Small Business and Entrepreneurship and the Committee on Armed Services of the Senate and the Committee on Small Business, the Committee on Armed Services, and the Committee on Science, Space, and Technology of the House of Representatives a report on the implementation and best practices of due diligence programs established under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), across Federal agencies required to establish an SBIR or STTR program.

(5) RULE OF CONSTRUCTION.—Nothing in subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), shall be construed to—

(A) apply to any Federal agency with a due diligence program that applies to the SBIR or STTR programs required under subsection (vv) of section 9 of the Small Business Act (15 U.S.C. 638), as added by paragraph (1), in existence as of the date of enactment of this Act; or

(B) restrict any Federal agency from taking due diligence measures in addition to those required under such subsection (vv) at the Federal agency.

(C) DISCLOSURES REGARDING TIES TO PEOPLE’S REPUBLIC OF CHINA AND OTHER FOREIGN COUNTRIES.—

(1) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(A) in paragraph (11), by striking “and” at the end;

(B) in paragraph (12), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(13) require each small business concern submitting a proposal or application for a federally funded award to disclose in the proposal or application—

“(A) the identity of all owners and covered individuals of the small business concern

who are a party to any foreign talent recruitment program of any foreign country of concern, including the People’s Republic of China;

“(B) the existence of any joint venture or subsidiary of the small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(C) any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;

“(D) whether the small business concern is wholly owned in the People’s Republic of China or another foreign country of concern;

“(E) the percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(F) any technology licensing or intellectual property sales to a foreign country of concern, including the People’s Republic of China, during the 5-year period preceding submission of the proposal; and

“(G) any foreign business entity, offshore entity, or entity outside the United States related to the small business concern;

“(14) after reviewing the disclosures of a small business concern under paragraph (13), and if determined appropriate by the head of such Federal agency, request such small business concern to provide true copies of any contractual or financial obligation or other agreement specific to a business arrangement, or joint-venture like arrangement with an enterprise owned by a foreign state or any foreign entity in effect during the 5-year period preceding submission of the proposal with respect to which such small business concern made such disclosures.”

(2) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended—

(A) in paragraph (15), by striking “and” at the end;

(B) in paragraph (16), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(17) require each small business concern submitting a proposal or application for a federally funded award to disclose in the proposal or application—

“(A) the identity of all owners and covered individuals of the small business concern who are a party to any foreign talent recruitment program of any foreign country of concern, including the People’s Republic of China;

“(B) the existence of any joint venture or subsidiary of the small business concern that is based in, funded by, or has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(C) any current or pending contractual or financial obligation or other agreement specific to a business arrangement, or joint venture-like arrangement with an enterprise owned by a foreign state or any foreign entity;

“(D) whether the small business concern is wholly owned in the People’s Republic of China or another foreign country;

“(E) the percentage, if any, of venture capital or institutional investment by an entity that has a general partner or individual holding a leadership role in such entity who has a foreign affiliation with any foreign country of concern, including the People’s Republic of China;

“(F) any technology licensing or intellectual property sales to a foreign country of concern, including the People’s Republic of

China, during the 5-year period preceding submission of the proposal; and

“(G) any foreign business entity, offshore entity, or entity outside the United States related to the small business concern;

“(18) after reviewing the disclosures of a small business concern under paragraph (17), and if determined appropriate by the head of such Federal agency, request such small business concern to provide true copies of any contractual or financial obligation or other agreement specific to a business arrangement, or joint-venture like arrangement with an enterprise owned by a foreign state or any foreign entity in effect during the 5-year period preceding submission of the proposal with respect to which such small business concern made such disclosures;”.

(d) DENIAL OF AWARDS.—

(1) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by subsection (c)(1), is further amended by adding at the end the following:

“(15) not make an award under the SBIR program of the Federal agency to a small business concern if the head of the Federal agency determines that—

“(A) the small business concern submitting the proposal or application—

“(i) has an owner or covered individual that is party to a malign foreign talent recruitment program;

“(ii) has a business entity, parent company, or subsidiary located in the People's Republic of China or another foreign country of concern; or

“(iii) has an owner or covered individual that has a foreign affiliation with a research institution located in the People's Republic of China or another foreign country of concern; and

“(B) the relationships and commitments described in clauses (i) through (iii) of subparagraph (A)—

“(i) interfere with the capacity for activities supported by the Federal agency to be carried out;

“(ii) create duplication with activities supported by the Federal agency;

“(iii) present concerns about conflicts of interest;

“(iv) were not appropriately disclosed to the Federal agency;

“(v) violate Federal law or terms and conditions of the Federal agency; or

“(vi) pose a risk to national security;”.

(2) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by subsection (c)(2), is further amended by adding at the end the following:

“(19) not make an award under the STTR program of the Federal agency to a small business concern if the head of the Federal agency determines that—

“(A) the small business concern submitting the proposal or application—

“(i) has an owner or covered individual that is party to a malign foreign talent recruitment program;

“(ii) has a business entity, parent company, or subsidiary located in the People's Republic of China or another foreign country of concern; or

“(iii) has an owner or covered individual that has a foreign affiliation with a research institution located in the People's Republic of China or another foreign country of concern; and

“(B) the relationships and commitments described in clauses (i) through (iii) of subparagraph (A)—

“(i) interfere with the capacity for activities supported by the Federal agency to be carried out;

“(ii) create duplication with activities supported by the Federal agency;

“(iii) present concerns about conflicts of interest;

“(iv) were not appropriately disclosed to the Federal agency;

“(v) violate Federal law or terms and conditions of the Federal agency; or

“(vi) pose a risk to national security;”.

SEC. 5. AGENCY RECOVERY AUTHORITY AND ONGOING REPORTING.

(a) SBIR.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)), as amended by section 4(d)(1), is further amended by adding at the end the following:

“(16) require a small business concern receiving an award under its SBIR program to repay all amounts received from the Federal agency under the award if—

“(A) the small business concern makes a material misstatement that the Federal agency determines poses a risk to national security; or

“(B) there is a change in ownership, change to entity structure, or other substantial change in circumstances of the small business concern that the Federal agency determines poses a risk to national security; and

“(17) require a small business concern receiving an award under its SBIR program to regularly report to the Federal agency and the Administration throughout the duration of the award on—

“(A) any change to a disclosure required under subparagraphs (A) through (G) of paragraph (13);

“(B) any material misstatement made under paragraph (16)(A); and

“(C) any change described in paragraph (16)(B).”.

(b) STTR.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 4(d)(1), is further amended by adding at the end the following:

“(20) require a small business concern receiving an award under its STTR program to repay all amounts received from the Federal agency under the award if—

“(A) the small business concern makes a material misstatement that the Federal agency determines poses a risk to national security; or

“(B) there is a change in ownership, change to entity structure, or other substantial change in circumstances of the small business concern that the Federal agency determines poses a risk to national security; and

“(21) require a small business concern receiving an award under its STTR program to regularly report to the Federal agency and the Administration throughout the duration of the award on—

“(A) any change to a disclosure required under subparagraphs (A) through (G) of paragraph (17);

“(B) any material misstatement made under paragraph (20)(A); and

“(C) any change described in paragraph (20)(B).”.

(c) PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”), shall not apply to the implementation of paragraphs (16) and (17) of subsection (g) or paragraphs (20) and (21) of subsection (o) of section 9 of the Small Business Act (15 U.S.C. 638), as added by subsections (a) and (b).

SEC. 6. REPORT ON ADVERSARIAL MILITARY AND FOREIGN INFLUENCE IN THE SBIR AND STTR PROGRAMS.

(a) COVERED AGENCY DEFINED.—In this section, the term “covered agency” means—

(1) the Department of Defense;

(2) the Department of Energy;

(3) the Department of Health and Human Services; or

(4) the National Science Foundation.

(b) REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 180 days after the date of enactment of this Act, the head of each covered agency shall submit a report

assessing the adversarial military and foreign influences in the SBIR and STTR programs at the covered agency to—

(A) the Committee on Armed Services, the Committee on Small Business and Entrepreneurship, and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services, the Committee on Small Business, and the Committee on Science, Space, and Technology of the House of Representatives.

(2) DEPARTMENT OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall submit 2 reports under paragraph (1)—

(A) 1 assessing the adversarial military and foreign influences in the SBIR and STTR programs of the National Institutes of Health; and

(B) 1 assessing the adversarial military and foreign influences in the SBIR and STTR programs of the Department of Health and Human Services other than those of the National Institutes of Health.

(c) CONTENTS.—Each report submitted by a covered agency under subsection (b) shall include an analysis of—

(1) the national security and research and integrity risks of the SBIR and STTR programs of the covered agency; and

(2) the capability of such covered agency to identify and mitigate such risks.

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

(e) INDEPENDENT ENTITY CONTRACTING.—The head of each covered agency, in coordination with the heads of other Federal agencies, as appropriate, may enter into a contract with an independent entity to prepare a report required under subsection (b).

SEC. 7. PROGRAM ON INNOVATION OPEN TOPICS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended—

(1) in subsection (b)(7)—

(A) in subparagraph (G), by striking “and” at the end; and

(B) by adding at the end the following:

“(I) the number of applications submitted to each Federal agency participating in the SBIR or STTR program in innovation open topics as compared to conventional topics, and how many small business concerns receive funding from open topics compared to conventional topics;

“(J) the total number and dollar amount, and average size, of awards made by each Federal agency participating in the SBIR or STTR program, by phase, from—

“(i) open topics; and

“(ii) conventional topics;”;

(2) by adding at the end the following:

“(ww) PROGRAM ON INNOVATION OPEN TOPICS.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall establish innovation open topic activities using the SBIR and STTR programs of the Department of Defense in order to—

“(A) increase the transition of commercial technology to the Department of Defense;

“(B) expand the small business nontraditional industrial base;

“(C) increase commercialization derived from investments of the Department of Defense; and

“(D) expand the ability for qualifying small business concerns to propose technology solutions to meet the needs of the Department of Defense.

“(2) FREQUENCY.—The Secretary of Defense shall conduct not less than 1 open topic announcement at each component of the Department of Defense per fiscal year.

“(3) BRIEFING.—Not later than 180 days after the date of enactment of this subsection, the Secretary of Defense shall provide a briefing on the establishment of the program required under paragraph (1) to—

“(A) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

“(B) the Committee on Small Business, the Committee on Armed Services, and the Committee on Science, Space, and Technology of the House of Representatives.”.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 3 years, the Comptroller General of the United States shall submit to Congress and issue a publicly available report comparing open topics and conventional topics under the SBIR and STTR programs that includes, to the extent practicable—

(1) an assessment of the percentage of small business concerns that progress from Phase I to Phase II awards, then to Phase III awards;

(2) the number of awards under the SBIR and STTR programs made to first-time applicants and first-time awardees;

(3) the number of awards under the SBIR and STTR programs made to non-traditional small business concerns, including those owned by women, minorities, and veterans;

(4) a description of outreach and assistance efforts by the Department of Defense to encourage and prepare new and diverse small business concerns to participate in the program established under subsection (ww) of section 9 of the Small Business Act (15 U.S.C. 638), as added by subsection (a);

(5) the length of time to review and disburse awards under such subsection (ww), evaluated in a manner enabling normalized comparisons of such times taken by each Federal agency that is required to establish an SBIR or STTR program and offers open topics;

(6) the ratio, and an assessment, of the amount of funding allocated towards open topics as compared to conventional topics at each Federal agency that is required to establish an SBIR or STTR program and offers open topics; and

(7) a comparison of the types of technology and end users funded under open topics compared to the types of technology and end users funded under conventional topics.

SEC. 8. INCREASED MINIMUM PERFORMANCE STANDARDS FOR EXPERIENCED FIRMS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended—

(1) in subsection (b)(7), by adding at the end the following:

“(K) the minimum performance standards established under subsection (qq), including any applicable modifications under paragraph (3) of such subsection, and the number of small business concerns that did not meet those minimum performance standards, provided that the Administrator does not publish any personally identifiable information, the identity of each such small business concern, or any otherwise sensitive information; and

“(L) the aggregate number and dollar amount of SBIR and STTR awards made pursuant to waivers under subsection (qq)(3)(E), provided that the Administrator does not publish any personally identifiable information, the identity of each such small business concern, or any otherwise sensitive information;”;

(2) in subsection (qq)—

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

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

“(3) INCREASED MINIMUM PERFORMANCE STANDARDS FOR EXPERIENCED FIRMS.—

“(A) PROGRESS TO PHASE II SUCCESS.—

“(i) IN GENERAL.—With respect to a small business concern that received or receives more than 50 Phase I awards during a covered period, each minimum performance standard established under paragraph (1)(A)(ii) shall be doubled for such covered period.

“(ii) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If the head of a Federal agency determines that a small business concern that received a Phase I award from the Federal agency is not meeting an applicable increased minimum performance standard modified under clause (i), the small business concern may not receive more than 20 total Phase I awards and Phase II awards under subsection (cc) from each Federal agency during the 1-year period beginning on the date on which such determination is made.

“(iii) COVERED PERIOD DEFINED.—In this subparagraph, the term ‘covered period’ means a consecutive period of 5 fiscal years preceding the most recent fiscal year.

“(B) PROGRESS TO PHASE III SUCCESS.—

“(i) IN GENERAL.—Each minimum performance standard established under paragraph (2)(A)(ii) shall—

“(I) with respect to a small business concern that received or receives more than 50 Phase II awards during a covered period, require an average of \$250,000 of aggregate sales and investments per Phase II award received during such covered period; and

“(II) with respect to a small business concern that received or receives more than 100 Phase II awards during a covered period, require an average of \$450,000 of aggregate sales and investments per Phase II award received during such covered period.

“(ii) CONSEQUENCE OF FAILURE TO MEET STANDARD.—If the head of a Federal agency determines that a small business concern that received a Phase I award from the agency is not meeting an applicable increased minimum performance standard modified under clause (i), the small business concern may not receive more than 20 total Phase I awards and Phase II awards under subsection (cc) from each agency during the 1-year period beginning on the date on which such determination is made.

“(iii) DOCUMENTATION.—

“(I) IN GENERAL.—A small business concern that is subject to an increased minimum performance standard described in clause (i) shall submit to the Administrator supporting documentation evidencing that all covered sales of the small business concern were properly used to meet the increased minimum performance standard.

“(II) COVERED SALE DEFINED.—In this clause, the term ‘covered sale’ means a sale by a small business concern—

“(aa) that the small business concern claims to be attributable to an SBIR or STTR award;

“(bb) for which no amount of the payment was or is made using Federal funds;

“(cc) which the small business concern uses to meet an applicable increased minimum performance standard under clause (i); and

“(dd) that was or is received during the 5 fiscal years immediately preceding the fiscal year in which the small business concern uses the sale to meet the increased minimum performance standard.

“(iv) COVERED PERIOD DEFINED.—In this subparagraph, the term ‘covered period’ means a consecutive period of 10 fiscal years preceding the most recent 2 fiscal years.

“(C) PATENTS FOR INCREASED MINIMUM PERFORMANCE STANDARDS.—A small business concern with respect to which an increased minimum performance standard under sub-

paragraph (B) applies may not meet the increased minimum performance standard by obtaining patents.

“(D) EFFECTIVE DATE.—Subparagraphs (A) through (C) shall take effect on April 1, 2023.

“(E) WAIVER.—

“(i) IN GENERAL.—The Administrator may, upon the request of a senior official of a Federal agency, grant a waiver with respect to a topic for the SBIR or STTR program of the Federal agency if—

“(I) the topic is critical to the mission of the Federal agency or relates to national security; and

“(II) the official submits to the Administrator a request for the waiver in accordance with clause (iii).

“(ii) WAIVER EFFECTS.—If the Administration grants a waiver with respect to a topic for the SBIR or STTR program of a Federal agency, subparagraphs (A)(ii) and (B)(ii) shall not prohibit any covered small business concern from receiving an SBIR or STTR award under such topic.

“(iii) AGENCY REQUEST AND CONGRESSIONAL NOTIFICATION.—Not later than 15 days before the release of a solicitation including a topic for which a senior official of a Federal agency is requesting a waiver under clause (i), the senior official shall submit to the Administrator, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate a request for the waiver.

“(iv) ADMINISTRATOR DETERMINATION AND CONGRESSIONAL NOTIFICATION.—Not later than 15 days after receiving a request for a waiver under clause (i), the Administrator shall make a determination with respect to the request and notify the senior official at the Federal agency that made the request, the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Small Business and Entrepreneurship of the Senate of the determination.

“(v) DEFINITIONS.—In this subparagraph:

“(I) COVERED SMALL BUSINESS CONCERN.—The term ‘covered small business concern’ means a small business concern that is subject to the consequences under subparagraph (A)(ii) or (B)(ii) pursuant to a determination by the head of a Federal agency that such small business concern did not meet an increased minimum performance standard that was applicable to such small business concern.

“(II) SENIOR OFFICIAL.—The term ‘senior official’ means an individual appointed to a position in a Federal agency that is classified above GS-15 pursuant section 5108 of title 5, United States Code, or any equivalent position, as determined by the Administrator.

“(F) REPORTING.—

“(i) IN GENERAL.—Not later than July 1, 2023, and annually thereafter, the Administrator shall submit to Congress a list of the small business concerns that did not meet—

“(I) an applicable minimum performance standard established under paragraph (1)(A)(ii) or (2)(A)(ii); or

“(II) an applicable increased minimum performance standard.

“(ii) WAIVERS.—Each list submitted under clause (i) shall identify each small business concern that received an SBIR or STTR award pursuant to a waiver granted under subparagraph (E) by the Administrator during the period covered by the list.

“(iii) CONFIDENTIALITY.—Each list submitted under clause (i) shall be confidential and exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

“(G) IMPLEMENTATION.—Not later than April 1, 2023, the Administration shall implement the increased minimum performance standards under this paragraph.

“(H) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to prohibit a small business concern from participating in a Phase I (or Phase II if under the authority of subsection (cc)) of an SBIR or STTR program under paragraph (1)(B) or (2)(B) solely on the basis of a determination by the head of a Federal agency that the small business concern is not meeting an increased minimum performance standard; or

“(ii) to prevent the head of a Federal agency from implementing more restrictive limitations on the number of federally funded Phase I awards and direct to Phase II awards under subsection (cc) that may be awarded to a small business concern than the limitations described in subparagraphs (A)(ii) and (B)(ii).

“(I) TERMINATION.—This paragraph shall terminate on September 30, 2025.”;

(C) in paragraph (5), as so redesignated, by striking “paragraph (3)(A)” and inserting “paragraph (4)(A)”; and

(D) by adding at the end the following:

“(6) INSPECTOR GENERAL AUDIT.—Not later than 1 year after the date on which the Administrator implements the increased minimum performance standards under paragraph (3), and periodically thereafter, the Inspector General of the Administration shall—

“(A) conduct an audit on whether the small business concerns subject to increased minimum performance standards under paragraph (3)(B) verified—

“(i) the sales by and investments in the small business concerns—

“(I) during the 5 fiscal years immediately preceding the fiscal year in which the small business concern used such sales and investments to meet an applicable increased performance standard; and

“(II) as a direct result of a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)), consistent with the definition of Phase III, as applicable;

“(ii) any third-party revenue the small business concerns list as investments or incomes to meet the increased minimum performance standard—

“(I) is a direct result of a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)); and

“(II) consistent with the requirements of the Administrator as in effect on September 30, 2022, or any successor requirements; and

“(iii) any dollar amounts such small business concerns list as investments or income to meet such increased minimum performance standard the providence of which is unclear and that is not directly attributable to a Phase I award or Phase II award made under subsection (cc) during the covered period (as defined in paragraph (3)(B)(iv)), consistent with the definition of Phase III, as applicable;

“(B) assess the self-certification requirements for the minimum performance standards established under paragraph (2)(A)(ii) and the increased minimum performance standards under paragraph (3)(B); and

“(C) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report on the audit conducted under subparagraph (A) and the assessment conducted under subparagraph (B).

“(7) INCREASED MINIMUM PERFORMANCE STANDARD DEFINED.—In this subsection, the

term ‘increased minimum performance standard’ means a minimum performance standard established under paragraph (1)(A)(ii) or (2)(A)(ii) as modified under subparagraph (A) or (B), respectively, of paragraph (3) with respect to a small business concern.”.

SEC. 9. PROHIBITION AGAINST WRITING SOLICITATION TOPICS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is further amended by adding at the end the following subsection:

“(xx) ADDITIONAL PROVISIONS RELATING TO SOLICITATION TOPICS.—

“(1) IN GENERAL.—A Federal agency required to establish an SBIR or STTR program shall implement a multi-level review and approval process within the Federal agency for solicitation topics to ensure adequate competition and that no private individual or entity is shaping the requirements for eligibility for the solicitation topic after the selection of the solicitation topic, except that the Federal agency may amend the requirements to clarify the solicitation topic.

“(2) REFERRAL.—A Federal agency that does not comply with paragraph (1) shall be referred to the Inspector General of the Administration for further investigation.”.

SEC. 10. GAO STUDY ON MULTIPLE AWARD WINNERS.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report, which shall be made publicly available, on small business concerns that are awarded not less than 50 Phase II awards under the SBIR or STTR programs during the consecutive period of 10 fiscal years preceding the most recent 2 fiscal years, including, to the extent practicable, an analysis of—

(1) the impact of the small business concerns on the SBIR and STTR programs;

(2) the ratio of the number of Phase II awards received by the small business concerns to the total number of Phase II awards;

(3) the ability of the small business concerns to commercialize and meet the tenets of the SBIR and STTR programs;

(4) the impact on new entrants and seeding technology necessary to the Federal agency mission or commercial markets and, with respect to the Department of Defense, whether the types of technology the small business concerns are pursuing are primarily hardware, software, or system components for the warfighter;

(5) an evaluation and study of varying levels of award caps and lifetime program earning caps;

(6) an assessment of the increased minimum performance standards under paragraph (3) of section 9(qq) of the Small Business Act (15 U.S.C. 638(qq)), as added by section 8, on the behavior of those concerns and on the SBIR and STTR programs, and whether to continue such increased minimum performance standards; and

(7) recommendations on whether alternative minimum performance standards under section 9(qq) of the Small Business Act (15 U.S.C. 638(qq)) should be considered, and the extent to which such alternative minimum performance standards preserve the competitive, merit-based foundation of the SBIR and STTR programs.

SEC. 11. GAO REPORT ON SUBCONTRACTING IN SBIR AND STTR PROGRAMS.

Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the

Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report evaluating, to the extent practicable, the following:

(1) The extent to which SBIR awardees and STTR awardees are in compliance with the Federal Funding Accountability and Transparency Act (31 U.S.C. 6101 note).

(2) The extent to which SBIR awardees and STTR awardees enter into subcontracting agreements with respect to an SBIR or STTR award.

(3) The total number and dollar amount of subcontracts entered into between an SBIR awardee or an STTR awardee and a concern that is not a small business concern (including such concerns that are defense contractors) with respect to an SBIR or STTR award.

(4) A description of the type and purpose of subcontracting agreements described in paragraph (2).

(5) An analysis of whether the use of subcontracts by an SBIR awardee or an STTR awardee is consistent with the purposes of section 9 of the Small Business Act (15 U.S.C. 638).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 4900, the SBIR and STTR Extension Act of 2022.

Let me begin by thanking Ranking Member LUETKEMEYER and my colleagues on the Senate Small Business Committee and the House Committee on Science, Space, and Technology for their work on this legislation.

Mr. Speaker, I especially want to thank Chairwoman EDDIE BERNICE JOHNSON, who is retiring at the end of this Congress. Her knowledge and expertise of the programs were pivotal to these negotiations.

Today's bill extends the SBIR and STTR programs and six related pilot programs for 3 years. Reauthorizing them is vital to thousands of small businesses and research institutions that partner with 11 agencies to develop solutions to some of our country's most difficult challenges.

Since their founding 40 years ago, SBIR and STTR have launched some of our Nation's most innovative enterprises and products that have become household names. Companies like iRobot, Sonicare electric toothbrushes, 23andMe, LASIK eye surgery, and Qualcomm wireless communications all got their start through SBIR/STTR.

More innovative technology is on the way. In fiscal year 2021 alone, Federal agencies leveraged nearly \$4 billion in awards to back 4,000 small businesses and nearly 7,000 projects. Awardees are leading the way in our efforts to fight climate change, modernize manufacturing, and create breakthroughs in lifesaving medical technologies.

S. 4900 gives them the ability to continue their work and lead America's innovation by providing stability to both the small businesses and agencies for the next 3 years.

It builds on efforts to strengthen Federal research security through due diligence reviews to prevent malign foreign countries from stealing technologies developed through SBIR and STTR.

It also establishes higher benchmarks for more experienced firms to commercialize their technologies and includes various studies and more detailed reporting to increase oversight and inform future program changes.

Unfortunately, S. 4900 does not include everything we wanted to accomplish during this reauthorization, but I remain committed to coming together again in the future to have those conversations.

Our monthslong bipartisan and bicameral negotiations will avoid a devastating lapse and protect thousands of jobs. Today, we are here considering a hard-fought compromise to reauthorize the SBIR and STTR programs.

Mr. Speaker, I urge Members to vote "yes," and I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support in of S. 4900, the SBIR and STTR Extension Act of 2022.

The Small Business Innovation Research and Small Businesses Technology Transfer, or SBIR and STTR programs, are vital to the success of many small entities and have helped create thousands of new jobs by fostering innovation and stimulating the economy through cutting-edge research. SBIR and STTR's mission is to support scientific excellence and technological innovation for small businesses.

For the last 40 years, these programs have helped firms develop new technologies that have directly assisted Federal agencies meet their R&D needs. The American warfighter is no doubt stronger due to these programs.

However, a recent Department of Defense report revealed foreign adversaries have been exploiting the SBIR through shell companies, planted government researchers, and state-sponsored talent programs. The report found that the People's Republic of China has become a large beneficiary of SBIR and STTR. This is unacceptable, and the status quo must not continue, Mr. Speaker.

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The programs must have heightened awareness and protections in place to

prevent nefarious abuse. This legislation, crafted over months of negotiations, provides significant reforms to combat malign foreign influence and protect our small businesses from Chinese acquisition of innovation technologies.

Specifically, this bill mandates that agencies establish strong due-diligence safeguards to assess security risks and prevent influence from bad actors. It requires companies to disclose any business ties, investments, and contracts with China, and it gives agencies authority to deny any application if certain relationships are deemed a risk to national security.

In addition to safeguarding small businesses from China, this bill curbs abuse by multiple award winners, or SBIR mills. Mills are firms that consume a disproportionate number of awards but have low commercialization rates. These mills will have to meet enhanced performance standards in order to apply for new awards. These benchmarks will hold mills accountable and ensure that the programs are focusing on commercializing projects and attracting more private capital investments.

Finally, S. 4900 strengthens congressional oversight, increases public transparency, and safeguards taxpayer dollars during a time where government overreach has run rampant, and transparency has been limited.

These reforms are a win for small businesses and will protect U.S. R&D and innovative technologies.

I thank Chairwoman VELÁZQUEZ, Ranking Member LUCAS, Chairwoman EDDIE BERNICE JOHNSON, as well as Senators CARDIN, PAUL, and ERNST for working in a bipartisan manner to ensure these programs are reauthorized before the end of the month.

I encourage all my colleagues to support S. 4900, which unanimously passed the Senate last week.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. STEVENS), the chairwoman of the Science, Space, and Technology Subcommittee on Research and Technology.

Ms. STEVENS. Mr. Speaker, I rise today in support of S. 4900, the SBIR and STTR Extension Act of 2022. This is an exciting and thrilling day, and we couldn't push with more urgency to pass this legislation.

The Small Business Innovation Research Program, the SBIR, is well-known for its tagline of "America's seed fund," as it inspires small businesses across the country to transform their ideas into marketable products and services.

On behalf of Chairwoman JOHNSON, I thank the Chairwoman for the Small Business Committee for bringing us here to this moment and, of course, our colleagues on the other side of the aisle, for joining us in a bipartisan action to improve America's competitiveness.

The National Science Foundation piloted the SBIR program in the 1970s, at the urging of Members who recognized that investments in small business innovation benefits our Nation as a whole and creates jobs. Due to its success, Congress made it a government-wide program. Decades later, SBIR has given back to the taxpayer in immeasurable ways. It has been so successful that the SBIR model has been replicated in 17 countries.

Since coming to Congress myself, I devote Mondays to visiting manufacturers or businesses in my district, in what I call Manufacturing Mondays, which showcases southeastern Michigan's innovation economy and our workforce. I have seen the powerful impact of the SBIR program firsthand in these visits; and previous to coming to Congress, I helped companies and small business innovators apply for these grants.

Last December, I had the privilege of visiting the team at Geofabrica, an Additive Manufacturing Technology Development company in Auburn Hills, Michigan, to hear about their exciting, DOD-funded SBIR work. Their CEO shared something that struck a chord. He said: "Geofabrica would not have undertaken a fraction of its technology development if it were not for the SBIR and STTR programs."

Think about that, my friends. These programs make discovery possible for small businesses; some beginning at the university level, and some that are small businesses in their infancy stage.

Over the past 5 years, the SBIR program has awarded small businesses in Michigan more than \$348 million in funding for R&D. This has led to incredibly exciting discoveries and inventions in Michigan, from the development of a handheld technology that enables farmers to accurately detect nitrates in their own fields to save farmers money, while also protecting our freshwater systems from toxic algal blooms; to the testing of new ligand for PET imaging of the brain during clinical trials for new memory disorder drugs. This is all coming from this program we are going to reauthorize today.

The last comprehensive reauthorization for the SBIR program was 11 years ago. We have opted or just continued to extend the program, like we did in 2016, leaving powerful opportunities to strengthen SBIR out of the conversation. My, how the times have changed.

I began this Congress ready to work on updating SBIR in order to support our entrepreneurs, our job creators, and the place that I am so privileged to call home and represent, Oakland County, Michigan, the home of automation alley.

Congressman and Dr. JIM BAIRD and myself ushered in H.R. 4033, a smart and effective way to make improvements to SBIR. Unfortunately, our bill was not passed by the Senate, and it is not the complete legislation before us today. So even as we provide much-

needed stability to the program with today's vote, we still have work to do.

One of my own priorities is to expand program outreach to enable agencies to reach more first-time entrepreneurs, particularly those who are Black, Hispanic, Indigenous, and female entrepreneurs, people innovating in their home and alongside their family, particularly during these disruptive times of the COVID-19 pandemic. All of these individuals have innovations and businesses that have been long underfunded.

I also hope to see enhanced support for technology commercialization within the program, including through additional technical support to businesses and by providing agencies a wider range of funding tools to meet our unique needs.

Mr. Speaker, I call on my colleagues to join me in passing S. 4900 today for SBIR reauthorization.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma (Mr. LUCAS), the Republican leader of the Science, Space, and Technology Committee.

Mr. LUCAS. Mr. Speaker, I thank my friend for yielding me this time.

Mr. Speaker, I rise in support of the SBIR and STTR Extension Act. This bill is extremely timely, as the authorizations for these programs expire in just a few days.

I am pleased that the bill we are considering today represents a bipartisan, bicameral agreement that provides both small businesses and agencies clarity by reauthorizing the programs for another 3 years.

The SBIR and STTR programs play an important role in our innovation economy. Through these programs, research agencies provide opportunities to small businesses who are then able to leverage private-sector funding to propel research forward.

The programs incentivize economic growth in two ways: They support entrepreneurship and job creation at small businesses across the country. They also support high-risk research to drive breakthrough technologies that make America more competitive.

These programs are a notable example of how public-private partnerships can provide value and stimulate innovation. Importantly, this reauthorization includes several reforms to the programs that are priorities for Republican Members, including: Protecting our research enterprise, bolstering transparency and oversight, and focusing on successful commercialization.

I am pleased that this reauthorization includes strong due diligence measures that each agency with an SBIR or STTR program must enforce. These safeguards build on the bipartisan research security framework that the Science Committee has championed.

Additionally, an increased focus on transparency and oversight of the programs will bolster public transparency,

safeguard taxpayer dollars, and provide more opportunities to new small business applicants.

I thank my colleagues on the House Small Business Committee for working with me to reach this bipartisan agreement, and, in particular, I thank Ranking Member LUETKEMEYER for his leadership throughout the process.

As always, many thanks to my Chairwoman, EDDIE BERNICE JOHNSON, for her tireless work to ensure that the Science, Space, and Technology Committee remains a bipartisan, productive committee focused on legislating.

The SBIR and STTR programs are vital to our research enterprise, especially as we strive to maintain American leadership and technology. I urge my colleagues to support this legislation.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HOULAHAN).

Ms. HOULAHAN. Mr. Speaker, I rise today also in support of S. 4900, the SBIR and STTR Extension Act of 2022. This bipartisan legislation is both timely and necessary to ensure that our Nation remains on the forefront of innovation, research, and development of the products and technology of our future.

As an entrepreneur myself by trade, and with experience scaling several businesses in Pennsylvania, I know personally just how important that seed funding can be to a business' success and to the potential to get its products to the shelves.

The Small Business Innovation Research and Technology Transfer Programs, otherwise known as America's seed fund, offer competitive Federal awards to small firms in order to tackle the 21st century problems and needs. Simply put, funds from these programs move innovative technologies from concept to marketplace, or from the lab to our government programs and systems.

Despite the overwhelming success of these programs, there is one major problem that we have in Congress that we all must address, and that is we are standing here today. The SBIR and STTR programs are set to expire in just 2 short days unless we come together and pass this bill and send it to the President's desk.

The consequences of a program lapse would be so devastating on many, many fronts. For instance, the Department of Defense has shared that failure to reauthorize this program will result in approximately 1,200 warfighting needs not being addressed; not to mention that these programs are remarkable taxpayer investments, returning \$22 to the economy for every \$1 spent on projects at the DOD.

I have been proud to work with my colleagues across the Small Business and the Armed Service Committees to lead this effort to extend the authorization of these critical programs. Indeed, in June, I successfully offered a bipartisan amendment to prevent a

harmful program lapse in our annual defense bill. As the defense bill is, unfortunately, still pending in the Senate, I thank Senators CARDIN and ERNST for their sponsorship of this important legislation, which will reauthorize the SBIR and STTR programs for an additional 3 years.

Furthermore, this legislation adds measures aimed at commercializing projects and expanding Federal research security to protect against technology theft.

I thank the leadership for their support. Time is of the essence, and I urge my colleagues to support the bill.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. KIM), a valuable member on the Small Business Committee and a strong advocate for entrepreneurs.

Mrs. KIM of California. Mr. Speaker, I thank Ranking Member LUETKEMEYER for yielding.

Mr. Speaker, I rise in strong support of the SBIR and STTR Extension Act of 2022. This bipartisan legislation reauthorizes the Small Business Innovation Research and Small Business Technology Transfer Programs for 3 years and implements several reforms to strengthen the programs for years to come.

This bill safeguards taxpayer dollars by ensuring that we increase the rate of successful commercialization, prohibits our adversaries from reaping the benefits of our SBIR and STTR investments, and encourages the rapid development of emerging technologies that are vital for our national security.

In addition, this legislation would allow the Department of Defense to adopt the successful open topic solicitation process pioneered by the Air Force. The open topic solicitation will attract new small businesses into the SBIR program, accelerate the development of emerging technologies, broaden program access to young startups, and increase the potential for commercial impact.

The SBIR and STTR programs are important tools for small businesses to research, develop, and commercialize innovative technologies and help create good-paying jobs.

As we all know, the CCP is taking concerted steps to bridge the innovation gap with the United States and knock us down as the world leader in innovation. We must never relent our country's position as the leading innovator and creator of emerging technologies.

I thank Ranking Members LUETKEMEYER and LUCAS and Chairwomen VELÁZQUEZ and JOHNSON for their leadership in bringing a successful, bicameral negotiation to reauthorize SBIR and STTR programs.

I urge my colleagues to support this underlying legislation and continue our country's support for our small businesses and innovation.

□ 1430

Ms. VELÁZQUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. FITZGERALD), a very valuable, experienced member of our Committee on Small Business and another strong advocate for the entrepreneurs of our economy.

Mr. FITZGERALD. Mr. Speaker, I thank the ranking member for yielding.

I rise in support of S. 4900, which would reauthorize the Small Business Innovation Research and Small Business Technology Transfer programs.

In addition to extending the SBIR and STTR programs for 3 years, this bill contains several important provisions that safeguard our government and its research from foreign entities and enhance benchmarks for those companies that have received multiple awards.

Since 1992, the SBIR and STTR programs have helped promote public-private partnership and small business innovation by requiring agencies with sizable R&D needs to set aside a portion of their budget for small business participation.

As many of the speakers said before me, the return on investment has been nothing short of impressive. In the Department of Defense alone, between 1995 and 2018, the SBIR and STTR programs resulted in \$28 billion in new product sales to the U.S. military, \$347 billion in total economic output, and the creation of more than 1.5 million jobs.

But with this amount of participation comes the likelihood of malign influence and fraud within the program. This was evidenced by a DOD report that found China was using shell companies in its Thousand Talents Program to profit off federally funded research programs like these two we are talking about here this afternoon.

Having been part of the negotiating process during my time as a conferee for the COMPETES/USICA bill, the issue of combating foreign influence was certainly top of mind.

I am pleased that both sides were able to come to an agreement and understand the importance of safeguarding much of this research.

Not only will this bill require companies that apply for SBIR and STTR awards to disclose any ties to China, but it will also require Federal agencies to bolster their due diligence efforts to ensure our intellectual property is fully protected.

Most importantly, the bill also requires DOD to establish an open topic solicitation, allowing small businesses the opportunity to showcase how their innovations can be beneficial to the actual warfighter. The GAO believes this will be more than efficiently laid out and planned and that new companies can be bolstered with this small business innovation.

Mr. Speaker, I urge my colleagues to vote "yes."

Ms. VELÁZQUEZ. Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. FLOOD), one of our newest Members who has joined our committee and is doing a fantastic job representing small businesses and is another strong advocate for the entrepreneurs of our country.

Mr. FLOOD. Mr. Speaker, I rise to support the SBIR and STTR Extension Act of 2022.

I thank Chair VELÁZQUEZ and Ranking Member LUETKEMEYER for their work in a bipartisan fashion. I also thank Senators ERNST and CARDIN for what they have done for this legislation. I am pleased that this bill has been brought to the floor in an expedited fashion.

The Small Business Innovation Research and Small Business Technology Transfer Extension Act is an important piece of legislation, and the changes this bill brings to these programs are urgently needed.

For those who are not familiar, the Small Business Innovation Research program was created in 1982. The program was intended to spur American innovation and harness ingenuity by increasing small business engagement in federally funded research and development.

More recently, however, the Chinese Government has been manipulating this program. A report from the Department of Defense in April 2021 revealed some of the tactics China has used to this end.

The DOD revealed instances where companies were created, received SBIR grants, and then the founders mysteriously dissolved the company. Upon further investigation, it became clear that these companies were either recruited to China or were formed with the intent of returning to China from the start.

Either way, the result was the same: The American taxpayers funded projects that were stolen by the Chinese Government. This was simply an unacceptable status quo.

This bill fixes those problems. It implements strong safeguards against the influence of China or other foreign actors, and it creates new reporting requirements for these programs that will ensure taxpayer dollars are properly used.

This bill also brings the SBIR back to its original purpose: to spur innovation and unlock the ingenuity of American small businesses.

With these changes to the program, we can make sure the SBIR and STTR are stronger and more accessible for entrepreneurs in Nebraska and across the country.

Mr. Speaker, I urge a "yes" vote.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself the balance of my time for closing.

The SBIR and STTR Extension Act of 2022 will reauthorize the programs for 3 years and address congressional concerns by establishing research secu-

rity measures, increasing transparency and oversight, and focusing on commercialization.

I think, as you have heard the speakers this afternoon, in my mind, we have two big problems that we are solving here. Besides the extension of these programs, which I think are important to the national defense of our country, for one thing, I think it also helps spur entrepreneurial and investment technology that I think is vital to our country, and we stop the use of some of these programs as ATMs for different companies. I think we also put a stop to the Chinese abuse of these programs, as well.

I think those are the two highlights that are really important in these programs. They have done a good job of putting protections in place. I think that we are strengthening these protections, as well as protecting R&D and protecting our taxpayer dollars to make sure they are being spent effectively and efficiently.

Mr. Speaker, I ask my colleagues to support S. 4900, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself the balance of my time for closing.

The U.S. has the most dynamic small business ecosystem on the planet, and this 3-year extension ensures that our country remains one of the most innovative in the world.

The SBIR and STTR are essential components of that global competitiveness. They give small businesses a role in developing groundbreaking technologies that make our lives better in a variety of ways.

This program boosts American security, innovation, and entrepreneurship. That is why we must act today to extend them and ensure our country continues to reap these benefits into the future.

Stakeholders, from individual small business owners to research universities to the Department of Defense, have made it clear that even a temporary shutdown would be disastrous.

Throughout these negotiations, we have not always seen eye to eye, but I am thankful we all remain committed to keeping the programs open.

We have come up with a compromise that provides stability for small businesses and the agencies they partner with, reduces the risk that foreign adversaries can steal U.S. technologies developed through SBIR and STTR, and preserves the competitive and merit-based strength of these programs.

Mr. Speaker, this is not the end, and there will be more work to do in the coming years. I pledge to continue to work to improve the programs.

I, again, thank my colleagues involved with reauthorization for all of their work leading up to today, including the members of the Committee on Small Business who participated in many hearings and briefings over the course of the past 2 years.

I also thank the staff on the House Committees on Small Business and Science, Space, and Technology for their dedication and tireless work to get us to this point: Dahlia Sokolov, Rebecca Callahan, Sara Barber, Elizabeth Barczak, Catherine Johnson, Jenn Wickre, Giulia Leganski, Robert Yavor, Delia Barr, Ellen Harrington, and Kevin Wheeler, who have been living and breathing SBIR for most of their time on the Hill, including this year as they worked around the clock, days, nights, and weekends. I sincerely thank each of them.

Mr. Speaker, I ask my colleagues to vote “yes” on the SBIR and STTR Extension Act of 2022 to provide stability and certainty to small firms and agencies alike, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 4900.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOOD of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 2022.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 27, 2022, at 1:47 p.m.

That the Senate passed S. 4885.

That the Senate agreed to Relative to the Death of the Honorable Robert “Bob” Charlie Krueger, former United States Senator and Representative for the State of Texas S. Res. 796.

That the Senate passed without amendment H.R. 7846.

With best wishes, I am,

Sincerely,

CHERYL L. JOHNSON,
Clerk.

FEDRAMP AUTHORIZATION ACT

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8956) to amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FedRAMP Authorization Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Ensuring that the Federal Government can securely leverage cloud computing products and services is key to expediting the modernization of legacy information technology systems, increasing cybersecurity within and across departments and agencies, and supporting the continued leadership of the United States in technology innovation and job creation.

(2) According to independent analysis, as of calendar year 2019, the size of the cloud computing market had tripled since 2004, enabling more than 2,000,000 jobs and adding more than \$200,000,000,000 to the gross domestic product of the United States.

(3) The Federal Government, across multiple presidential administrations and Congresses, has continued to support the ability of agencies to move to the cloud, including through—

(A) President Barack Obama’s “Cloud First Strategy”;

(B) President Donald Trump’s “Cloud Smart Strategy”;

(C) the prioritization of cloud security in Executive Order 14028 (86 Fed. Reg. 26633; relating to improving the nation’s cybersecurity), which was issued by President Joe Biden; and

(D) more than a decade of appropriations and authorization legislation that provides agencies with relevant authorities and appropriations to modernize on-premises information technology systems and more readily adopt cloud computing products and services.

(4) Since it was created in 2011, the Federal Risk and Authorization Management Program (referred to in this section as “FedRAMP”) at the General Services Administration has made steady and sustained improvements in supporting the secure authorization and reuse of cloud computing products and services within the Federal Government, including by reducing the costs and burdens on both agencies and cloud companies to quickly and securely enter the Federal market.

(5) According to data from the General Services Administration, as of the end of fiscal year 2021, there were 239 cloud providers with FedRAMP authorizations, and those authorizations had been reused more than 2,700 times across various agencies.

(6) Providing a legislative framework for FedRAMP and new authorities to the General Services Administration, the Office of Management and Budget, and Federal agencies will—

(A) improve the speed at which new cloud computing products and services can be securely authorized;

(B) enhance the ability of agencies to effectively evaluate FedRAMP authorized providers for reuse;

(C) reduce the costs and burdens to cloud providers seeking a FedRAMP authorization; and

(D) provide for more robust transparency and dialogue between industry and the Federal Government to drive stronger adoption of secure cloud capabilities, create jobs, and reduce wasteful legacy information technology.

SEC. 3. TITLE 44 AMENDMENTS.

(a) AMENDMENT.—Chapter 36 of title 44, United States Code, is amended by adding at the end the following:

“§ 3607. Definitions

“(a) IN GENERAL.—Except as provided under subsection (b), the definitions under sections 3502 and 3552 apply to this section through section 3616.

“(b) ADDITIONAL DEFINITIONS.—In this section through section 3616:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General Services.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

“(3) AUTHORIZATION TO OPERATE; FEDERAL INFORMATION.—The terms ‘authorization to operate’ and ‘Federal information’ have the meaning given those term in Circular A–130 of the Office of Management and Budget entitled ‘Managing Information as a Strategic Resource’, or any successor document.

“(4) CLOUD COMPUTING.—The term ‘cloud computing’ has the meaning given the term in Special Publication 800–145 of the National Institute of Standards and Technology, or any successor document.

“(5) CLOUD SERVICE PROVIDER.—The term ‘cloud service provider’ means an entity offering cloud computing products or services to agencies.

“(6) FEDRAMP.—The term ‘FedRAMP’ means the Federal Risk and Authorization Management Program established under section 3608.

“(7) FEDRAMP AUTHORIZATION.—The term ‘FedRAMP authorization’ means a certification that a cloud computing product or service has—

“(A) completed a FedRAMP authorization process, as determined by the Administrator; or

“(B) received a FedRAMP provisional authorization to operate, as determined by the FedRAMP Board.

“(8) FEDRAMP AUTHORIZATION PACKAGE.—The term ‘FedRAMP authorization package’ means the essential information that can be used by an agency to determine whether to authorize the operation of an information system or the use of a designated set of common controls for all cloud computing products and services authorized by FedRAMP.

“(9) FEDRAMP BOARD.—The term ‘FedRAMP Board’ means the board established under section 3610.

“(10) INDEPENDENT ASSESSMENT SERVICE.—The term ‘independent assessment service’ means a third-party organization accredited by the Administrator to undertake conformity assessments of cloud service providers and the products or services of cloud service providers.

“(11) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“§ 3608. Federal Risk and Authorization Management Program

“There is established within the General Services Administration the Federal Risk and Authorization Management Program. The Administrator, subject to section 3614, shall establish a Government-wide program that provides a standardized, reusable approach to security assessment and authorization for cloud computing products and services that process unclassified information used by agencies.

“§ 3609. Roles and responsibilities of the General Services Administration

“(a) ROLES AND RESPONSIBILITIES.—The Administrator shall—

“(1) in consultation with the Secretary, develop, coordinate, and implement a process to support agency review, reuse, and standardization, where appropriate, of security assessments of cloud computing products and services, including, as appropriate, oversight of continuous monitoring of cloud computing products and services, pursuant to guidance issued by the Director pursuant to section 3614;

“(2) establish processes and identify criteria consistent with guidance issued by the Director under section 3614 to make a cloud computing product or service eligible for a FedRAMP authorization and validate whether a cloud computing product or service has a FedRAMP authorization;

“(3) develop and publish templates, best practices, technical assistance, and other materials to support the authorization of cloud computing products and services and increase the speed, effectiveness, and transparency of the authorization process, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology and relevant statutes;

“(4) establish and update guidance on the boundaries of FedRAMP authorization packages to enhance the security and protection of Federal information and promote transparency for agencies and users as to which services are included in the scope of a FedRAMP authorization;

“(5) grant FedRAMP authorizations to cloud computing products and services consistent with the guidance and direction of the FedRAMP Board;

“(6) establish and maintain a public comment process for proposed guidance and other FedRAMP directives that may have a direct impact on cloud service providers and agencies before the issuance of such guidance or other FedRAMP directives;

“(7) coordinate with the FedRAMP Board, the Director of the Cybersecurity and Infrastructure Security Agency, and other entities identified by the Administrator, with the concurrence of the Director and the Secretary, to establish and regularly update a framework for continuous monitoring under section 3553;

“(8) provide a secure mechanism for storing and sharing necessary data, including FedRAMP authorization packages, to enable better reuse of such packages across agencies, including making available any information and data necessary for agencies to fulfill the requirements of section 3613;

“(9) provide regular updates to applicant cloud service providers on the status of any cloud computing product or service during an assessment process;

“(10) regularly review, in consultation with the FedRAMP Board—

“(A) the costs associated with the independent assessment services described in section 3611; and

“(B) the information relating to foreign interests submitted pursuant to section 3612;

“(11) in coordination with the Director of the National Institute of Standards and Technology, the Director, the Secretary, and other stakeholders, as appropriate, determine the sufficiency of underlying standards and requirements to identify and assess the provenance of the software in cloud services and products;

“(12) support the Federal Secure Cloud Advisory Committee established pursuant to section 3616; and

“(13) take such other actions as the Administrator may determine necessary to carry out FedRAMP.

“(b) WEBSITE.—

“(1) IN GENERAL.—The Administrator shall maintain a public website to serve as the authoritative repository for FedRAMP, includ-

ing the timely publication and updates for all relevant information, guidance, determinations, and other materials required under subsection (a).

“(2) CRITERIA AND PROCESS FOR FEDRAMP AUTHORIZATION PRIORITIES.—The Administrator shall develop and make publicly available on the website described in paragraph (1) the criteria and process for prioritizing and selecting cloud computing products and services that will receive a FedRAMP authorization, in consultation with the FedRAMP Board and the Chief Information Officers Council.

“(c) EVALUATION OF AUTOMATION PROCEDURES.—

“(1) IN GENERAL.—The Administrator, in coordination with the Secretary, shall assess and evaluate available automation capabilities and procedures to improve the efficiency and effectiveness of the issuance of FedRAMP authorizations, including continuous monitoring of cloud computing products and services.

“(2) MEANS FOR AUTOMATION.—Not later than 1 year after the date of enactment of this section, and updated regularly thereafter, the Administrator shall establish a means for the automation of security assessments and reviews.

“(d) METRICS FOR AUTHORIZATION.—The Administrator shall establish annual metrics regarding the time and quality of the assessments necessary for completion of a FedRAMP authorization process in a manner that can be consistently tracked over time in conjunction with the periodic testing and evaluation process pursuant to section 3554 in a manner that minimizes the agency reporting burden.

“§ 3610. FedRAMP Board

“(a) ESTABLISHMENT.—There is established a FedRAMP Board to provide input and recommendations to the Administrator regarding the requirements and guidelines for, and the prioritization of, security assessments of cloud computing products and services.

“(b) MEMBERSHIP.—The FedRAMP Board shall consist of not more than 7 senior officials or experts from agencies appointed by the Director, in consultation with the Administrator, from each of the following:

“(1) The Department of Defense.

“(2) The Department of Homeland Security.

“(3) The General Services Administration.

“(4) Such other agencies as determined by the Director, in consultation with the Administrator.

“(c) QUALIFICATIONS.—Members of the FedRAMP Board appointed under subsection (b) shall have technical expertise in domains relevant to FedRAMP, such as—

“(1) cloud computing;

“(2) cybersecurity;

“(3) privacy;

“(4) risk management; and

“(5) other competencies identified by the Director to support the secure authorization of cloud services and products.

“(d) DUTIES.—The FedRAMP Board shall—

“(1) in consultation with the Administrator, serve as a resource for best practices to accelerate the process for obtaining a FedRAMP authorization;

“(2) establish and regularly update requirements and guidelines for security authorizations of cloud computing products and services, consistent with standards and guidelines established by the Director of the National Institute of Standards and Technology, to be used in the determination of FedRAMP authorizations;

“(3) monitor and oversee, to the greatest extent practicable, the processes and procedures by which agencies determine and validate requirements for a FedRAMP authoriza-

tion, including periodic review of the agency determinations described in section 3613(b);

“(4) ensure consistency and transparency between agencies and cloud service providers in a manner that minimizes confusion and engenders trust; and

“(5) perform such other roles and responsibilities as the Director may assign, with concurrence from the Administrator.

“(e) DETERMINATIONS OF DEMAND FOR CLOUD COMPUTING PRODUCTS AND SERVICES.—The FedRAMP Board may consult with the Chief Information Officers Council to establish a process, which may be made available on the website maintained under section 3609(b), for prioritizing and accepting the cloud computing products and services to be granted a FedRAMP authorization.

“§ 3611. Independent assessment

“The Administrator may determine whether FedRAMP may use an independent assessment service to analyze, validate, and attest to the quality and compliance of security assessment materials provided by cloud service providers during the course of a determination of whether to use a cloud computing product or service.

“§ 3612. Declaration of foreign interests

“(a) IN GENERAL.—An independent assessment service that performs services described in section 3611 shall annually submit to the Administrator information relating to any foreign interest, foreign influence, or foreign control of the independent assessment service.

“(b) UPDATES.—Not later than 48 hours after there is a change in foreign ownership or control of an independent assessment service that performs services described in section 3611, the independent assessment service shall submit to the Administrator an update to the information submitted under subsection (a).

“(c) CERTIFICATION.—The Administrator may require a representative of an independent assessment service to certify the accuracy and completeness of any information submitted under this section.

“§ 3613. Roles and responsibilities of agencies

“(a) IN GENERAL.—In implementing the requirements of FedRAMP, the head of each agency shall, consistent with guidance issued by the Director pursuant to section 3614—

“(1) promote the use of cloud computing products and services that meet FedRAMP security requirements and other risk-based performance requirements as determined by the Director, in consultation with the Secretary;

“(2) confirm whether there is a FedRAMP authorization in the secure mechanism provided under section 3609(a)(8) before beginning the process of granting a FedRAMP authorization for a cloud computing product or service;

“(3) to the extent practicable, for any cloud computing product or service the agency seeks to authorize that has received a FedRAMP authorization, use the existing assessments of security controls and materials within any FedRAMP authorization package for that cloud computing product or service; and

“(4) provide to the Director data and information required by the Director pursuant to section 3614 to determine how agencies are meeting metrics established by the Administrator.

“(b) ATTESTATION.—Upon completing an assessment or authorization activity with respect to a particular cloud computing product or service, if an agency determines that the information and data the agency has reviewed under paragraph (2) or (3) of subsection (a) is wholly or substantially deficient for the purposes of performing an authorization of the cloud computing product

or service, the head of the agency shall document as part of the resulting FedRAMP authorization package the reasons for this determination.

“(C) SUBMISSION OF AUTHORIZATIONS TO OPERATE REQUIRED.—Upon issuance of an agency authorization to operate based on a FedRAMP authorization, the head of the agency shall provide a copy of its authorization to operate letter and any supplementary information required pursuant to section 3609(a) to the Administrator.

“(d) SUBMISSION OF POLICIES REQUIRED.—Not later than 180 days after the date on which the Director issues guidance in accordance with section 3614(1), the head of each agency, acting through the chief information officer of the agency, shall submit to the Director all agency policies relating to the authorization of cloud computing products and services.

“(e) PRESUMPTION OF ADEQUACY.—

“(1) IN GENERAL.—The assessment of security controls and materials within the authorization package for a FedRAMP authorization shall be presumed adequate for use in an agency authorization to operate cloud computing products and services.

“(2) INFORMATION SECURITY REQUIREMENTS.—The presumption under paragraph (1) does not modify or alter—

“(A) the responsibility of any agency to ensure compliance with subchapter II of chapter 35 for any cloud computing product or service used by the agency; or

“(B) the authority of the head of any agency to make a determination that there is a demonstrable need for additional security requirements beyond the security requirements included in a FedRAMP authorization for a particular control implementation.

“§ 3614. Roles and responsibilities of the Office of Management and Budget

“The Director shall—

“(1) in consultation with the Administrator and the Secretary, issue guidance that—

“(A) specifies the categories or characteristics of cloud computing products and services that are within the scope of FedRAMP;

“(B) includes requirements for agencies to obtain a FedRAMP authorization when operating a cloud computing product or service described in subparagraph (A) as a Federal information system; and

“(C) encompasses, to the greatest extent practicable, all necessary and appropriate cloud computing products and services;

“(2) issue guidance describing additional responsibilities of FedRAMP and the FedRAMP Board to accelerate the adoption of secure cloud computing products and services by the Federal Government;

“(3) in consultation with the Administrator, establish a process to periodically review FedRAMP authorization packages to support the secure authorization and reuse of secure cloud products and services;

“(4) oversee the effectiveness of FedRAMP and the FedRAMP Board, including the compliance by the FedRAMP Board with the duties described in section 3610(d); and

“(5) to the greatest extent practicable, encourage and promote consistency of the assessment, authorization, adoption, and use of secure cloud computing products and services within and across agencies.

“§ 3615. Reports to Congress; GAO report

“(a) REPORTS TO CONGRESS.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Director shall submit to the appropriate congressional committees a report that includes the following:

“(1) During the preceding year, the status, efficiency, and effectiveness of the General Services Administration under section 3609

and agencies under section 3613 and in supporting the speed, effectiveness, sharing, reuse, and security of authorizations to operate for secure cloud computing products and services.

“(2) Progress towards meeting the metrics required under section 3609(d).

“(3) Data on FedRAMP authorizations.

“(4) The average length of time to issue FedRAMP authorizations.

“(5) The number of FedRAMP authorizations submitted, issued, and denied for the preceding year.

“(6) A review of progress made during the preceding year in advancing automation techniques to securely automate FedRAMP processes and to accelerate reporting under this section.

“(7) The number and characteristics of authorized cloud computing products and services in use at each agency consistent with guidance provided by the Director under section 3614.

“(8) A review of FedRAMP measures to ensure the security of data stored or processed by cloud service providers, which may include—

“(A) geolocation restrictions for provided products or services;

“(B) disclosures of foreign elements of supply chains of acquired products or services;

“(C) continued disclosures of ownership of cloud service providers by foreign entities; and

“(D) encryption for data processed, stored, or transmitted by cloud service providers.

“(b) GAO REPORT.—Not later than 180 days after the date of enactment of this section, the Comptroller General of the United States shall report to the appropriate congressional committees an assessment of the following:

“(1) The costs incurred by agencies and cloud service providers relating to the issuance of FedRAMP authorizations.

“(2) The extent to which agencies have processes in place to continuously monitor the implementation of cloud computing products and services operating as Federal information systems.

“(3) How often and for which categories of products and services agencies use FedRAMP authorizations.

“(4) The unique costs and potential burdens incurred by cloud computing companies that are small business concerns (as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)) as a part of the FedRAMP authorization process.

“§ 3616. Federal Secure Cloud Advisory Committee

“(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

“(1) ESTABLISHMENT.—There is established a Federal Secure Cloud Advisory Committee (referred to in this section as the ‘Committee’) to ensure effective and ongoing coordination of agency adoption, use, authorization, monitoring, acquisition, and security of cloud computing products and services to enable agency mission and administrative priorities.

“(2) PURPOSES.—The purposes of the Committee are the following:

“(A) To examine the operations of FedRAMP and determine ways that authorization processes can continuously be improved, including the following:

“(i) Measures to increase agency reuse of FedRAMP authorizations.

“(ii) Proposed actions that can be adopted to reduce the burden, confusion, and cost associated with FedRAMP authorizations for cloud service providers.

“(iii) Measures to increase the number of FedRAMP authorizations for cloud computing products and services offered by small businesses concerns (as defined by section

3(a) of the Small Business Act (15 U.S.C. 632(a)).

“(iv) Proposed actions that can be adopted to reduce the burden and cost of FedRAMP authorizations for agencies.

“(B) Collect information and feedback on agency compliance with and implementation of FedRAMP requirements.

“(C) Serve as a forum that facilitates communication and collaboration among the FedRAMP stakeholder community.

“(3) DUTIES.—The duties of the Committee include providing advice and recommendations to the Administrator, the FedRAMP Board, and agencies on technical, financial, programmatic, and operational matters regarding secure adoption of cloud computing products and services.

“(b) MEMBERS.—

“(1) COMPOSITION.—The Committee shall be comprised of not more than 15 members who are qualified representatives from the public and private sectors, appointed by the Administrator, in consultation with the Director, as follows:

“(A) The Administrator or the Administrator's designee, who shall be the Chair of the Committee.

“(B) At least 1 representative each from the Cybersecurity and Infrastructure Security Agency and the National Institute of Standards and Technology.

“(C) At least 2 officials who serve as the Chief Information Security Officer within an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(D) At least 1 official serving as Chief Procurement Officer (or equivalent) in an agency, who shall be required to maintain such a position throughout the duration of their service on the Committee.

“(E) At least 1 individual representing an independent assessment service.

“(F) At least 5 representatives from unique businesses that primarily provide cloud computing services or products, including at least 2 representatives from a small business concern (as defined by section 3(a) of the Small Business Act (15 U.S.C. 632(a))).

“(G) At least 2 other representatives of the Federal Government as the Administrator determines necessary to provide sufficient balance, insights, or expertise to the Committee.

“(2) DEADLINE FOR APPOINTMENT.—Each member of the Committee shall be appointed not later than 90 days after the date of enactment of this section.

“(3) PERIOD OF APPOINTMENT; VACANCIES.—

“(A) IN GENERAL.—Each non-Federal member of the Committee shall be appointed for a term of 3 years, except that the initial terms for members may be staggered 1-, 2-, or 3-year terms to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.

“(B) VACANCIES.—Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner in which the original appointment was made. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.

“(c) MEETINGS AND RULES OF PROCEDURE.—

“(1) MEETINGS.—The Committee shall hold not fewer than 3 meetings in a calendar year, at such time and place as determined by the Chair.

“(2) INITIAL MEETING.—Not later than 120 days after the date of enactment of this section, the Committee shall meet and begin the operations of the Committee.

“(3) RULES OF PROCEDURE.—The Committee may establish rules for the conduct of the business of the Committee if such rules are not inconsistent with this section or other applicable law.

“(d) EMPLOYEE STATUS.—

“(1) IN GENERAL.—A member of the Committee (other than a member who is appointed to the Committee in connection with another Federal appointment) shall not be considered an employee of the Federal Government by reason of any service as such a member, except for the purposes of section 5703 of title 5, relating to travel expenses.

“(2) PAY NOT PERMITTED.—A member of the Committee covered by paragraph (1) may not receive pay by reason of service on the Committee.

“(e) APPLICABILITY TO THE FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.

“(f) DETAIL OF EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

“(g) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as agencies.

“(h) REPORTS.—

“(1) INTERIM REPORTS.—The Committee may submit to the Administrator and Congress interim reports containing such findings, conclusions, and recommendations as have been agreed to by the Committee.

“(2) ANNUAL REPORTS.—Not later than 540 days after the date of enactment of this section, and annually thereafter, the Committee shall submit to the Administrator and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by the Committee.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 36 of title 44, United States Code, is amended by adding at the end the following new items:

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment.

“3612. Declaration of foreign interests.

“3613. Roles and responsibilities of agencies.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 5 years after the date of enactment of this Act, chapter 36 of title 44, United States Code, is amended by striking sections 3607 through 3616.

(2) CONFORMING AMENDMENT.—Effective on the date that is 5 years after the date of enactment of this Act, the table of sections for chapter 36 of title 44, United States Code, is amended by striking the items relating to sections 3607 through 3616.

(d) RULE OF CONSTRUCTION.—Nothing in this section or any amendment made by this section shall be construed as altering or impairing the authorities of the Director of the Office of Management and Budget or the Secretary of Homeland Security under subchapter II of chapter 35 of title 44, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Representative CONNOLLY, the chairman of the Subcommittee on Government Operations, and Ranking Member COMER for working on this important bipartisan measure.

A version of this bill passed this House earlier in this Congress. It has been improved after receiving technical assistance from the General Services Administration and through discussions with the Senate Committee on Homeland Security and Governmental Affairs.

The Federal Risk and Authorization Management Program Authorization Act would codify and improve the existing FedRAMP program in the General Services Administration.

First established in 2011, FedRAMP is an important program that certifies cloud service providers that wish to offer services and products to the Federal Government.

The FedRAMP certification process outlined in this bill is comprehensive, facilitates easier agency adoption, promotes agency reuse, and encourages savings.

The FedRAMP process uses a risk-based approach to ensure the reliability of any cloud platform that hosts unclassified government data.

□ 1445

One significant provision of this bill is the Federal Secure Cloud Advisory Committee. This committee would be tasked with key responsibilities, including providing technical expertise on cloud products and services and identifying ways to reduce costs associated with FedRAMP certification.

The Director of the Office of Management and Budget would be required to issue regulations on FedRAMP and would ensure that agencies are not using cloud service providers without authorization.

This bill supports a critical effort to keep our Nation's information secure in cloud environments. I urge all Members to support this bill and reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, if this bill sounds familiar to Members, there is good reason for that. Once again, the House of Representatives is debating a bipartisan bill to secure Federal agency use of modern cloud computing services.

However, this time we are doing it as H.R. 8956, the Federal Secure Cloud Improvement and Jobs Act. Formerly named the FedRAMP Authorization Act, this was the first bill the House passed this Congress, as H.R. 21, on January 5, 2021.

We also passed the same legislation as part of this year's House version of the National Defense Authorization Act.

This is such an important issue that we are here again to send an improved bill back to the Senate for final passage.

Cybersecurity and technology modernization are both vital issues to ensure this government runs efficiently, effectively, and safely. We need this legislation to address the continued onslaught of cyberattacks that have compromised both the private and public sectors' critical information systems.

Cloud computing is an important innovation.

It allows users to tap into extra resources to meet spikes in demand, like what agencies saw when trying to deliver COVID-relief assistance.

It also allows them to access modernized applications without the need for them to also invest in their own data storage equipment.

While cloud computing is the norm in the private sector, we still need to encourage agencies to adopt this technology when it makes sense. We also must ensure cloud computing services are secure. That is where the Federal Risk and Authorization Management Program comes in.

FedRAMP, run by the General Services Administration, is the main Federal program focused on helping agencies procure secure cloud computing systems. It provides a consistent process to ensure agencies know a given cloud service meets Federal cybersecurity standards. It also provides clarity for vendors, so they understand the requirements to ensure their products are secure enough for Federal agency use.

Shifting to the cloud is more cost effective, allows for better citizen services and mission-based solutions, and provides more responsive technology capabilities overall. These improved efficiencies have led to significant cost savings.

At the end of fiscal year 2021, the GSA estimated that over the FedRAMP program's 10-year lifespan, it had helped agencies avoid \$716 million in individual security review costs. So while agencies are not required to buy FedRAMP-approved services, it makes sense to encourage them to do so.

After passing the earlier version, H.R. 21, the Senate also made changes that improved the bill we are considering today.

Such updates include striking the unnecessary authorization of \$20 million in appropriations and requiring better oversight of the industry costs associated with becoming FedRAMP certified. This will help ensure both small and large businesses can participate in the program.

In addition, this version also seeks to identify and avoid bottlenecks that slow approval. It also takes steps to secure the software supply chain from threats by foreign bad actors, the likely source of the 2020 SolarWinds attack that targeted numerous private sector companies and Federal agencies.

Codifying this successful program into law is an important step towards encouraging Federal agencies to take full advantage of this program and all the security benefits it offers.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY), the distinguished chairman of the Subcommittee on Government Operations and sponsor of this important bill, H.R. 8956.

Mr. CONNOLLY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the distinguished chairwoman of the committee and my friend, and I thank the gentleman from Kentucky (Mr. COMER), the distinguished ranking member and my friend for bringing this bill to the floor.

With respect to Mr. COMER's comments, I just say, "Hear, hear." He has succinctly explained both the process and the importance of this bill.

This is the sixth time the House will have passed this bill in some form. The Senate has yet to ever consider it on the floor. As Mr. COMER indicated, the time has now come for the Senate to accept a bill that has been worked out with the Senate in terms of the language so that we can get this important piece of Federal IT into law.

This bill would create a statutory framework for the Federal Risk and Authorization Management Program, known as FedRAMP, originally established administratively back in 2011. This bill will codify FedRAMP and was the very first bill, as Mr. COMER indicated, to pass the House in the 117th Congress. It passed, I believe, unanimously.

If once again passed, this will be, as I said, I believe, the sixth time we have considered it here in the House of Representatives.

FedRAMP is a standardized approach that brings our government in line with our increasingly digital world to continually certify and assess the security of cloud computing technologies used across the Federal Government.

FedRAMP seeks to reduce the redundancies of Federal cloud migration by creating a "certify once, reuse many times" model for cloud products and services that provide cost-effective,

risk-based approaches to cloud adoption. FedRAMP saw a 50 percent increase in agencies reusing authorized cloud products in 2020.

This bill codifies FedRAMP and addresses many of the concerns raised by government and industry stakeholders in terms of both the time and cost associated with certification. The text reduces duplication of security assessments and other obstacles to agency adoption of cloud products by establishing a presumption of adequacy for cloud technologies that have already received FedRAMP certification, so companies aren't reinventing the wheel and spending millions of dollars they don't need to.

I support a strong cybersecurity framework that ensures whatever tool we use to support the infrastructure of our Federal critical systems is safe and secure. Again, referenced by Mr. COMER. However, those who have already diligently passed scrupulous security assessments shouldn't have to start from scratch, and this bill addresses that.

For more than 5 years, I have worked with administrations, both Democratic and Republican, Members on the other side of the aisle, industry stakeholders, and my friends in the U.S. Senate to ensure the legislative text makes needed improvements to the FedRAMP program and gives the program flexibility to grow and adapt to myriad future changes.

Since the coronavirus pandemic, the demand for cloud services has risen by 85 percent. Accordingly, FedRAMP use skyrocketed and enabled the government to continue working securely during the government's large-scale movement to telework.

In the first 4 years of FedRAMP, the program had only authorized 20 cloud service offerings, but by 2021 it had authorized 240. Today, there are over 280 cloud service providers to the U.S. Government participating in FedRAMP, and about 30 percent of FedRAMP authorized CSPs are small businesses. Over 180 agencies participate in FedRAMP and have initiated more than 3,000 agency reuses of authorized products.

Today, the Agency Liaison Program, which provides FedRAMP authorization, education, and training currently has 155 liaisons with 82 different Federal Government departments participating.

Ultimately, this program strives to have at least one representative from each Federal agency tied to the security authorization who can communicate to key stakeholders about their agency's internal processes as well as FedRAMP requirements.

The bill supports a critical need to support multistakeholder communication and keep our Nation's information secure in cloud environments.

Enabling the efficient and secure procurement of cloud computing technology is an important part of Federal IT modernization. Codifying FedRAMP

into law is very important because right now it exists as an orphan only by an executive action.

I thank the gentleman from Kentucky (Mr. COMER), the ranking member of the Oversight and Reform Committee, for being a steadfast partner, and I thank our chairwoman for her leadership.

Mr. COMER. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, protecting our public's valuable information is something we can all agree on. I hope we can continue to do our job and work together on improving the Federal Government cybersecurity and adoption of modern technology.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, I urge passage of H.R. 8956 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 8956.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CHAI SUTHAMMANONT HEALTHY FEDERAL WORKPLACES ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8466), to require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8466

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Chai Suthammanont Healthy Federal Workplaces Act of 2022".

SEC. 2. WORKSITE SAFETY FOR FEDERAL EMPLOYEES AND CONTRACTORS.

(a) ISSUANCE OF POLICIES AND PROCEDURES BY AGENCIES.—Not later than 60 days after the date of the enactment of this Act, the head of each agency, in consultation with the Chief Human Capital Officer of the agency and the Assistant Director of Administration of the agency (or any individual holding an equivalent position), shall—

(1) establish a plan containing procedures and policies for the safety of covered individuals physically present at worksites during a covered period that includes measures to ensure the continuity of operations of the agency, including how consistent agency mission and program performance and customer service levels will be sustained through the covered period;

(2) make such plan available to the public by including a prominent link to such plan on the home page of the website of the agency;

(3) provide a link to such plan to the Director of the Office of Management and Budget for inclusion on the web page of the Office in accordance with subsection (c); and

(4) communicate such plan to each covered individual in such a manner as to ensure that each such covered individual acknowledges receipt and understanding of the plan.

(b) PLAN.—The plan required under subsection (a) shall, at a minimum, include the following:

(1) A description of the efforts the agency plans to take with respect to mitigating a nationwide public health emergency declared for an infectious disease at worksites, including the following:

(A) A description of any personal protective equipment that is being or will be provided by the agency to any covered individual physically present at a worksite during a covered period.

(B) A description of any procedures established by the agency for—

(i) testing covered individuals at worksites for a covered condition;

(ii) identifying covered individuals potentially exposed to an individual who is diagnosed with a covered condition, and notifying such individuals of such potential exposure; and

(iii) addressing differences in data, such as the number of cases, hospitalizations, and deaths, in regions and localities if an agency has covered worksites in more than one region.

(2) Guidance on—

(A) any cleaning protocols to be implemented at covered worksites;

(B) occupancy limits for covered worksites; and

(C) the use of personal protective equipment, such as appropriate face coverings, by covered individuals while physically present at a worksite.

(3) A description of the actions the agency is or will be taking to protect employees of the agency who conduct activities in an official capacity while not physically present at a covered worksite, including employees—

(A) who are required to travel in an official capacity; or

(B) perform audits or inspections.

(4) A description of any requirements that members of the public are required to meet in order to enter a facility in which covered worksites are located.

(5) A description of any alternative option to being physically present at a covered worksite that is available for employees of the agency who—

(A) have a high risk of contracting a covered condition (as determined by the Director of the Centers for Disease Control and Prevention); or

(B) live in a household with individuals who have a high risk of contracting a covered condition (as determined by the Director of the Centers for Disease Control and Prevention).

(6) Protocols that ensure the continuity of operations of the agency, including how consistent agency mission and program performance and customer service levels will be sustained through the covered period, to include if the agency adopts enhanced and temporary telework and remote work practices

as a result of an increase in the severity of the nationwide public health emergency.

(7) The hotline website and hotline telephone number of the Inspector General of the agency for covered individuals to report to the Inspector General any instance in which the agency is not implementing the plan required by this section.

(8) The hotline website and hotline telephone number of the Office of Special Counsel to report a substantial and specific danger to public health and safety or whistleblower retaliation.

(c) PUBLICATION OF PLAN.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall make available to the public on a single web page of the Office—

(1) links to each plan provided to the Director pursuant to subsection (a)(3); and

(2) a list identifying any agency that has not provided a link pursuant to such subsection.

(d) COMMUNICATION OF PLAN TO NEW EMPLOYEES, CONTRACTORS, AND SUBCONTRACTORS.—Beginning on the date that is 60 days after the date of the enactment of this Act, the head of an agency shall communicate the plan required by subsection (a), in the manner described under such subsection, to—

(1) any new employee of the agency, not later than 30 days after the date on which such employee is hired;

(2) any individual or entity that enters into a contract with the agency after such date, not later than 30 days after the contract is entered into; and

(3) any individual or entity that enters into a subcontract at any tier of a contract with the agency after such date, not later than 30 days after the subcontract is entered into.

(e) INSPECTORS GENERAL REPORTS.—

(1) REPORT ON IMPLEMENTATION OF THIS SECTION.—Not later than 6 months after the date of the enactment of this Act, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of this section, including whether each agency involved has published and communicated the plan required by subsection (a) in accordance with this section.

(2) REPORT ON IMPLEMENTATION OF PLAN.—Not later than 60 days after the head of an agency begins to implement a plan required under subsection (a) with respect to a covered condition, the Inspector General of each agency shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(A) the extent to which each agency has implemented the plan, including identifying any concerns for the safety of covered individuals at covered worksites that the agency has not fully addressed; and

(B) the extent to which such plan incorporated best practices to contain the spread of such covered condition.

(f) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Oversight and Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on lessons learned by agencies and covered individuals during the COVID-19 pandemic to further improve the policies and procedures of such agencies with respect to—

(1) the health and safety of covered individuals during nationwide public health emergencies declared for infectious diseases; and

(2) communication to covered individuals during nationwide public health emergencies declared for infectious diseases.

(g) APPLICATION.—Nothing in this Act shall be construed to alter or otherwise limit the rights and obligations afforded under chapter 71 of title 5, United States Code.

(h) DEFINITIONS.—In this section:

(1) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(2) COVERED CONDITION.—The term “covered condition” means an infectious disease that is the subject of a nationwide public health emergency.

(3) COVERED PERIOD.—The term “covered period” means a period during which a nationwide public health emergency declared for an infectious disease is in effect.

(4) COVERED INDIVIDUAL.—The term “covered individual” means—

(A) employees of the agency; and

(B) contractors of the agency, and subcontractors thereof at any tier.

(5) COVERED WORKSITE.—The term “covered worksite” means a worksite at which a covered individual is required to be present during a covered period.

(6) EMPLOYEE.—The term “employee” means any employee occupying a position in the civil service (as that term is defined in section 2101 of title 5, United States Code) at an agency.

(7) NATIONWIDE PUBLIC HEALTH EMERGENCY.—The term “nationwide public health emergency” means a nationwide public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247), including any renewal thereof.

(8) WORKSITE.—The term “worksite” means—

(A) in the case of an employee of the agency, the location of the employee’s position of record where the employee regularly performs his or her duties, but does not include any location where the employee teleworks (as that term is defined in section 6501 of title 5, United States Code); and

(B) in the case of a contractor of the agency (or subcontractor thereof at any tier), the location in a facility of the agency where the contractor or subcontractor performs his or her duties under a contract with the agency, or a subcontract thereof at any tier, as applicable.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 8466.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 8466, the Chai Suthammanont Healthy Federal Workplaces Act of 2022, introduced by Government Operations Subcommittee Chair CONNOLLY.

The bill would require that all Federal agencies create detailed plans in preparation for a nationwide public health emergency declaration in response to an infectious disease to protect the health and safety of employees, contractors, and subcontractors.

The plan must include protocols to ensure workers have access to protective equipment, clean facilities, limited workspace occupancy, and on-site testing; that they are notified about exposures; and that accommodations are available to high-risk individuals.

Federal workers showed great resilience as the Federal Government adapted to respond to the COVID-19 pandemic. Living through the pandemic for more than 2 years should make it clear that we need to take precautions to prepare for the future, as COVID-19 is not the last public health emergency we are likely to face as a country, and government agencies need to be ready for that.

The plans required under this legislation would protect workers and prevent the spread of disease. The agency must also prioritize in its plan the continuity of operations and government services through a public health emergency. The bill requires that safety protocols are clearly communicated to all employees and publicly posted.

Holding agencies accountable for making these plans transparent to Federal employees and the public will help make everyone feel safer and better informed.

The bill also includes strong oversight measures. Inspectors general at Federal agencies would assess implementation of these plans and report to Congress.

□ 1500

The Government Accountability Office would conduct a study of the lessons from the COVID-19 pandemic that can be applied to improve agency plans and improve communication with employees throughout an emergency.

I commend Chairman CONNOLLY for his forward-looking bill that would better prepare government agencies for future public health crises. I urge my colleagues to join me in support of H.R. 8466.

Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express sincere condolences to the family of Mr. Suthammanont. I appreciate the underlying intent of this legislation: To ensure the safety of Federal workers.

I also appreciate how this version of the bill has been improved from the prior versions the House has considered.

Thankfully, there are no longer vaccine requirements for Federal workers in the bill, and the bill is now future-looking, no longer tied specifically to the COVID-19 pandemic.

Nevertheless, it makes sense to be prepared for any future public health emergencies. While the safety of the Federal workers is important, so is mission accomplishment and customer service.

In considering this new version, Committee on Oversight and Reform Republicans ensured the plans this bill requires would be made through the lens of continuity of operations. That is, continuing to provide Americans the services they need, regardless of the situation.

I am pleased to see my colleagues, Representative JODY HICE's amendment receive full support in the Committee on Oversight and Reform last week and be incorporated into the bill we are considering today.

H.R. 8466 now ensures that the next time America faces a public health emergency, Federal agencies will be required to balance their workforce safety measures with plans to accomplish their missions while minimizing impacts to customer service. Agencies will be required to make these plans public for Inspector General review and congressional scrutiny.

Americans who rely on Federal agency services, such as our veterans, should never again be forgotten when their government sends its workforce home.

Mr. Speaker, I thank Mr. CONNOLLY for working with Mr. HICE to improve the bill, and I encourage my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY), the distinguished chairman of the Subcommittee on Government Operations and sponsor of H.R. 8466.

Mr. CONNOLLY. Mr. Speaker, I thank the distinguished chairwoman of our committee for yielding, and I thank Mr. COMER, the ranking member, and Mr. HICE, the ranking member of Government Operations Subcommittee, for their support and collaboration on an improved H.R. 8466, the Suthammanont Healthy Workforce Act of 2022.

On May 26, 2022, Chai Suthammanont, my constituent, a kitchen staff worker at a childcare facility at the Marine Corps Base in Quantico, Virginia, died from coronavirus-related complications. Chai was a loving father and husband and a proud naturalized American. Chai was known for his kindness and his patience. He had a unique handshake he shared with many of the kids at the childcare facility where he

worked. His death was a tragedy felt by so many.

Confusion and uncertainty emerged as two of the largest contributing factors to Chai's death. The Federal Government did not yet have any protocols in place—or guidance, for that matter—intended to protect him and others.

We are emerging from the pandemic, but new strains of infectious diseases and other potential health emergencies demand that the Federal Government prepare to adapt and continue operations and the mission across many challenges. Our government must embrace lessons learned from the pandemic; some of them learned through tragic losses such as Chai's.

Federal agencies must place the health and safety of Federal employees at the forefront of their plans and operations while continuing to provide vital services to the public, ensuring continuity of operations.

Since the beginning of the pandemic, our subcommittee has held three hearings focused on the future of Federal work, which include prioritizing the health and safety of our workforce.

Some simple truths emerged during these deliberations.

One, our Federal workforce is comprised of dedicated civil servants who didn't stop delivering mail, serving veterans, approving and distributing vaccines, and ensuring businesses received essential financial assistance.

Two, the Federal workforce needs agencies to invest in proper information technology, training, and protective equipment before another public health crisis occurs.

Three, agencies need clearly communicated, publicly available policies and guidance that let their employees and the public know how to ensure a safe and healthy continuity of operations.

Last year, this committee marked up a previous version of the bill that covered the COVID-19 pandemic. This new bill prepares the Federal workforce, as the distinguished ranking member indicated, for the potential nationwide public health emergencies of tomorrow.

The bill requires each Federal agency to establish a plan to describe public health protocols, including, but not limited to, testing, identification, notification of individuals who may have been exposed to the pathogen; cleaning; occupancy limits; use of personal protective equipment; protections for employees whose work requires them to travel offsite; and ensuring the continuity of operations for the agency.

The bill would also require each agency's Office of Inspector General to report on the extent each agency has, in fact, implemented the plan and the Government Accountability Office to report on the lessons learned from the pandemic.

This bill is endorsed by the American Federation of Government Employees, International Federation of Professional and Technical Engineers, the

National Active and Retired Federal Employees Association, the National Federation of Federal Employees, the National Treasury Employees Union, the Professional Managers Association, the Senior Executives Association, among many other organizations.

Federal employees are a great asset for our Nation. We must work to ensure their well-being and protection in difficult times such as these.

Mr. Speaker, I again thank the chairwoman, who is the original cosponsor of this legislation, as well as my colleagues, especially Mr. COMER and Mr. HICE, for making this a strong bipartisan effort.

Mr. Speaker, I particularly salute Chai's widow, Christina, for her continued efforts in honoring her late husband's memory.

Mr. COMER. Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, it is important that Federal agencies plan and prepare for future infectious disease outbreaks and do so in a transparent manner.

This bill is much improved and now also focuses on maintaining Federal agency services to the American people through a potential future public health emergency. Federal agencies exist to serve the American people. This is true during national public health emergencies, also.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 8466, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 8466, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

END HUMAN TRAFFICKING IN GOVERNMENT CONTRACTS ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3470) to provide for the implementation of certain trafficking in contracting provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3470

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "End Human Trafficking in Government Contracts Act of 2022".

SEC. 2. IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.

(a) REQUIREMENT TO REFER VIOLATIONS TO AGENCY SUSPENSION AND DEBARMENT OFFICIAL.—Section 1704(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 22 U.S.C. 7104b(c)(1)) is amended—

(1) by inserting "refer the matter to the agency suspension and debarment official and" before "consider taking one of the following actions"; and

(2) by striking subparagraph (G).

(b) REPORT ON IMPLEMENTATION OF TRAFFICKING IN CONTRACTING PROVISIONS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit to Congress a report on implementation of title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2092).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on S. 3470.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3470, the End Human Trafficking in Government Contracts Act.

S. 3470 was introduced by Senator LANKFORD from Oklahoma and has passed the Senate by unanimous consent. The bill would require the head of an agency to make a referral for debarment of a Federal contractor in response to Inspector General verification that the company has engaged in any form of human trafficking, including labor and sex trafficking.

Under current law, the referral is merely an action that the agency head may consider. Putting stronger penalties on contractors creates stronger incentives for them to be vigilant about eliminating human trafficking from their business. This bill helps to ensure that we use the U.S. Government's enormous purchasing power to combat human trafficking.

Under this bill, the Office of Management and Budget would also submit a report to Congress on Federal Government actions to end trafficking in Federal contracts. Human trafficking is nothing short of modern-day slavery. It

is estimated that human trafficking is a \$150 billion global industry. It must be a priority to ensure that the U.S. is not contributing one dollar to perpetuate human trafficking through Federal contracts.

Mr. Speaker, I hope my colleagues will join me in supporting this straightforward legislation to further enforce zero tolerance for human trafficking in Federal contracts.

Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the End Human Trafficking in Government Contracts Act ensures that Federal agencies are not paying for or participating in human trafficking or human sex trafficking through grants or contracts. This is a particular concern for overseas contractors in which some unscrupulous companies may take advantage of vulnerable third-country workers.

Congress has acted before to address this problem. Unfortunately, both the Government Accountability Office and the Department of Defense Inspector General have found that trafficking by contractors and grantees continues. This bill moves to send a clear message: Trafficking will not be tolerated.

Under current law, agencies are already required to refer allegations of human or sex trafficking to the Inspector General for investigation. If found to be true, that agency has a number of options to deal with the situation, but this bill requires all substantiated cases be reported to the agency's suspension and debarment official.

In the contracting world, this is serious business. After due process, a contractor could be prohibited from receiving future government contracts or other government benefits. This bill ensures all current or would-be grantees or contractors take all measures necessary to stop human or sex trafficking.

Finally, the bill directs the Office of Management and Budget to report on enforcement of the laws so we in Congress could conduct the necessary oversight.

I thank Senators JAMES LANKFORD and JONI ERNST for sending this important bill to the House for final passage in Congress today.

Mr. Speaker, I urge my colleagues to support this bill and for the President to sign S. 3470 into law.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further speakers on this bill, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, let me be clear. Not a single dime of taxpayer money should ever flow to anyone engaged in human or sex trafficking activities. This bill is an important step toward ensuring responsible stewardship of taxpayer money.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, combating sex trafficking by any means, in this case with using the power of our contracting system, is truly a bipartisan effort in this committee.

Mr. Speaker, I support and urge passage of this bill, S. 3470.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, S. 3470.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1515

ARTIFICIAL INTELLIGENCE TRAINING FOR THE ACQUISITION WORKFORCE ACT

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2551), to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2551

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Artificial Intelligence Training for the Acquisition Workforce Act” or the “AI Training Act”.

SEC. 2. ARTIFICIAL INTELLIGENCE TRAINING PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) AI.—The term “AI” has the meaning given the term “artificial intelligence” in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note).

(2) AI TRAINING PROGRAM.—The term “AI training program” means the training program established under subsection (b)(1).

(3) COVERED WORKFORCE.—The term “covered workforce” means—

(A) employees of an executive agency who are responsible for—

(i) program management;

(ii) the planning, research, development, engineering, testing, and evaluation of systems, including quality control and assurance;

(iii) procurement and contracting;

(iv) logistics; or

(v) cost estimating; and

(B) other personnel of an executive agency designated by the head of the executive agency to participate in the AI training program.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) EXECUTIVE AGENCY.—The term “executive agency”—

(A) has the meaning given the term in section 133 of title 41, United States Code; and

(B) does not include—

(i) the Department of Defense or a component of the Department of Defense; or

(ii) the National Nuclear Security Administration or a component of the National Nuclear Security Administration.

(b) REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and not less frequently than annually thereafter, the Director, in coordination with the Administrator of General Services and any other person determined relevant by the Director, shall develop and implement or otherwise provide an AI training program for the covered workforce.

(2) PURPOSE.—The purpose of the AI training program shall be to ensure that the covered workforce has knowledge of the capabilities and risks associated with AI.

(3) TOPICS.—The AI training program shall include information relating to—

(A) the science underlying AI, including how AI works;

(B) introductory concepts relating to the technological features of artificial intelligence systems;

(C) the ways in which AI can benefit the Federal Government;

(D) the risks posed by AI, including discrimination and risks to privacy;

(E) ways to mitigate the risks described in subparagraph (D), including efforts to create and identify AI that is reliable, safe, and trustworthy; and

(F) future trends in AI, including trends for homeland and national security and innovation.

(4) UPDATES.—Not less frequently than once every 2 years, the Director shall update the AI training program to—

(A) incorporate new information relating to AI; and

(B) ensure that the AI training program continues to satisfy the requirements under paragraph (3).

(5) FORMAT.—The Director is encouraged to develop and implement or otherwise include under the AI training program interactive learning with—

(A) technologists;

(B) scholars; and

(C) other experts from the private, public, and nonprofit sectors.

(6) METRICS.—The Director shall ensure the existence of a means by which to—

(A) understand and measure the participation of the covered workforce; and

(B) receive and consider feedback from participants in the AI training program to improve the AI training program.

(7) SUNSET.—Effective 10 years after the date of enactment of this Act, this section shall have no force or effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 2551, the Artificial Intelligence Training for the Acquisition Workforce Act, sponsored by Senate Homeland Security and Governmental Affairs Committee Chairman PETERS and Ranking

Member PORTMAN. I am proud to have introduced the House companion to this bill with Ranking Member COMER.

The AI Training Act would require the Office of Management and Budget, in coordination with the General Services Administration, to develop and implement an AI training program for Federal workers whose jobs involve this technology, including acquisition and program management employees.

The program would educate employees on the science underlying AI, introductory concepts, potential benefits of the technology, and future trends. Importantly, the program would also cover the risks posed by AI, including discrimination and risks to privacy, and would teach Federal workers how to mitigate these risks.

To ensure that the AI technology procured and employed by the U.S. Government is reliable, safe, and trustworthy, it is critical that Federal workers involved in procurement and management of this technology are well-trained.

AI tools have become essential in the global race to solve societal challenges, protect national security, and remain economically competitive. At the same time, the algorithms that drive AI systems present new challenges to oversight and accountability efforts. So we need proactive approaches to ensure transparency and governance that preserves privacy and civil liberties and protects the public interest.

The training program would be updated at least every 2 years, ensuring it keeps up with the rapid evolution of this field.

I thank Ranking Member COMER for joining me in advancing this legislation to require specialized Federal workforce training in AI that will help ensure the responsible acquisition and use of this technology that will have long-term benefits to the Government.

Mr. Speaker, I urge my colleagues to support S. 2551, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, artificial intelligence, or AI, is a term that applies to a wide variety of technologies. AI plays a role in applications to simplify our everyday lives by performing complex tasks.

Navigation apps, online banking apps, spam filters, and even asking Siri or Alexa who won the Presidents Cup in North Carolina this weekend all employ various types of AI technology. The Federal Government also uses AI to improve government services and efficiency.

While there are multiple executive orders and initiatives promoting the use of AI across the government, to date there has not been a collective effort to train Federal workers who identify, buy, and manage artificial intelligence capabilities.

The National Security Commission on Artificial Intelligence, established in the fiscal year 2019 NDAA, has called for the Federal workforce to be better trained on artificial intelligence.

Mr. Speaker, when you consider the technology race against nations like China, the stakes are very high. In fact, the commission noted in its final report that the competition for government adoption of artificial intelligence technologies will not be won by the side with the best technology, it will be won by the side with the best, most diverse, and tech-savvy talent.

The Artificial Intelligence Training for the Acquisition Workforce Act establishes a government-wide training program for Federal workers responsible for AI program management and acquisition. This training will help ensure the consistent and safe procurement and use of AI products across the Federal Government.

Those purchasing and using AI systems in Federal agency missions and programs need to understand the limits of the technology's capabilities and the risks posed by potential misuse. The American taxpayers deserve nothing less.

Mr. Speaker, I appreciate Chairwoman MALONEY working with me on the House companion bill for this legislation. I am pleased to be an original cosponsor. I urge my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I have no further speakers on this side, and if the gentleman is prepared to close, then I am also prepared to close.

Mr. COMER. Mr. Speaker I have no further speakers.

In closing, Mr. Speaker, artificial intelligence is proving to be a game-changing technology for nearly every sector of our economy. For instance, artificial intelligence helps farmers efficiently grow crops, scientists develop new materials, and weather forecasters predict hurricanes more accurately.

In the Federal Government, the Social Security Administration uses AI to determine benefit claims. Artificial Intelligence Training for the Acquisition Workforce Act will be invaluable to the Federal approach to artificial intelligence.

Mr. Speaker, I, once again, encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank my friend and colleague, Mr. COMER, for his help and assistance on this bill. We worked on it together.

Mr. Speaker, I urge passage of S. 2551, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, S. 2551.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CHANCE TO COMPETE ACT OF 2022

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6967) to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chance to Compete Act of 2022”.

SEC. 2. DEFINITIONS.

(a) TERMS DEFINED IN SECTION 3304 OF TITLE 5, UNITED STATES CODE.—In this Act, the terms “agency”, “Director”, “examining agency”, “Office”, “subject matter expert”, and “technical assessment” have the meanings given those terms in subsection (c)(1) of section 3304 of title 5, United States Code, as added by section 3(a).

(b) OTHER TERMS.—In this Act, the term “competitive service” has the meaning given the term in section 2102 of title 5, United States Code.

SEC. 3. DEFINING THE TERM “EXAMINATION” FOR PURPOSES OF HIRING IN THE COMPETITIVE SERVICE.

(a) EXAMINATIONS; TECHNICAL ASSESSMENTS.—

(1) IN GENERAL.—Section 3304 of title 5, United States Code, is amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

“(c) EXAMINATIONS.—

“(1) DEFINITIONS.—

“(A) EXAMINATION.—

“(i) In this chapter, the term ‘examination’—

“(I) means an opportunity to directly demonstrate knowledge, skills, abilities, and competencies, through an assessment;

“(II) includes a résumé review that is—

“(aa) conducted by a subject matter expert; and

“(bb) based upon indicators that—

“(AA) are derived from a job analysis; and

“(BB) bear a rational relationship to performance in the position for which the examining agency is hiring; and

“(III) on and after the date that is 2 years after the date of enactment of the Chance to Compete Act of 2022, does not include a self-assessment from an automated examination, a résumé review (except as provided in subclause (II)), or any other method of determining the experience or level of educational attainment of an individual, alone.

“(ii)(I) An agency’s Chief Human Capital Officer may waive clause (i)(III) if the Officer provides a written report to the Director of the Office of Personnel Management within 30 days of authorizing the waiver that justifies the need for such waiver and articulates the data, evidence, and circumstances for such need.

“(II) The Director is authorized to provide agencies guidance and instruction on the

data, evidence, and circumstances that should be included in the waiver described in subclause (I) and shall post any waiver on a public website within 30 days of receipt of the waiver.

“(III) A waiver shall not be considered in effect until it is posted on the public website pursuant to subclause (II).

“(B) OTHER DEFINITIONS.—In this subsection—

“(i) the term ‘agency’ means an agency described in section 901(b) of title 31;

“(ii) the term ‘Director’ means the Director of the Office;

“(iii) the term ‘examining agency’ means—

“(I) the Office; or

“(II) an agency to which the Director has delegated examining authority under section 1104(a)(2) of this title;

“(iv) the term ‘subject matter expert’ means an employee or selecting official—

“(I) who possesses understanding of the duties of, and knowledge, skills, and abilities required for, the position for which the employee or selecting official is developing or administering an assessment; and

“(II) whom the agency that employs the employee or selecting official designates to assist in the development and administration of technical assessments under paragraph (2); and

“(v) the term ‘technical assessment’ means an assessment developed under paragraph (2)(A)(i) that—

“(I) allows for the demonstration of job-related technical skills, abilities, and knowledge;

“(II)(aa) is based upon a job analysis; and

“(bb) is relevant to the position for which the assessment is developed; and

“(III) may include—

“(aa) a structured interview;

“(bb) a work-related exercise;

“(cc) a custom or generic procedure used to measure an individual’s employment or career-related qualifications and interests; or

“(dd) another assessment that meets the criteria under subclauses (I) and (II).

“(2) TECHNICAL ASSESSMENTS.—

“(A) IN GENERAL.—For the purpose of conducting an examination for a position in the competitive service, an individual or individuals whom an agency determines to have an expertise in the subject and job field of the position, as affirmed and audited by the Chief Human Capital Officer or Human Resources Director (as applicable) of that agency, may—

“(i) develop, in partnership with human resources employees of the examining agency, a position-specific assessment that is relevant to the position; and

“(ii) administer the assessment developed under clause (i) to—

“(I) determine whether an applicant for the position has demonstrated qualification for the position; or

“(II) rank applicants for the position for category rating purposes under section 3319.

“(B) SHARING AND CUSTOMIZATION OF ASSESSMENTS.—

“(i) SHARING.—An examining agency may share a technical assessment with another examining agency if each agency maintains appropriate control over examination material.

“(ii) CUSTOMIZATION.—An examining agency with which a technical assessment is shared under clause (i) may customize the assessment as appropriate, provided that the resulting assessment satisfies the requirements under part 300 of title 5, Code of Federal Regulations (or any successor regulation).

“(iii) PLATFORM FOR SHARING AND CUSTOMIZATION.—

“(I) IN GENERAL.—The Director shall establish and operate an online platform on which

examining agencies can share and customize technical assessments under this subparagraph.

“(II) ONLINE PLATFORM.—The Director shall—

“(aa) not be responsible for independently validating the utility of the content and technical assessments shared in the online platform described in subclause (I); and

“(bb) ensure that such online platform includes the ability of its users to rate the utility of the content and technical assessments shared in the online platform to allow for a ranking of such contents.

“(3) REGULATIONS.—Not later than one year after the date of enactment of the Chance to Compete Act of 2022, the Office of Personnel Management shall prescribe regulations necessary for the administration of this subsection with respect to employees in each agency.”.

(2) ALTERNATIVE RANKING AND SELECTION PROCEDURES.—Section 3319(a) of title 5, United States Code, is amended by adding at the end the following: “To be placed in a quality category under the preceding sentence, an applicant shall be required to have passed an examination in accordance with section 3304(b), subject to the exceptions in that section.”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 3330a(a)(1)(B) of title 5, United States Code, is amended by striking “section 3304(f)(1)” and inserting “section 3304(g)(1)”.

(b) OPM REPORTING.—

(1) PUBLIC ONLINE TOOL.—

(A) IN GENERAL.—The Director of the Office of Personnel Management shall maintain and periodically update a publicly available online tool that, with respect to each position in the competitive service for which an examining agency examined applicants during the applicable period, includes—

(i) the type of assessment used, such as—

(I) a behavioral off-the-shelf assessment;

(II) a résumé review conducted by a subject matter expert;

(III) an interview conducted by a subject matter expert;

(IV) a technical off-the-shelf assessment; or

(V) a cognitive ability test;

(ii) whether or not the agency selected a candidate for the position; and

(iii) the hiring authority used to fill the position.

(B) TIMING.—

(1) INITIAL DATA.—Not later than 180 days after the date of enactment of this Act, the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the period beginning on the date of enactment of this Act and ending on the date of submission of the report.

(ii) SUBSEQUENT UPDATES.—Not later than October 1 of each fiscal year beginning after the date on which the online tool is initially updated under clause (i), the Director shall update the online tool described in subparagraph (A) with data for positions in the competitive service for which an examining agency examined applicants during the preceding fiscal year.

(2) ANNUAL PROGRESS REPORT.—

(A) IN GENERAL.—Each year, the Director, in accordance with subparagraphs (B) and (C), shall make publicly available and submit to Congress an overall progress report that includes summary data from examinations that are closed, audited, and anonymous on the use of examinations (as defined in subsection (c)(1)(A) of section 3304 of title 5, United States Code, as added by subsection (a) of this section) for the competitive service, including technical assessments.

(B) CATEGORIES; BASELINE DATA.—In carrying out subparagraph (A), the Director shall—

(i) break the data down by applicant demographic indicator, including veteran status, race, gender, disability, and any other measure the Director determines appropriate; and

(ii) use the data available as of October 1, 2020, as a baseline.

(C) LIMITATIONS.—In carrying out subparagraph (A), the Director may only make publicly available and submit to Congress data relating to examinations for which—

(i) the related announcement is closed;

(ii) certificates have been audited; and

(iii) all hiring processes are completed.

(c) GAO REPORT.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that—

(1) assesses the implementation of this section and the amendments made by this section;

(2) assesses the impact and modifications to the hiring process for the competitive service made by this section and the amendments made by this section; and

(3) makes recommendations for the improvement of the hiring process for the competitive service.

SEC. 4. AMENDMENTS TO COMPETITIVE SERVICE ACT OF 2015.

(a) PLATFORMS FOR SHARING CERTIFICATES OF ELIGIBLES.—

(1) IN GENERAL.—Section 3318(b) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “240-day” and inserting “1-year”;

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

“(5) ONLINE TOOL FOR SHARING RÉSUMÉS OF INDIVIDUALS ON CERTIFICATES OF ELIGIBLES.—Not later than one year after the date of enactment of the Chance to Compete Act of 2022, the Director of the Office of Personnel Management shall establish and operate an online tool on which an appointing authority can share, with other appointing authorities and the Chief Human Capital Officers Council established under section 1303 of the Chief Human Capital Officers Act of 2002 (5 U.S.C. 1401 note; Public Law 107–296), the resumes of individuals who are on a certificate of eligibles requested by the appointing authority. In carrying out this paragraph, the Director shall consult with the Chief Human Capital Officers Counsel and its membership to develop a plan to establish such online tool.”.

(2) PLAN.—Not later than 270 days year after the date of enactment of this Act, the Director shall provide to Congress a plan to develop the online tool required in paragraph (5) of section 3318(b) of title 5, United States Code, as added by paragraph (1) of this subsection. Such plan shall—

(A) incorporate the input and feedback collected during the required consultation under such paragraph; and

(B) include estimated costs for building and operating the online tool for ten years.

(b) MAXIMIZING SHARING OF APPLICANT INFORMATION.—Section 2 of the Competitive Service Act of 2015 (Public Law 114–137; 130 Stat. 310) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) EXPLORING THE BENEFITS OF MAXIMIZING SHARING OF APPLICANT INFORMATION.—

“(1) DEFINITIONS.—In this subsection—

“(A) the terms ‘agency’, ‘Director’, and ‘Office’ have the meanings given those terms in section 3304(c)(1) of title 5, United States Code; and

“(B) the term ‘competitive service’ has the meaning given the term in section 2102 of title 5, United States Code.

“(2) MAXIMIZING SHARING.—The Director shall research the benefits of maximizing the sharing of information among agencies regarding qualified applicants for positions in the competitive service, including by—

“(A) providing for the delegation to other agencies of the authority of the Office to host multi-agency hiring actions to increase the return on investment on high-quality pooled announcements; and

“(B) sharing certificates of eligibles and accompanying résumés for appointment.”.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Director shall provide a written report to Congress on the findings of the research required by the amendment made by subsection (b)(2). Such report shall include a plan to implement the most effective methods of maximizing the sharing of qualified candidates for positions in the competitive service.

SEC. 5. MODERNIZING AND REFORMING THE ASSESSMENT AND HIRING OF FEDERAL JOB CANDIDATES.

(a) OPM REVIEW.—The Director shall conduct a review of all examinations for hiring for a position that the Office or any other examining agency has determined requires a minimum educational requirement because of the nature of the duties of such position is of a scientific, technical, or professional position pursuant to section 3308 of title 5, United States Code, to determine whether there are data, evidence, or other information that justifies the need for educational requirements for such position. The Director shall consult with appropriate agencies, employee representatives, external experts, and other stakeholders when making any such determinations.

(b) ONLINE TOOL REGARDING POSITION DUTIES.—

(1) IN GENERAL.—Not later than two years after the date of enactment of this Act, the Director shall create and maintain an online tool that lists each of the duties determined to require minimum educational requirements and the data, evidence, or other information that justifies the need for these educational requirements. This online tool shall include a mechanism to receive feedback regarding data, evidence, or information that could affect the determination that a duty requires a minimum educational requirement.

(2) HIRING PRACTICES.—Not later than one year after the creation of the online tool under paragraph (1), the Director and the head of any other examining agency shall amend the hiring practices of the Office or the other examining agency, respectively, in accordance with the findings of the review made by subsection (a).

(c) ONLINE TOOL REGARDING RECRUITING.—Upon the date of enactment of this Act, the Director shall establish and maintain an online tool that provides Federal agencies guidance on, and information about, all programs and authorities that help agencies attract, recruit, hire, and retain individuals.

SEC. 6. TALENT TEAMS.

(a) FEDERAL AGENCY TALENT TEAMS.—

(1) IN GENERAL.—An agency may establish one or more talent teams (referred to in this section as “agency talent teams”), including at the component level.

(2) DUTIES.—An agency talent team shall provide hiring support to the agency and other agencies, including by—

(A) improving examinations (as defined in subsection (c)(1)(A) of section 3304 of title 5, United States Code, as added by section 3(a));

(B) facilitating writing job announcements for the competitive service;

(C) sharing high-quality certificates of eligibles; and

(D) facilitating hiring for the competitive service using examinations (as defined in such subsection (c)(1)(A)) and subject matter experts.

(b) OFFICE OF PERSONNEL MANAGEMENT.—The Director may establish a Federal talent team to support agency talent teams in facilitating pooled hiring actions across the Federal Government, providing training, and creating technology platforms to facilitate hiring for the competitive service, including—

(1) the development of technical assessments; and

(2) the sharing of certificates of eligibles and accompanying résumés under sections 3318(b) and 3319(c) of title 5, United States Code.

SEC. 7. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Kentucky (Mr. COMER) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 6967.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6967, the Chance to Compete Act.

The bipartisan Chance to Compete Act was introduced by Representative HICE along with Representatives KHANNA, FOXX, and MFUME. Representatives MACE and Subcommittee Chairman CONNOLLY later joined the bill, as well.

This bill aims to make evaluations more useful in assessing the skills of candidates for Federal positions and alleviate inefficiencies that have long hindered the hiring process.

The bill turns away from the current reliance on self-assessment and attainment of an educational degree to determine candidate qualifications in the Federal hiring process. Instead, subject matter experts in agencies would design assessments that test knowledge specific to a position for which the agency is hiring.

This overhaul to the assessment method would better match qualified applicants with positions and expand employment opportunities to candidates with more diverse professional and educational backgrounds.

The Chance to Compete Act aligns with the Office of Personnel Management's guidance released in May to facilitate an executive order to modernize the process of assessing and hiring Federal job candidates. Establishing hiring methods that are more skills-based will improve agency managers' ability to hire people who possess the knowledge and experience to do the job and to hire from a wider array of qualified applicants.

The bill also directs the Office of Personnel Management to create an online platform for sharing candidate assessments between agencies and maintain a portal for hiring managers to find candidates who have already demonstrated their qualifications for certain positions but were not hired.

Under this legislation, agencies may assemble talent teams to support this assessment of job candidates and the hiring process.

The OPM director would be required to submit annual progress reports to Congress on the use of the skills-based assessments. After 5 years, the Government Accountability Office would conduct a study of the implementation of the Federal job assessment reforms and their impact on the Federal hiring process.

This bill streamlines the hiring process for Federal agencies and shortens the time it takes to bring new, well-qualified employees on board.

The Senate companion to this bill, introduced by Senator SINEMA, also enjoys bipartisan support.

I thank Representative HICE for his leadership in introducing this bill that is the result of constructive collaboration by several members of our committee from both sides of the aisle.

Mr. Speaker, I urge all my colleagues to join me in supporting it, and I reserve the balance of my time.

Mr. COMER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Congress is charged with overseeing the general management and operations of government agencies. For the success of each Federal program, we must have a competent and skilled workforce to deliver services to the American people, defend our Nation, and execute the laws passed by Congress. However, agencies currently lack the tools to identify and hire the best candidates to fill the broad types of job positions supporting the Federal Government's various missions and programs.

The problem is that hiring for the Federal civil service has over-relied on the paper credentials and self-administered job proficiency assessments of candidates.

The Chance to Compete Act makes sure agencies use objective, skills-based assessments to evaluate job candidates. The private sector already uses such structured interviews, knowledge tests, and writing samples for the hiring process. It is time for the Federal Government to do so, as well.

Agencies should be able to hire professionals that can do the work, and

there are many ways to build the right kind of professional expertise.

H.R. 6967 represents one of those rare, bipartisan legislative reforms that targets a specific problem, implements tested solutions, and reflects private-sector best practices. The bill codifies and improves upon policy initiatives begun in the Trump administration which the Biden administration is continuing to implement.

Mr. Speaker, I thank the House Oversight and Reform Committee Chairwoman MALONEY and Government Operations Subcommittee Chairman GERRY CONNOLLY for working diligently with the bill's cosponsor, Congressman JODY HICE, to strengthen this bipartisan bill.

□ 1530

Mr. Speaker, I thank Representatives RO KHANNA, VIRGINIA FOXX, and KWEISI MFUME for their support. We hope that our Senate colleagues can rapidly advance this important legislation so it can be signed into law this year, and I urge my colleagues to support this smart reform bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. HICE), the ranking member of the Subcommittee on Government Operations.

Mr. HICE of Georgia. Mr. Speaker, I appreciate the support and comments both from Ranking Member COMER and Chairwoman MALONEY. I appreciate that a great deal.

The concept of this bill is quite simple. It allows us to hire applicants for Federal positions based on whether or not they have the skills for the job. It is really that simple.

Too frequently, the hiring process is based on whether or not someone has a degree whether or not that degree has anything to do with the specific position or not.

Currently, hiring managers also have to rely on self-assessments that are filled out by applicants to determine their strengths and weaknesses. Not surprisingly, those assessments also are likely not to work.

This Chance to Compete Act simply allows agencies to develop appropriate skills that are based on examinations so that the applicants show what they can do. Federal supervisors have said for a long time that their top concern is getting a pool of quality candidates to do the job, and this bill addresses that problem head-on.

It will facilitate agencies sharing information about candidates who have passed assessments, which will make the hiring process more efficient across the government, saving both time and money. It also creates teams of subject matter experts to help agencies create assessments that are geared for the job.

This builds off what was started in the Trump administration, and I likewise express my thanks to Representatives KHANNA, FOXX, MFUME, and MACE for their cosponsorship, as well as Chairman CONNOLLY, my colleague

from the Subcommittee on Government Operations.

This is good policy. It will help America's government work more efficiently.

Mr. Speaker, I urge my colleagues to support this smart reform bill.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. COMER. Mr. Speaker, this is a commonsense bill aimed at hiring applicants for Federal positions based on whether they have the relevant skills to do the job. The American people deserve nothing less from their Federal Government.

Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 6967, and I yield back the balance of my time.

Mr. Speaker, I rise in support of H.R. 6967, the Chance to Compete Act.

This bill is a good first step in reforming how we find and hire talent to the federal civil service and removes barriers that prevent agencies from recruiting the best talent.

The bill specifically eliminates antiquated hiring assessment tools, improves federal agencies' hiring process, and allows qualified applicants to compete for open positions across government. This bill will move government away from a focus on academic parchment to a prioritization on skills and expertise.

I'm proud to be a cosponsor of this bill, introduced by my Ranking Member JODY HICE and my Oversight colleague RO KHANNA.

The bill came to us from the Senate, less than perfect and opposed by the Administration.

But parties across both chambers worked together to draft an updated version of the bill that incorporates important feedback from the Office of Personnel Management and the Office of Management and Budget.

As currently drafted, the bill would:

Redefine competitive-service hiring applicant assessments to help agencies focus on candidates who can perform on the job.

Put subject-matter experts at the helm of hiring, empowering those who can best distinguish practical performers from the field of candidates.

Require OPM to begin a review of all federal "duties" that require an educational achievement level for hiring purposes, and then instructs OPM to make available online the data.

Clarify to agencies, Congress, and the public why some positions, like a doctor at the Department of Veterans Affairs, must have an advanced degree, while a cybersecurity expert at the Department of Homeland Security would benefit from a seasoned specialist, trained from the field.

Authorize "talent teams" in agency human resources offices—ensuring each agency has a key group of staff focused on improving federal hiring.

I thank Ranking Member HICE for working with me to improve this bill and ensure it is policy that all stakeholders, including the Administration and our union partners, believe will improve how we find and recruit talent to the federal government.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6967, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SERGEANT GERALD T. "JERRY" DONNELLAN POST OFFICE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6267) to designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT GERALD T. "JERRY" DONNELLAN POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, shall be known and designated as the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Gerald T. 'Jerry' Donnellan Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Georgia (Mr. HICE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support today of H.R. 6267, authored by my good friend and colleague from the great State of New York.

This bill will designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the Sergeant Gerald T. "Jerry" Donnellan Post Office.

Sergeant Donnellan was born on December 18, 1946, in Nyack, New York, as

the youngest of five children. He graduated from Albertus Magnus High School and went on to major in English at Rockland Community College and Texas A&M University.

During the height of the Vietnam war, Sergeant Donnellan was drafted into the Army and began his basic training at Fort Gordon in Georgia. After several months, he was deployed to Vietnam.

On the front lines, Sergeant Donnellan sustained life-threatening injuries after an enemy grenade exploded in front of him. While in recovery at Valley Forge, he received the Purple Heart.

After recovery, Sergeant Donnellan worked in the Veterans Service Agency office of Rockland County as commissioner of veterans affairs until his retirement in January 2018.

During his tenure, he created the local Chapter 333 of the Vietnam Veterans of America, started a veterans' health clinic, helped create Camp Shanks Museum in Orangetown, established the Rockland County Buffalo Soldiers Award to recognize the contributions of African-American veterans, and established the Rockland County Public Service Medal to honor those who served in Afghanistan, Iraq, and the global war on terror.

Mr. Speaker, I urge my colleagues to join me in honoring Sergeant Donnellan, a Purple Heart recipient, by naming the post office after him.

Mr. Speaker, I reserve the balance of my time.

Mr. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6267, which honors Gerald T. Donnellan.

Mr. Donnellan served in the U.S. Army during the Vietnam war, rising to the rank of sergeant and receiving three Purple Hearts.

After the war, his service to his country and community continued for his entire life. He served as commissioner of veterans affairs in Rockland County, New York, for 30 years and was responsible for starting a veterans' health clinic in the county.

He leaves a legacy of other noteworthy accomplishments. He established a local chapter of the Vietnam Veterans of America. He helped create the Camp Shanks Museum, commemorating the military facility that served as the largest point of embarkation for soldiers headed for the front lines in North Africa and Europe during World War II.

He also established the Rockland County Buffalo Soldiers Award to recognize the contribution of African-American veterans.

He helped start the Memorial Day watchfires in 1987 as an alternative to a parade for Vietnam veterans, and he established the Rockland County Public Service Medal to honor those who served in Afghanistan, Iraq, and the global war on terror.

Gerald T. Donnellan was a true patriot who committed his life to the United States for veterans and his local community.

Mr. Speaker, I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. JONES), the distinguished vice chair of the Committee on the Judiciary's Subcommittee on Courts, Intellectual Property, and the Internet.

Mr. JONES. Mr. Speaker, I rise in strong support of my bill, H.R. 6267, to designate the post office located at 15 Chestnut Street in Suffern, New York, as the Sergeant Gerald T. "Jerry" Donnellan Post Office.

I am humbled to honor the late Sergeant Jerry Donnellan, whose memory brings great pride to all of us in New York's 17th Congressional District.

Mr. Donnellan was a Valley Cottage native and a three-time Purple Heart recipient who served in Vietnam as a U.S. Army sergeant. During an ambush, he was wounded and lost his lower right leg to a grenade. He underwent countless surgeries and extensive physical therapy before returning home to Rockland County in 1970.

Against all odds, Mr. Donnellan persevered. He learned to walk again alongside his newborn son. He even pursued his passion for theater and built a successful career as a stage manager for nearly two decades, including for Frank Sinatra.

But he never lost his love for public service. In 1986, when he learned of high rates of servicemember and veteran suicides, Mr. Donnellan was moved. He became a veterans counselor at Rockland County's Veterans Agency Office.

In 1992, he was appointed Rockland County's commissioner of veterans affairs. During his tenure, Sergeant Donnellan created local Chapter 333 of the Vietnam Veterans of America and started a veterans' health clinic. He helped create Camp Shanks Museum in the town of Orangetown and established the Rockland County Buffalo Soldiers Award to recognize the contributions of Black veterans.

He helped to start the Memorial Day watchfires in 1987, the year I was born, and established the Rockland County Public Service Medal to honor those who served in Afghanistan and Iraq.

Sergeant Donnellan never relented in his advocacy for our veterans and their families. He embodied selflessness as a soldier and civilian, treating every veteran and every person with the respect and dignity they deserve.

Today, we honor Sergeant Donnellan's life and his legacy. His commitment to serving our country and our fellow Americans should inspire us all.

Mr. HICE of Georgia. Mr. Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I commend my colleague and friend, MONDAIRE JONES, for his leadership on this bill and so many other areas here in Congress. He certainly deserves this name-changing for the post office there.

Mr. Speaker, I urge passage of H.R. 6267, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6267.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RONALD A. ROBINSON POST OFFICE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6080) to designate the facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the "Ronald A. Robinson Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6080

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RONALD A. ROBINSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, shall be known and designated as the "Ronald A. Robinson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Ronald A. Robinson Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) and the gentleman from Georgia (Mr. HICE) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6080 to designate the facility of the U.S. Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the Ronald A. Robinson Post Office.

Mr. Robinson was a graduate of the University of Arkansas at Fayetteville, where he earned a bachelor's degree in journalism. He went on to study public relations at Boston University's Graduate School of Public Communications.

He served in the U.S. Air Force as a captain and was awarded a Bronze Star in Vietnam. He also received the Air Force Commendation Medal in 1969 for his support of the Apollo 11 mission to the Moon.

Mr. Robinson, in 1970, joined the marketing and communications firm Cranford Johnson Robinson Woods. After 26 years, he retired from the firm as its chief executive officer. During his tenure, the firm became the largest advertising agency in Arkansas, with notable business and political clients.

In 1993, he was appointed to the U.S. Postal Service's Citizens' Stamp Advisory Committee by the U.S. Postmaster General. In 2005, Mr. Robinson was named chairman of that committee. During his 15 years serving on the committee, Mr. Robinson was involved in the creation and production of more than 1,750 postage stamp issues.

He used his influence to highlight Arkansas in several of the newly issued postage stamps.

Mr. Speaker, I encourage my colleagues to join in honoring Mr. Robinson by naming a post office in Little Rock, Arkansas, after him.

Mr. Speaker, I reserve the balance of my time.

□ 1545

Mr. HICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6080, which honors Ronald A. Robinson.

We name many post offices for a variety of reasons around here, but the one we are considering now is notable in that it reflects Mr. Robinson's lifelong interest in and support of postal matters.

Specifically, Mr. Robinson was an avid stamp collector, but this was not just a hobby. In fact, between 1993 and 2008, he served on the Postal Service's Citizens' Stamp Advisory Committee, a body appointed by the Postmaster General to recommend subjects for commemoration on U.S. postal stamps. Mr. Robinson served as chairman of the committee for the last 3 years of his life and tenure.

Over the 15 years he served on the committee, Mr. Robinson was involved in the creation and production of more than 1,750 postal stamps. In addition to his service to the Postal Service, Mr. Robinson served as captain in the U.S. Air Force during the Vietnam war, for which he was awarded a Bronze Star. He also received the Air Force Commendation Medal for his support of the Apollo 11 mission to the Moon.

In addition to his public service, Mr. Robinson also enjoyed a successful private-sector career. After leaving the Air Force, he joined Cranford, Johnson,

Robinson, Woods, a marketing and communications firm in Arkansas.

He began as an intern at the firm and rose to become the firm's CEO—helping build it into the largest advertising agency in Arkansas and receiving numerous awards and recognitions along the way.

Mr. Speaker, Mr. Robinson passed away in 2018, leaving a legacy of service and accomplishment. I encourage my colleagues to support this bill, and I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I reserve the balance of my time.

Mr. HICE of Georgia. Mr. Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. HILL), the author of this bill.

Mr. HILL. Mr. Speaker, I thank my friend, Mr. HICE, and the chairwoman for this time.

Mr. Speaker, I do indeed rise today in support of H.R. 6080, the bill to designate the U.S. Post Office at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the Ronald A. Robinson Post Office.

Ron, as he was known, was truly larger than life. Ron was born on April 3, 1943, and he passed away August 14, 2018, at 75 years old. Ron lived an extraordinary life that included serving with distinction as an Air Force captain, communications professional, and an avid stamp collector.

Ron attended the University of Arkansas at Fayetteville, where he earned his degree in journalism. While studying journalism, he was a sports-writer covering the Arkansas Razorbacks for the Arkansas Gazette. He was also editor of the University of Arkansas newspaper, The Arkansas Traveler.

In 1966, Ron attended the Boston University Graduate School of Public Communications to study public relations.

Ron joined the Air Force, and he served as an officer for nearly 5 years. During his time in the Air Force, he rose to the rank of captain. His assignments included being the head of internal information for the nationwide Air Force ROTC program. He was also chief of combat news and the director of information for the Defense Intelligence Agency's Aeronautical Chart and Information Center.

Ron earned a Bronze Star for his service in Vietnam. He also earned the Air Force Commendation Medal for his support of 1969 Apollo 11 mission to the Moon. After his career as a sports-writer and Air Force captain, Ron became a PR expert at Cranford, Johnson.

Out of his public relations career, Ron was an avid collector of Arkansas political and historical memorabilia, U.S. postage stamps, and vintage movie posters. His house was literally a museum.

Ron began collecting stamps as a boy. He loved history and pop culture. Stamps were able to connect both of these interests for Ron Robinson.

In 1993, Ron was appointed to the U.S. Postal Service's Citizens' Stamp Advisory Committee by the U.S. Postmaster General. The U.S. Postal Service's Citizens' Stamp Advisory Committee recommends new postage stamps to the Postmaster General.

Serving on that committee was the role of a lifetime for Ron Robinson. It was an incredible honor for him, and he treasured every moment of his 15 years. He served as chair of the committee from 2005 to 2008, when, as noted, over that period of time he was involved in the creation and development of 1,750 postage stamps.

Some of Ron's favorites are here with us: 1996 Fulbright Scholarship stamp; the 2001 Hattie Caraway, the first woman elected to the United States Senate; and the 2005 Little Rock Central High School civil rights stamp.

Ron was able to use his influence to ensure that Arkansas was the subject of many newly issued postage stamps.

Ron's work and love for stamps made him an influential figure in the city of Little Rock and our State of Arkansas. He was a father, mentor, and good friend to many, including me.

Ron was well-known for being a prolific writer, and he would write hundreds of handwritten thank you notes and cards to his friends for encouragement throughout his life. He enjoyed writing those notes and placing the postage stamp on the envelope himself.

Ron's love for postage stamps and his work on the Postal Service's Citizens' Stamp Advisory Committee makes him the ideal citizen—as my friend, Mr. HICE, noted—to lend his name to his neighborhood post office after recognition of his lifetime of service to Arkansas and the United States.

Mr. Speaker, I urge all my colleagues to support this bill, and I thank my friends on both sides of the aisle.

Mr. HICE of Georgia. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, this is a good bill. I urge my colleagues to support it, and I yield back the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I urge passage of H.R. 6080, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) that the House suspend the rules and pass the bill, H.R. 6080.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

IMPROVING TRAUMA SYSTEMS AND EMERGENCY CARE ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 8163) to amend the Public Health Service Act with respect to trauma care, as amended.

The Clerk read the title of the bill. The text of the bill is as follows:

H.R. 8163

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Trauma Systems and Emergency Care Act".

SEC. 2. TRAUMA CARE REAUTHORIZATION.

(a) IN GENERAL.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—
(A) in paragraph (3)—
(i) by inserting "analyze," after "compile,";

and
(ii) by inserting "and medically underserved areas" before the semicolon;

(B) in paragraph (4), by adding "and" after the semicolon;

(C) by striking paragraph (5); and

(D) by redesignating paragraph (6) as paragraph (5);

(2) by redesignating subsection (b) as subsection (c); and

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

"(b) TRAUMA CARE READINESS AND COORDINATION.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall support the efforts of States and consortia of States to coordinate and improve emergency medical services and trauma care during a public health emergency declared by the Secretary pursuant to section 319 or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Such support may include—

"(1) developing, issuing, and updating guidance, as appropriate, to support the coordinated medical triage and evacuation to appropriate medical institutions based on patient medical need, taking into account regionalized systems of care;

"(2) disseminating, as appropriate, information on evidence-based or evidence-informed trauma care practices, taking into consideration emergency medical services and trauma care systems, including such practices identified through activities conducted under subsection (a) and which may include the identification and dissemination of performance metrics, as applicable and appropriate; and

"(3) other activities, as appropriate, to optimize a coordinated and flexible approach to the emergency response and medical surge capacity of hospitals, other health care facilities, critical care, and emergency medical systems."

(b) GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS.—Section 1202 of the Public Health Service Act (42 U.S.C. 300d-3) is amended—

(1) by amending the section heading to read as follows: "GRANTS TO IMPROVE TRAUMA CARE IN RURAL AREAS";

(2) by amending subsections (a) and (b) to read as follows:

"(a) IN GENERAL.—The Secretary shall award grants to eligible entities for the purpose of carrying out research and demonstration projects to support the improvement of emergency medical services and trauma care in rural areas through the development of innovative uses of technology, training and education, transportation of seriously injured patients for the purposes of receiving such emergency medical services, access to prehospital care, evaluation of protocols for the purposes of improvement of outcomes and dissemination of any related best practices, activities to facilitate clinical research, as applicable and appropriate, and increasing communication and coordination with applicable State or Tribal trauma systems.

"(b) ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To be eligible to receive a grant under this section, an entity shall be a

public or private entity that provides trauma care in a rural area.

“(2) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to eligible entities that will provide services under the grant in any rural area identified by a State under section 1214(d)(1).”; and

(3) by adding at the end the following:

“(d) **REPORTS.**—An entity that receives a grant under this section shall submit to the Secretary such reports as the Secretary may require to inform administration of the program under this section.”.

(c) **PILOT GRANTS FOR TRAUMA CENTERS.**—Section 1204 of the Public Health Service Act (42 U.S.C. 300d–6) is amended—

(1) by amending the section heading to read as follows: “**PILOT GRANTS FOR TRAUMA CENTERS**”; and

(2) in subsection (a)—

(A) by striking “not fewer than 4” and inserting “10”; and

(B) by striking “that design, implement, and evaluate” and inserting “to design, implement, and evaluate new or existing”; and

(C) by striking “emergency care” and inserting “emergency medical”; and

(D) by inserting “, and improve access to trauma care within such systems” before the period;

(3) in subsection (b)(1), by striking subparagraphs (A) and (B) and inserting the following: “(A) a State or consortia of States;”

“(B) an Indian Tribe or Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act);”

“(C) a consortium of level I, II, or III trauma centers designated by applicable State or local agencies within an applicable State or region, and, as applicable, other emergency services providers; or

“(D) a consortium or partnership of nonprofit Indian Health Service, Indian Tribal, and urban Indian trauma centers.”;

(4) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “that proposes a pilot project”; and

(ii) by striking “an emergency medical and trauma system that—” and inserting “a new or existing emergency medical and trauma system. Such eligible entity shall use amounts awarded under this subsection to carry out 2 or more of the following activities.”;

(B) in paragraph (1)—

(i) by striking “coordinates” and inserting “Strengthening coordination and communication”; and

(ii) by striking “an approach to emergency medical and trauma system access throughout the region, including 9–1–1 Public Safety Answering Points and emergency medical dispatch,” and inserting “approaches to improve situational awareness and emergency medical and trauma system access.”;

(C) in paragraph (2)—

(i) by striking “includes” and inserting “Providing”; and

(ii) by inserting “support patient movement to” after “region to”; and

(iii) by striking the semicolon and inserting a period;

(D) in paragraph (3)—

(i) by striking “allows for” and inserting “Improving”; and

(ii) by striking “; and” and inserting a period;

(E) in paragraph (4), by striking “includes a consistent” and inserting “Supporting a consistent”; and

(F) by adding at the end the following:

“(5) Establishing, implementing, and disseminating, or utilizing existing, as applicable, evidence-based or evidence-informed practices across facilities within such emergency medical and trauma system to improve health outcomes, including such practices related to management of injuries, and the ability of such facilities to surge.

“(6) Conducting activities to facilitate clinical research, as applicable and appropriate.”;

(5) in subsection (d)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “the proposed” and inserting “the applicable emergency medical and trauma system”; and

(ii) in clause (i), by inserting “or Tribal entity” after “equivalent State office”; and

(iii) in clause (vi), by striking “; and” and inserting a semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

“(B) for eligible entities described in subparagraph (C) or (D) of subsection (b)(1), a description of, and evidence of, coordination with the applicable State Office of Emergency Medical Services (or equivalent State Office) or applicable such office for a Tribe or Tribal organization; and”;

(6) in subsection (f), by striking “population in a medically underserved area” and inserting “medically underserved population”; and

(7) in subsection (g)—

(A) in the matter preceding paragraph (1), by striking “described in”; and

(B) in paragraph (2), by striking “the system characteristics that contribute to” and inserting “opportunities for improvement, including recommendations for how to improve”; and

(C) by striking paragraph (4);

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

(E) in paragraph (4), as so redesignated, by striking “; and” and inserting a semicolon;

(F) in paragraph (5), as so redesignated, by striking the period and inserting “; and”; and

(G) by adding at the end the following:

“(6) any evidence-based or evidence-informed strategies developed or utilized pursuant to subsection (c)(5).”; and

(8) by amending subsection (h) to read as follows:

“(h) **DISSEMINATION OF FINDINGS.**—Not later than 1 year after the completion of the final project under subsection (a), the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the information contained in each report submitted pursuant to subsection (g) and any additional actions planned by the Secretary related to regionalized emergency care and trauma systems.”.

(d) **PROGRAM FUNDING.**—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended by striking “2010 through 2014” and inserting “2023 through 2027”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8163.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 8163, the Improving Trauma Systems and Emergency Care Act, sponsored by Representative O'HALLERAN of Arizona. This bill will

improve access to trauma services throughout the country and better coordinate emergency care when patients need it the very most.

Traumatic injury is a major public health issue claiming more than 270,000 lives every year, and accounting for billions of dollars in healthcare spending throughout the Nation.

Trauma affects every one of our communities, but about 46 million Americans, most of whom live in rural areas, do not live within one hour of a Level I or Level II trauma center. This is often referred to as the “golden hour” following traumatic injury. Prompt medical treatment during this hour produces the highest likelihood of preventing a patient's death.

H.R. 8163 reauthorizes grants that will enhance access to trauma care, improve coordination among trauma systems, and provide resources for rural access to trauma services. The grants included in the bill are intended to help trauma systems develop best practices, not only for their own patients, but also to facilitate the dissemination of those best practices to similar trauma systems throughout the Nation to improve overall care.

Mr. Speaker, I thank my colleagues on the Energy and Commerce Committee for their tremendous work to reach bipartisan agreement on this bill. I also commend Representative O'HALLERAN for his tireless advocacy on this issue for all rural communities.

Mr. Speaker, H.R. 8163 is a strong bill that will help people in every community. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express my support for H.R. 8163, the Improving Trauma Systems and Emergency Care Act of 2022, which is sponsored by my Energy and Commerce Committee colleague, Representative TOM O'HALLERAN.

This legislation renews a program in the Public Health Service Act that authorizes the Secretary of Health and Human Services to award grants to improve local trauma care readiness and emergency medical services.

According to the Centers for Disease Control and Prevention, the CDC, trauma is a leading cause of death for children and adults under the age of 44. Ensuring access to trauma care requires many crucial components, and the window of opportunity for a chance at survival is narrow for a severely injured patient; a prompt response is truly a matter of life and death.

However, in many rural parts of the United States, accident victims and others suffering life-threatening injuries may not be able to receive needed trauma care within an hour, or even many hours, following an incident.

H.R. 8163 will help ensure seriously injured patients have the best possible chance for survival by supporting States to coordinate and improve regional emergency medical services and

trauma care, and by supporting trauma centers to improve their emergency system situational awareness and access.

The bill also authorizes grants for carrying out research and demonstration projects to support the improvement of emergency medical services and trauma care in rural areas.

Mr. Speaker, I thank Chair PALLONE and Chair ESHOO for working with us to make sure the State match is maintained.

Mr. Speaker, I urge adoption of this bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I urge the passage of 8163, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also urge support. This is bipartisan. This is really important to rural areas, in particular.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 8163, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1600

MAXIMIZING OUTCOMES THROUGH BETTER INVESTMENTS IN LIFE-SAVING EQUIPMENT FOR (MOBILE) HEALTH CARE ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 958) to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Maximizing Outcomes through Better Investments in Lifesaving Equipment for (MOBILE) Health Care Act”.

SEC. 2. NEW ACCESS POINTS GRANTS.

(a) IN GENERAL.—Section 330(e)(6)(A) of the Public Health Service Act (42 U.S.C. 254b(e)(6)(A)) is amended by adding at the end the following:

“(v) MOBILE UNITS.—An existing health center may be awarded funds under clause (i) to establish a new delivery site that is a mobile unit, regardless of whether the applicant

additionally proposes to establish a permanent, full-time site. In the case of a health center that is not currently receiving funds under this section, such health center may be awarded funds under clause (i) to establish a new delivery site that is a mobile unit only if such health center uses a portion of such funds to also establish a permanent, full-time site.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2024.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 958.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 958, the Maximizing Outcomes through Better Investments in Life-saving Equipment for Health Care Act, or the MOBILE Health Care Act. This Senate bill is the companion to H.R. 5141, which passed out of the Energy and Commerce Committee last week. The bipartisan bill will help expand access to community health centers and the important care they provide to individuals who live in hard-to-reach areas of the country.

Community health centers are a critical source of care for nearly 30 million Americans. Unfortunately, many people who live in rural and geographically isolated areas can struggle to reach a community health center. Many others may lack access to reliable transportation that can make it difficult to get the care they need.

Now, one way to mitigate these barriers to access is to allow community health centers to establish mobile health clinics. These clinics can meet people where they live to provide the care they need. There is already funding to establish new community health centers through the New Access Points grants but, unfortunately, existing rules for these grants make it difficult to receive Federal funding to set up these mobile sites.

So this legislation will make it easier for community health centers to use New Access Points grants to establish mobile clinics and help eliminate one of the barriers to care for rural areas.

I thank Representatives SUSIE LEE, HUDSON, RUIZ, and HERRERA BEUTLER for their leadership on this issue and their hard work to advance this important bill.

The House companion to this commonsense, bipartisan legislation was voted out of the Energy and Commerce Committee by a unanimous vote of 52-

to-0 last week, so I am proud to support this bill, and I look forward to sending it to the President's desk.

I urge my colleagues to join me in supporting S. 958, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 958, the Maximizing Outcomes through Better Investments in Life-saving Equipment, or the MOBILE Health Care Act.

Federally Qualified Health Centers, or FQHCs, are an integral part of the healthcare system. They provide much-needed healthcare services to some of our most vulnerable populations, the uninsured, pregnant women, children, those suffering from homelessness, and veterans, as well as Medicare and Medicaid beneficiaries.

It can be difficult for patients to access care at FQHCs in rural and underserved areas due to transportation constraints. One way to help improve healthcare delivery is for FQHCs to meet patients where they are by deploying mobile units.

The MOBILE Health Care Act will allow existing FQHCs to use their New Access Point grants to establish mobile health units without also creating new brick-and-mortar sites and without authorizing any new grant programs or funding.

Further, it allows new applicants to use these grants to purchase mobile health units if they also use a portion of the grant to establish a permanent, full-time site.

This bill will help increase access to affordable primary care services across the country, especially in rural areas, like my district.

I thank the bill's sponsors, Representatives HUDSON, HERRERA BEUTLER, LEE, and RUIZ for introducing this important legislation.

I urge my colleagues to support the underlying bill, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Mrs. LEE), the sponsor of this legislation.

Mrs. LEE of Nevada. Mr. Speaker, I thank the chairman for his leadership, as well as my cosponsors: Representatives HUDSON, HERRERA BEUTLER, and RUIZ for their hard work in supporting this piece of legislation.

I rise today in strong support of my bipartisan legislation, the MOBILE Health Care Act, which will help more Americans access the quality healthcare they need and deserve.

In my State of Nevada, more than two-thirds of residents live in a primary care health professional shortage area. In our rural communities, that number goes to 82 percent.

Needless to say, the situation is dire, and that is why expanding access to quality healthcare has been a priority of mine since I have been a Member of Congress.

Expanding the capabilities of Federally Qualified Health Centers, commonly known as FQHCs, has been a top

focus of mine when it comes to expanding access to healthcare. That is because FQHCs lead the Nation in driving quality improvement, while reducing healthcare costs.

Across this country, 1 in 11 Americans, including 400,000 veterans, and nearly 9 million children, rely on FQHCs for their primary healthcare. They have been a huge success in expanding quality care, but the reality is, smaller, rural communities do not have the population base to support full-time health centers.

There are also many Americans, in both rural and urban areas, who lack transportation to access their closest FQHC, and that is exactly where mobile health units come in. Mobile health units have the capability to bring high-quality healthcare to all Americans, especially those in underserved areas.

My bill will allow FQHCs this important flexibility to use their Federal New Access Point grants to establish mobile health units. This will allow health centers to better serve their communities, especially communities that have traditionally been hard to reach; and this does so at no additional cost to the taxpayer.

In my district, we have seen the difference these mobile units make. For example, the Nevada Health Centers currently runs three mobile health units: The Children's Mobile Medical Unit, the Ronald McDonald Care Mobile Unit, and the Mammovan.

The Mammovan is a mobile mammography unit that travels to underserved areas of our State, providing mammograms to women in geographically isolated areas and those who may not otherwise seek this important preventative care that will allow for early detection and simply will save lives.

The First Person Care Clinic in Nevada also has a mobile health unit and is in the process of setting up a second one, which will expand access to primary care to more patients from Las Vegas, to Henderson, to Laughlin.

Recently, I had the opportunity to see firsthand the Mammovan in action, and I am proud of all of Nevada's health centers and the southern Nevada Health District who are leading the way in providing lifesaving mobile healthcare for Nevadans.

We must build off these success stories and ensure health centers across America can utilize mobile health units where they make sense to better serve their communities.

We must keep working to ensure that every American has access to healthcare they need and deserve; and that is why I encourage my colleagues to vote "yes" on this critical piece of legislation today.

Mr. GUTHRIE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), my Energy and Commerce Committee colleague.

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today to express my support for S. 958, the companion

bill to H.R. 5141, the MOBILE Health Care Act.

As my colleagues have pointed out, community health centers across the country play a crucial role in ensuring rural and underserved communities have access to affordable, quality healthcare.

For more than 50 years, health centers have provided services to America's most vulnerable population and medically underserved communities. These centers are the healthcare home for nearly 29 million patients, including 9 million children and over 400,000 veterans.

The MOBILE Health Care Act that we are considering today would help these centers further expand their reach to the most rural areas of our country by giving them greater flexibility and allowing them to bring clinics even closer to the patients that they serve.

I understand the need for increasing access to health services and appreciate how beneficial health centers have proven to be in my district. Community health centers are an integral part of the healthcare safety net, and this bill will improve access to care for many of my constituents. I encourage my colleagues to support this bill.

Mr. GUTHRIE. Mr. Speaker, this is an important piece of legislation. I urge my colleagues to vote "yes," and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, this is an important bill. It is bipartisan. I urge my colleagues to vote "yes," and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KAHELE). The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 958.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

INFORMING CONSUMERS ABOUT SMART DEVICES ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4081) to require the disclosure of a camera or recording capability in certain internet-connected devices, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4081

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Informing Consumers about Smart Devices Act".

SEC. 2. REQUIRED DISCLOSURE OF A CAMERA OR RECORDING CAPABILITY IN CERTAIN INTERNET-CONNECTED DEVICES.

Each manufacturer of a covered device shall disclose whether the covered device manufactured by the manufacturer contains a camera or microphone as a component of the covered device.

SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of section 2 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) ACTIONS BY THE COMMISSION.—

(1) IN GENERAL.—The Federal Trade Commission shall prevent any person from violating this Act or a regulation promulgated under this Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act.

(2) PENALTIES AND PRIVILEGES.—Any person who violates this Act or a regulation promulgated under this Act shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(c) COMMISSION GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Commission, through outreach to relevant private entities, shall issue guidance to assist manufacturers in complying with the requirements of this Act, including guidance about best practices for making the disclosure required by section 2 as clear and conspicuous as practicable.

(d) TAILORED GUIDANCE.—A manufacturer of a covered device may petition the Commission for tailored guidance as to how to meet the requirements of section 2.

(e) LIMITATION ON COMMISSION GUIDANCE.—No guidance issued by the Commission with respect to this Act shall confer any rights on any person, State, or locality, nor shall operate to bind the Commission or any person to the approach recommended in such guidance. In any enforcement action brought pursuant to this Act, the Commission shall allege a specific violation of a provision of this Act. The Commission may not base an enforcement action on, or execute a consent order based on, practices that are alleged to be inconsistent with any such guidelines, unless the Commission determines such practices expressly violate section 2.

SEC. 4. DEFINITION OF COVERED DEVICE.

As used in this Act, the term "covered device"—

(1) means a consumer product, as defined by section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a)) that is capable of connecting to the internet, a component of which is a camera or microphone; and

(2) does not include—

(A) a telephone (including a mobile phone), a laptop, tablet, or any device that a consumer would reasonably expect to have a microphone or camera;

(B) any device that is specifically marketed as a camera, telecommunications device, or microphone; or

(C) any device or apparatus described in sections 255, 716, and 718, and subsections (aa) and (bb) of section 303 of the Communications Act of 1934 (47 U.S.C. 255; 617; 619; and 303(aa) and (bb)), and any regulations promulgated thereunder.

SEC. 5. EFFECTIVE DATE.

This Act shall apply to all devices manufactured after the date that is 180 days after

the date on which guidance is issued by the Commission under section 3(c), and shall not apply to devices manufactured or sold before such date, or otherwise introduced into interstate commerce before such date.

SEC. 6. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4081.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4081, the Informing Consumers About Smart Devices Act.

For consumers, the benefits of technological progress are all around us. Perhaps nowhere is this more apparent than in our homes. The growing array of smart devices and household appliances with voice, video, and internet connectivity and technology make our lives easier, more entertaining, and more comfortable.

So, while there is no question that smart refrigerators, home assistants like Amazon's Alexa, and the countless other internet-connected devices that have microphones or cameras benefit consumers, there is also no question that these devices should not be able to listen to or watch us without our knowledge or consent. Unfortunately, studies confirm that many devices do not disclose these capabilities. Some are easily tricked into recording when people do not want them to do so.

So H.R. 4081 addresses this straightforward problem with a straightforward solution. The bill requires manufacturers of internet-connected devices that are equipped with a camera or microphone to disclose to consumers that a camera or microphone is part of the device. The bill does not apply to mobile phones, laptops, or other devices that a consumer would already reasonably expect to include a camera or microphone.

Now, the Federal Trade Commission must issue guidance to help businesses comply with these new requirements and may seek penalties, including civil penalties, for violations.

This bill will protect consumers; and I commend Representatives CURTIS and

MOULTON for their bipartisan work on this legislation.

This bill is commonsense, balanced, and bipartisan. It is a solution to an issue that touches all Americans. It unanimously passed out of the Energy and Commerce Committee in July by a vote of 53-to-0 and is yet another example of the work the committee is doing to protect consumers. I hope that trend continues today here on the House floor because there is no reason why consumers should ever be spied on by their own household devices without their knowledge and consent.

So, Mr. Speaker, I urge all my colleagues to support this important consumer protection legislation, and I reserve the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4081, the Informing Consumers About Smart Devices Act, introduced by Representative CURTIS.

In the past few years, we have seen a tremendous advancement in the development of technologies in consumer products. While many of these technologies make everyday life more convenient, they also have the ability to collect data from their users without their knowledge.

While it may be apparent to users that a laptop has the ability to record conversations, it certainly may not be clear that other devices like televisions, refrigerators, even toasters, have the same capabilities.

This bipartisan legislation would simply require manufacturers of the internet-connected devices that contain a microphone or a camera, and that do not market themselves as such consumer electronics, to disclose to consumers that such a component is part of the device, either pre- or post-sale.

We owe it to our constituents to ensure these types of devices are not recording them without their consent and collecting data when their users are not aware.

I thank Representatives CURTIS and MOULTON for their bipartisan work on H.R. 4081.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

□ 1615

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I want to take this opportunity to talk about one of our key staff people who is leaving in the next few days. The person, of course, is Jerry Leverich, who is right behind me here.

Jerry has played an instrumental role in the committee's work, not only with consumer protection but on so many issues. Shortly after I became the top Democrat on the committee, more than 7 years ago, he started. He is currently the staff director for both our Subcommittee on Communications and Technology and our Subcommittee on Consumer Protection and Commerce.

Over these last 7 years since he has been here, he has played a critical role in our efforts to expand access to broadband nationwide, make internet service more affordable, and protect consumers from annoying robocalls.

I have to also say that if it wasn't for him, I don't know that I would be able to deal with a lot of technological issues in the committee or even explain a lot of what we are doing on the issues.

He led our efforts this summer, on the Democratic side, on passing out of committee for the first time the bicameral and bipartisan consumer data privacy bill, which we consider on both sides of the aisle a significant achievement. We are still working, obviously, to bring that to the House floor before the end of this session of Congress.

Mr. Speaker, I thank him for his counsel. I wish him nothing but the best in his future endeavors. Obviously, we don't want him to leave. I also want to say that not only is Jerry such an expert and so intelligent and wise on so many issues, but he is also a great individual and someone you can always rely on to be straightforward and tell us when we are doing good things, tell us when we are not, telling us when we can do things that are achievable and when they are not. Generally, overall, he has been a great staff member, so I thank him.

Mr. Speaker, I ask that we all support this legislation, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time.

We wish Jerry Godspeed and thank him for the good work. I know sometimes when our staff leaves, it is bittersweet. We hate to see them go but know they are going to different opportunities. The hard work that both your side and our side of the aisle do together, sometimes when we are working on things together, sometimes negotiating together, it is always good work. We are well served. The American people, more than anything, are well served by the people who work here on Capitol Hill. I thank and congratulate Jerry.

Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 4081, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

VISIT AMERICA ACT

Ms. SCHAKOWSKY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6965) to promote travel and tourism in the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Visit America Act”.

SEC. 2. ASSISTANT SECRETARY FOR TRAVEL AND TOURISM.

Section 2(d) of the Reorganization Plan Numbered 3 of 1979 (93 Stat. 1382; 5 U.S.C. App.) is amended—

(1) by striking “There shall be in the Department two additional Assistant Secretaries” and inserting “(1) There shall be in the Department 3 additional Assistant Secretaries, including the Assistant Secretary of Commerce for Travel and Tourism,”; and

(2) by adding at the end the following:

“(2) The Assistant Secretary of Commerce for Travel and Tourism shall—

“(A) be appointed by the President, subject to the advice and consent of the Senate; and

“(B) report directly to the Under Secretary for International Trade.”.

SEC. 3. RESPONSIBILITIES OF THE ASSISTANT SECRETARY OF COMMERCE FOR TRAVEL AND TOURISM.

(a) **VISITATION GOALS.**—The Assistant Secretary of Commerce for Travel and Tourism (referred to in this section as the “Assistant Secretary”), appointed pursuant to section 2(d) of the Reorganization Plan Numbered 3 of 1979, as amended by section 2, shall—

(1) in consultation with relevant Federal agencies, establish an annual visitation goal, consistent with the goals of the travel and tourism strategy developed pursuant to section 4(1), for—

(A) the number of international visitors to the United States; and

(B) the value of travel and tourism commerce;

(2) develop recommendations for achieving the annual goals established pursuant to paragraph (1);

(3) ensure that travel and tourism policy is developed in consultation with—

(A) the Tourism Policy Council;

(B) the Secretary of State;

(C) the Secretary of Homeland Security;

(D) the National Travel and Tourism Office;

(E) Brand USA;

(F) the United States Travel and Tourism Advisory Board; and

(G) travel industry partners, including public and private destination marketing organizations, travel and tourism suppliers, and labor representatives from these industries;

(4) establish short-, medium-, and long-term timelines for implementing the recommendations developed pursuant to paragraph (2);

(5) conduct Federal agency needs assessments, in consultation with the Office of Management and Budget and other relevant Federal agencies, to identify the resources, statutory or regulatory changes, and private sector engagement needed to achieve the annual visitation goals; and

(6) provide assessments and recommendations to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the public through a publicly accessible website.

(b) **DOMESTIC TRAVEL AND TOURISM.**—The Assistant Secretary, to the extent feasible, shall—

(1) evaluate, on an ongoing basis, domestic policy options for supporting competitiveness with respect to the strengths, weaknesses, and growth of the domestic travel industry;

(2) develop recommendations and goals to support and enhance domestic tourism, separated by business and leisure; and

(3) engage public and private stakeholders to support domestic tourism.

(c) **WORKFORCE.**—The Assistant Secretary shall—

(1) consult with the Secretary of Labor to develop strategies and best practices for improving the timeliness and reliability of travel and tourism workforce data;

(2) work with the Secretary of Labor and the Bureau of Economic Analysis to improve travel and tourism industry data; and

(3) provide recommendations for policy enhancements and efficiencies.

(d) **INTERNATIONAL BUSINESS TRAVEL FACILITATION.**—The Assistant Secretary, in coordination with relevant Federal agencies, shall work to increase and facilitate international business travel to the United States and ensure competitiveness by engaging in, at a minimum—

(1) facilitating large meetings, incentives, conferences, and exhibitions to be hosted in the United States;

(2) emphasizing rural and other destinations rich in cultural heritage or ecological tourism, among other uniquely American destinations, as locations for hosting international meetings, incentives, conferences, and exhibitions in the United States; and

(3) facilitating sports and recreation events and activities, which shall be hosted in the United States.

(e) **RECOVERY STRATEGY.**—

(1) **INITIAL RECOVERY STRATEGY.**—Not later than 1 year after amounts are appropriated to accomplish the purposes of this section, the Assistant Secretary, in consultation with public and private stakeholders identified in subsection (a)(3) and public health officials, shall develop and implement a COVID-19 public health emergency recovery strategy to assist the United States travel and tourism industry to quickly recover from the pandemic.

(2) **FUTURE RECOVERY STRATEGIES.**—After assisting in the implementation of the strategy developed pursuant to paragraph (1), the Assistant Secretary, in consultation with appropriate public and private stakeholders, shall develop additional recovery strategies for the travel and tourism industry in anticipation of other unforeseen catastrophic events that would significantly affect the travel and tourism industry, such as hurricanes, floods, tsunamis, tornadoes, terrorist attacks, and pandemics.

(3) **COST-BENEFIT ANALYSIS.**—In developing the COVID-19 public health emergency recovery strategy under paragraph (1) and additional recovery strategies for the travel and tourism industry under paragraph (2), the Assistant Secretary shall conduct cost-benefit analyses that take into account the health and economic effects of public health mitigation measures on the travel and tourism industry.

(f) **REPORTING REQUIREMENTS.**—

(1) **ASSISTANT SECRETARY.**—The Assistant Secretary shall produce an annual forecasting report on the travel and tourism industry, to the extent feasible, which shall include current and anticipated—

(A) domestic employment needs;

(B) international inbound volume and spending, taking into account the lasting ef-

fects of the COVID-19 public health emergency and the impact of the recovery strategy implemented pursuant to subsection (e)(1); and

(C) domestic volume and spending, including Federal and State public land travel and tourism data.

(2) **BUREAU OF ECONOMIC ANALYSIS.**—The Director of the Bureau of Economic Analysis should annually update, to the extent feasible, the Travel and Tourism Satellite Accounts, including—

(A) State level travel and tourism spending data;

(B) travel and tourism workforce data for full-time and part-time employment; and

(C) Federal and State public lands outdoor recreational activity and tourism spending data.

(3) **NATIONAL TRAVEL AND TOURISM OFFICE.**—The Director of the National Travel and Tourism Office—

(A) in partnership with the Bureau of Economic Analysis and other relevant Federal agencies, shall report international arrival and spending data on a regular monthly schedule, which shall be made available to the Travel and Tourism Advisory Board and to the public through a publicly available website; and

(B) shall include questions in the Survey of International Air Travelers regarding wait-times, visits to public lands, and State data, to the extent applicable.

SEC. 4. TRAVEL AND TOURISM STRATEGY.

Not less frequently than once every 10 years, the Secretary of Commerce, in consultation with the United States Travel and Tourism Advisory Board, the Tourism Policy Council, the Secretary of State, and the Secretary of Homeland Security, shall develop and submit to Congress a 10-year travel and tourism strategy, which shall include—

(1) the establishment of goals with respect to the number of annual international visitors to the United States and the annual value of travel and tourism commerce in the United States during such 10-year period;

(2) the resources needed to achieve the goals established pursuant to paragraph (1); and

(3) recommendations for statutory or regulatory changes that would be necessary to achieve such goals.

SEC. 5. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.

Section 3 of the Act of July 19, 1940, entitled “An Act to encourage travel in the United States, and for other purposes” (15 U.S.C. 1546) is amended—

(1) by striking “SEC. 3” and all that follows through “The Secretary of the Interior is authorized” and inserting the following:

“SEC. 3. UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD; ADVISORY COMMITTEE.

“(a) **UNITED STATES TRAVEL AND TOURISM ADVISORY BOARD.**—

“(1) **IN GENERAL.**—There is established the United States Travel and Tourism Advisory Board (referred to in this subsection as the ‘Board’), the members of which shall be appointed by the Secretary of Commerce for 2-year terms from among companies and organizations in the travel and tourism industry.

“(2) **EXECUTIVE DIRECTOR.**—The Assistant Secretary for Travel and Tourism shall serve as the Executive Director of the Board.

“(3) **EXECUTIVE SECRETARIAT.**—The Director of the National Travel and Tourism Office of the International Trade Administration shall serve as the Executive Secretariat for the Board.

“(4) **FUNCTIONS.**—The Board’s Charter shall specify that the Board will—

“(A) serve as the advisory body to the Secretary of Commerce on matters relating to

the travel and tourism industry in the United States;

“(B) advise the Secretary of Commerce on Government policies and programs that affect the United States travel and tourism industry;

“(C) offer counsel on current and emerging issues;

“(D) provide a forum for discussing and proposing solutions to problems related to the travel and tourism industry; and

“(E) provide advice regarding the domestic travel and tourism industry as an economic engine.

“(5) RECOVERY STRATEGY.—The Board shall assist the Assistant Secretary in the development and implementation of the COVID-19 public health emergency recovery strategy required under section 3(e)(1) of the Visit America Act.

“(b) ADVISORY COMMITTEE FOR PROMOTION OF TOURIST TRAVEL.—The Secretary of Commerce is authorized”; and

(2) by striking “the Secretary of the Interior to serve” and inserting “the Secretary of Commerce to serve”.

SEC. 6. DATA ON DOMESTIC TRAVEL AND TOURISM.

The Secretary of Commerce, subject to the availability of appropriations, shall collect and make public aggregate data on domestic travel and tourism trends.

SEC. 7. COMPLETION OF PROCEEDING.

If the Secretary of Commerce has, before the date of the enactment of this Act, taken action that in whole or in part implements this Act or the amendments made by this Act, the Secretary is not required to revisit such action, but only to the extent such action is consistent with this Act and the amendments made by this Act.

SEC. 8. DEFINED TERM.

In this Act, the term “COVID-19 public health emergency”—

(1) means the public health emergency first declared on January 31, 2020, by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d) with respect to COVID-19; and

(2) includes any renewal of such declaration pursuant to such section 319.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Ms. SCHAKOWSKY) and the gentleman from Kentucky (Mr. GUTHRIE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois.

GENERAL LEAVE

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6965.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Ms. SCHAKOWSKY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 6965, the Visit America Act.

Since the beginning of the COVID pandemic, America's travel and tourism industry has been seriously upended. The pandemic caused a 48 percent reduction for the industry in 2020. The bipartisan Visit America Act is the latest bill that the House has brought to the floor to help turn the tide for a sec-

tor that has not rebounded as quickly as some others.

From the Committee on Energy and Commerce, we are so happy that we are able to bring this to the floor.

While travel has certainly increased over the last year, it is still significantly lower than previously before the pandemic. As an example, business travel spending is on the rise, but it is still expected to be 50 percent below 2019 levels. In the meantime, the number of travelers visiting the United States from overseas fell by 79 percent in September 2021 as compared to that same month in 2019.

These are significant reductions that are impacting not only companies directly involved in the tourism and travel industry but small businesses all across the Nation that rely on travelers to keep them in business.

Today, the United States is the only G20 country not to have a high-ranking official focusing on the travel and tourism industry. This has prevented the industry from producing a coordinated approach to recovery of the industry and to make us more competitive with the rest of the world.

H.R. 6965 addresses this deficiency and provides the industry with a path forward for continuing recovery and growth in the future. This bill establishes the role of the assistant secretary of commerce for travel and tourism at the Department of Commerce. It also requires the assistant secretary to develop and implement a COVID-19 pandemic recovery strategy, as well as strategic plans for future disruptions that hopefully we aren't going to see.

The bill also requires the Department of Commerce to develop a 10-year travel and tourism strategy, as well as provides statutory authority for the United States Travel and Tourism Advisory Board, which will aid the assistant secretary in developing and implementing these important strategies.

H.R. 6965 passed out of the Committee on Energy and Commerce last week unanimously, 56-0. I commend the tireless and passionate efforts put forth by Representative TITUS, the author of this legislation. Without her and the good work done by Representatives SOTO, CASE, KUSTER, and the late Don Young—God bless his heart—we would not have gotten this agenda done. I also thank Chairmen NADLER and MEEKS for working with us to get this to the House floor today.

I know the Senate has also been working on travel and tourism legislation and is moving forward with a package of bills that includes the Visit America Act. Although there are some technical differences between the two bills, my hope is that we can get together and work together as quickly as possible and get this legislation passed.

Mr. Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 23, 2022.

Hon. FRANK PALLONE, Jr.
*Chairman, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR CHAIRMAN PALLONE: This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 6965, the “Visit America Act,” that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee is willing to forgo action on H.R. 6965, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 23, 2022.

Hon. JERROLD NADLER,
*Chairman, Committee on the Judiciary,
Washington, DC.*

DEAR CHAIRMAN NADLER: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 6965, the “Visit America Act,” so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your Committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will place our letters into the Congressional Record during consideration of the measure on the House floor. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, Jr.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 26, 2022.

Hon. FRANK PALLONE, Jr.,
*Chair, Committee on Energy and Commerce,
House of Representatives, Washington, DC.*

DEAR CHAIR PALLONE: In recognition of the desire to expedite consideration of H.R. 6965, the “Visit America Act,” the Committee on Foreign Affairs agrees to waive formal consideration of the bill as to provisions that fall within the rule X jurisdiction of the Committee on Foreign Affairs.

The Committee on Foreign Affairs takes this action with the mutual understanding that we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any issues within our

jurisdiction. I ask you to support the appointment of Committee on Foreign Affairs conferees during any House-Senate conference convened on this legislation.

Finally, thank you for agreeing to include a copy of our exchange of letters in the Congressional Record during floor consideration of H.R. 6965.

Sincerely,

GREGORY W. MEEKS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 27, 2022.

Hon. GREGORY W. MEEKS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN MEEKS: Thank you for consulting with the Committee on Energy and Commerce and agreeing to be discharged from further consideration of H.R. 6965, the "Visit America Act," so that the bill may proceed expeditiously to the House floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of your Committee or prejudice its jurisdictional prerogatives on this measure or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees from your committee to any House-Senate conference on this legislation.

I will place our letters into the Congressional Record during consideration of the measure on the House floor. I appreciate your cooperation regarding this legislation and look forward to continuing to work together as this measure moves through the legislative process.

Sincerely,

FRANK PALLONE, Jr.,
Chairman.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6965, the Visit America Act.

The bill along with H.R. 7820, the Travel and Tourism Act, from Representative DUNN, and H.R. 4594, the Restoring Brand USA Act, from Representative BILIRAKIS, have represented bipartisan efforts to assist our tourism sector with economic recovery post-COVID-19.

Representative BILIRAKIS is not here speaking about this bill. He is home in Tampa, Florida, and represents the Tampa Bay area, as all of us know. Mr. Speaker, our thoughts and prayers are with his community in Florida and the other States that have to deal with the remnants of the rain. Our thoughts and prayers are with them.

Back to the bill, while I am pleased that Representative BILIRAKIS' Brand USA legislation was signed into law this year, more work and bipartisan efforts are needed to build upon Representative BILIRAKIS' efforts to increase tourism.

Without question, the COVID-19 pandemic was difficult for all industries, but the travel and tourism industry was hit especially hard.

According to testimony by the U.S. Travel Association before the Subcommittee on Consumer Protection and Commerce, at the end of 2021, international travel spending was 78 percent below prepandemic levels.

This bipartisan legislation can support the U.S. travel and tourism indus-

try and address the declining percentage of international visitors to the United States. The Visit America Act will help by directing the Department of Commerce to develop a 10-year travel and tourism strategy with annual goals for the number of international visitors to the United States.

Again, I thank the sponsors and co-sponsors of all of these bills that we have considered at the Committee on Energy and Commerce. I would like to give special recognition to our colleague, Representative BILIRAKIS, the ranking member of the Subcommittee on Consumer Protection and co-chair of the Congressional Travel and Tourism Caucus, who, as I noted, is back home, duly focusing on the hurricane response and serving his constituents.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Speaker, I rise today in strong support of H.R. 6965, the Visit America Act.

U.S. travel and tourism is one of our country's core industries. Pre-COVID, it generated some \$2.6 trillion in annual economic output, was one of our largest export and service industries, and supported fully 1 in 10 U.S. jobs. In many States, my own Hawaii being a prime example, it is our leading industry.

□ 1630

But COVID taught us in spades how fragile this economic and jobs generator can be. Very frankly, it has never earned full respect in terms of Federal Government attention, focus, and support, given its prominence.

U.S. travel and tourism needs and deserves far more. This bill, in which I am joined by the gentlewoman from Nevada (Ms. TITUS), the gentleman from Florida (Mr. BILIRAKIS), our House Travel and Tourism Caucus, and other colleagues, in addition to all aspects of the industry, is a necessary start on a new chapter through a coordinated, high-level Federal effort, including a 10-year travel and tourism strategy and finally, finally, like other countries, an Assistant Secretary of Commerce for Travel and Tourism.

Mr. Speaker, I strongly urge its passage.

Mr. GUTHRIE. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, we have the greatest country in the world. I love when people want to come see the beauty of our great land and meet our great people. We have a wonderful opportunity for people to come see our country. The tourism industry is a great industry, as are the people who serve in it.

Mr. Speaker, I urge the passage of this bill, and I yield back the balance of my time.

Ms. SCHAKOWSKY. Mr. Speaker, I urge everyone to support this legislation because it is so important, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) that the House suspend the rules and pass the bill, H.R. 6965, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. TIFFANY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CREDIT UNION BOARD MODERNIZATION ACT

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6889) to mend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Union Board Modernization Act".

SEC. 2. FREQUENCY OF BOARD OF DIRECTORS MEETINGS.

Section 113 of the Federal Credit Union Act (12 U.S.C. 1761b) is amended—

(1) by striking "monthly" each place such term appears;

(2) in the matter preceding paragraph (1), by striking "The board of directors" and inserting the following:

"(a) IN GENERAL.—The board of directors";

(3) in subsection (a) (as so designated), by striking "shall meet at least once a month and"; and

(4) by adding at the end the following:

"(b) MEETINGS.—The board of directors of a Federal credit union shall meet as follows:

"(1) With respect to a de novo Federal credit union, not less frequently than monthly during each of the first five years of the existence of such Federal credit union.

"(2) Not less than six times annually, with at least one meeting held during each fiscal quarter, with respect to a Federal credit union—

"(A) with composite rating of either 1 or 2 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system); and

"(B) with a capability of management rating under such composite rating of either 1 or 2.

"(3) Not less frequently than once a month, with respect to a Federal credit union—

"(A) with composite rating of either 3, 4, or 5 under the Uniform Financial Institutions Rating System (or an equivalent rating under a comparable rating system); or

"(B) with a capability of management rating under such composite rating of either 3, 4, or 5.".

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in

the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. STEIL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

First, I thank the gentleman from California (Mr. VARGAS) for offering H.R. 6889, the Credit Union Board Modernization Act.

This bipartisan bill would revise Federal credit union board meeting requirements to bring highly rated Federal credit unions in line with State credit union charter requirements in 17 States, including my home State of California.

Under this bill, Federal credit unions that are highly rated by their regulator, including a highly rated management team, would be required to meet at least six times annually, with at least one meeting held during each fiscal quarter. This would be a reduction from the current requirement to meet monthly.

To ensure stability and mitigate the risk of institutional failure, there are important safeguards included in the bill. For example, de novo or new Federal credit union boards would still be required to meet at least monthly during the first 5 years of receiving a charter, as well as Federal credit unions that have received low exam ratings.

Additionally, if emergencies or issues arise requiring a board meeting, nothing in the bill prevents Federal credit unions from meeting more frequently.

Credit unions and consumer groups support H.R. 6889, including the California and Nevada Credit Union Leagues, Americans for Financial Reform, and Center for Responsible Lending.

Mr. Speaker, I urge Members to support this bill as well, and I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6889, the Credit Union Board Modernization Act.

I thank the gentlewoman from California (Ms. WATERS), the chairwoman of the Financial Services Committee, as well as the gentleman from California (Mr. VARGAS) for introducing this legislation, and the gentleman from Ohio (Mr. GONZALEZ) for cosponsoring.

The commonsense bill will modernize credit union practices while ensuring

the safety and soundness of Federal credit unions.

H.R. 6889 would amend the Federal Credit Union Act to revise the frequency of meetings that a Federal credit union's board of directors is required to hold.

Specifically, the bill requires monthly meetings for de novo Federal credit unions during the first 5 years of existence. Highly rated credit unions, 1 or 2 CAMELS rating, with high management ratings, must hold at least six meetings annually, with at least one meeting held during each fiscal quarter. Lower rated credit unions, 3, 4 or 5 CAMELS, must continue meeting once a month.

This is a change from current law, which requires all Federal credit union boards to meet at least once a month. This meeting requirement can be burdensome for credit union staff and their volunteer board members. This is especially true for smaller credit unions and for those with few employees or those located in rural areas.

The resources needed to run monthly board meetings shift valuable employee and board member time and focus away from services that credit unions provide to their consumers.

Commonsense, regulatory rightsizing bills like this one help American families by reducing costs and the challenges associated with accessing financial services.

H.R. 6889 is a strong, bipartisan bill that protects the safety and soundness of credit unions. It also illustrates how Members can come together to create nonpartisan legislation, modernizing outdated practices and policies. I look forward to working with my colleagues across the aisle to meaningfully support our community financial institutions.

Mr. Speaker, I reiterate to my colleagues that H.R. 6889 is commonsense legislation that will modernize credit unions.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the balance of my time to close.

H.R. 6889 will incentivize Federal credit union boards to ensure their institutions are highly rated and well run in order to reduce the number of board meetings they need to hold.

I therefore urge Members to support H.R. 6889, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 6889, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FULCHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this motion will be postponed.

BANKING TRANSPARENCY FOR SANCTIONED PERSONS ACT OF 2021

Ms. WATERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2710) to increase transparency with respect to financial services benefiting state sponsors of terrorism, human rights abusers, and corrupt officials, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Banking Transparency for Sanctioned Persons Act of 2021".

SEC. 2. REPORT ON FINANCIAL SERVICES BENEFITTING STATE SPONSORS OF TERRORISM, HUMAN RIGHTS ABUSERS, AND CORRUPT OFFICIALS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall issue a report to the Committees on Financial Services and Foreign Affairs of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Foreign Relations of the Senate that includes a copy of any license issued by the Secretary in the preceding 180 days that authorizes a United States financial institution (as defined under section 561.309 of title 31, Code of Federal Regulations) to provide financial services benefitting—

(1) a state sponsor of terrorism; or

(2) a person sanctioned pursuant to any of the following:

(A) Section 404 of the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012 (Public Law 112-208).

(B) Subtitle F of title XII of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328, the Global Magnitsky Human Rights Accountability Act).

(C) Executive Order No. 13818.

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

SEC. 3. SUNSET.

The reporting requirement under this Act shall terminate on the date that is the end of the 7-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATERS) and the gentleman from Wisconsin (Mr. STEIL) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2710, the Banking Transparency for Sanctioned Persons Act of 2021.

This legislation requires the Secretary of the Treasury to report to Congress semiannually with a copy of any license Treasury issues in the preceding 180 days that authorizes a U.S. financial institution to provide services benefitting a state sponsor of terrorism and certain other sanctioned entities, including human rights abusers and corrupt officials. It would sunset 7 years after enactment of the act.

I am supportive of the disclosure requirements in this bill because I believe that this after-the-fact reporting to congressional committees regarding these specific licenses can serve as a useful oversight tool.

When the Office of Foreign Assets Control, or OFAC, issues a specific license, it allows a particular individual or entity to engage in a transaction that would otherwise be prohibited under a United States sanctions program. Typically, specific licenses are granted by OFAC when the person or entity requesting such a license makes clear that allowing for the permitted transactions serves a compelling public policy goal. But currently, Treasury does not release specific licenses granted to individuals or entities or any information about them.

OFAC's licensing authority is an important part of an effective administration of United States sanctions, and disclosure is an important part of Congress' ability to conduct effective oversight.

Now, there is a risk that if some licenses were to become public, they would disclose commercially sensitive information to potential market competitors, introducing issues of corporate theft and unfair competition. That is why the bill allows for sensitive information in these licenses to be included in a classified annex to the report. Moving forward, we may want to examine whether this provides sufficient protection for proprietary or commercially sensitive information submitted by private-sector representatives which may not be classified and, if publicly released, would allow potential market competitors to gain an unfair competitive advantage. We certainly do not want to create a chilling effect and a wariness on behalf of companies about continuing to file for licenses moving forward, and we should guard against that.

Mr. Speaker, ultimately, I support the underlying goal and the disclosure requirements of H.R. 2710 because I believe they will increase congressional oversight of United States' sanctions activity. I urge my colleagues to do the same, and I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I yield myself such time as I may consume.

I thank the Chairwoman of the Financial Services Committee, the gen-

tlewoman from California (Ms. WATERS), for bringing the bill to the floor today.

I rise in strong support of H.R. 2710, the Banking Transparency for Sanctioned Persons Act. This bill that I authored represents an important step forward for oversight of the Treasury Department's sanctions program.

Under current law, Treasury may issue licenses through its Office of Foreign Assets Control, authorizing U.S. financial institutions to engage in transactions that would otherwise be prohibited. These licenses typically allow for the facilitation of trade in humanitarian and agricultural goods such as medicines and food.

H.R. 2710 requires the administration to inform Congress that certain financial services-related licenses have been improved when they involve state sponsors of terrorism or others sanctioned for human rights abuses.

While OFAC may have good reasons to issue a license, it is essential for Congress to be aware of bad actors' access to our financial system. Though some OFAC licenses are made public, others are not disclosed or even their existence may be unknown to Congress.

By requiring a semiannual report on these licenses, my bill would make the disclosure of OFAC's actions more consistent with congressional notification procedures for other sanctions waivers. Without this knowledge, Congress is limited in its ability to oversee the implementation of sanctions.

□ 1645

I am pleased to note that our colleagues on the other side of the aisle have long supported this oversight, and they have provided helpful input as we have developed this important legislation.

Mr. Speaker, let me conclude by noting that our majority support for this measure is reflective of a strong spirit of bipartisanship on the Committee on Financial Services when it comes to safeguarding our national security.

While we may not agree on everything, our Members have been extremely productive in advancing our national security interests while maintaining a vibrant financial system. It is important to have a government that is accountable, and this bill brings needed accountability to our sanctions enforcement efforts.

Mr. Speaker, I urge my colleagues to support H.R. 2710, and I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I have no further speakers, and I am prepared to close.

Mr. Speaker, I reserve the balance of my time.

Mr. STEIL. Mr. Speaker, I simply close by urging my colleagues to support this bill, and I yield back the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the Banking Transparency for Sanctioned Persons Act of

2021 will help ensure that Members of Congress have the information they need to provide more effective oversight of the decisions made by Treasury and OFAC and the impact that those decisions have on sanctioned persons.

I thank Mr. STEIL for bringing this measure forward, and I urge my colleagues to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATERS) that the House suspend the rules and pass the bill, H.R. 2710, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING THE DELAWARE WATER GAP NATIONAL RECREATION AREA IMPROVEMENT ACT TO EXTEND THE EXCEPTION TO THE CLOSURE OF CERTAIN ROADS WITHIN THE RECREATION AREA FOR LOCAL BUSINESSES, AND FOR OTHER PURPOSES

Ms. TLAIB. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6364) to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF CERTAIN ROADS WITHIN THE DELAWARE WATER GAP NATIONAL RECREATION AREA.

Section 4(b) of the Delaware Water Gap National Recreation Area Improvement Act (Public Law 109-156; 119 Stat. 2948) is amended in the matter preceding paragraph (1), by striking "Until" and all that follows through "subsection (a)" and inserting "Until September 30, 2026, subsection (a))".

SEC. 2. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Ms. TLAIB) and the gentleman from Idaho (Mr. FULCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Ms. TLAIB. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks and include additional material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Ms. TLAIB. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 6364 introduced by my colleague, Representative MATT CARTWRIGHT. This bill will amend the Delaware Water Gap National Recreation Area Improvement Act to extend the use of Highway 209 within the recreation area until 2026.

Mr. Speaker, in 1981, the section of Highway 209 that runs through the recreation area was transferred from the State to the National Park Service.

In 1983, Congress enacted a provision of law that closed that section of Highway 209 to commercial traffic, with an important exception for vehicles serving businesses located in or adjacent to the recreation area. Since then, the United States Congress has extended the exemption multiple times, with the latest exemption set to expire on September 30 of this year.

Mr. Speaker, without this exemption, commercial vehicles have limited acceptable alternatives. Commercial traffic would have to travel a minimum of 10 extra miles to avoid the recreation area.

This permitted access contributes to economic vitality that impacts that community, the public safety, and the quality of life of the park's adjacent communities.

I, again, thank my good colleague, Representative CARTWRIGHT, for introducing this important legislation and championing this bill on behalf of his constituents.

Mr. Speaker, I urge my colleagues to vote "yes" on this bill, and I reserve the balance of my time.

Mr. FULCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6364 would extend the use of U.S. Route 209, a Federally owned road within the boundaries of the Delaware Water Gap National Recreation Area for commercial vehicles in 2026.

While I support this bill today due to the public safety issues involved, I would note that the bill was brought to the House floor prior to the committee requesting technical assistance from the National Park Service.

At legislative hearing on this bill, the National Park Service requested the opportunity to work with the committee on a technical edit to the public law referenced in the bill. Instead of waiting for administrative feedback, the bill was rushed to the floor, and as a result, may fail to achieve its goal of actually enhancing public safety.

Legislation placed on the suspension calendar should be thoroughly vetted to ensure it will execute correctly and achieve desired outcomes. I urge my

colleagues on the other side of the aisle to work with us to ensure that legislation considered on the floor is fully vetted in the future.

Mr. Speaker, that said, I support this bill, and I reserve the balance of my time.

Ms. TLAIB. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. CARTWRIGHT), the main sponsor of the bill.

Mr. CARTWRIGHT. Mr. Speaker, I thank the gentlewoman from Michigan for the opportunity to speak about this important bill, H.R. 6364, which would extend the use of Federally owned portions of Highway 209 by certain commercial vehicles serving northeastern Pennsylvania small businesses.

The Delaware Water Gap National Recreation Area stretches across Pennsylvania and New Jersey, preserving 70,000 acres of land on both sides of the Delaware River.

Highway 209, which runs through Pennsylvania northwards into New York, cuts directly through the middle of this national recreation area. Up until the 1980s, there was heavy truck traffic all along Route 209, a heavily trafficked truck route.

In 1981, the National Park Service received jurisdiction over the section of Route 209 within that national recreation area. Then 2 years later, the 1983 Supplemental Appropriations Act closed this Federally owned segment of Highway 209 to all commercial traffic, with one exception: for light commercial vehicles serving businesses or people located in, or along, the boundaries of the national recreation area.

Since then, this limited exemption for commercial vehicles has been reauthorized by Congress multiple times on a bipartisan basis. In fact, former Pennsylvania Republican Representative Tom Marino and I co-led this same bill in 2018, this commercial vehicle exemption, that passed this body by voice vote and was signed into law by former President Trump. When that exemption expired last year, Congress included a short 1-year extension in the FY22 omnibus bill.

Mr. Speaker, that exemption expires the day after tomorrow, September 30. If Congress fails to renew the exemption, commercial traffic in northeastern Pennsylvania will be faced with limited acceptable alternatives. Commercial vehicles based in places like Monroe and Pike counties, in my district, would have to travel, as the gentlewoman mentioned, an extra 10 miles to avoid the Delaware Water Gap National Recreation Area, and small businesses locally would be hurt needlessly.

Mr. Speaker, that is why I have introduced H.R. 6364, which would simply extend the existing commercial vehicle exemption until September 30, 2026.

With this extension, qualifying commercial vehicles will be allowed to continue using the Federally owned portion of Route 209, with an annual permit.

My bill would also ensure that emergency vehicles and school buses could continue utilizing sections of Highway 209 within the boundaries of the Delaware Water Gap National Recreation Area, toll-free.

This is a commonsense bipartisan piece of legislation that is not only supported by the National Park Service and local officials but is also broadly supported here in the House, having passed unanimously out of the House Committee on Natural Resources in July.

Mr. Speaker, I will say, despite what my friend across the aisle has said, the National Park Service has confirmed that the exemption authorized under this bill poses no safety concerns.

On behalf of the entire Commonwealth, I thank Pennsylvania Republican Representatives MEUSER and FITZPATRICK for cosponsoring this bill, as well as Senators TOOMEY and CASEY, who are championing this very same measure in the Senate.

This legislation would go a long way toward protecting northeastern Pennsylvania small businesses and our regional economy, and so it is gratifying to see that we have bipartisan support for it again.

Mr. Speaker, I urge my colleagues on both sides of the aisle to vote for the bill.

Mr. FULCHER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Ms. TLAIB. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Ms. TLAIB) that the House suspend the rules and pass the bill, H.R. 6364, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GILT EDGE MINE CONVEYANCE ACT

Ms. TLAIB. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1638) to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gilt Edge Mine Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means all right, title, and interest of

the United States in and to approximately 266 acres of National Forest System land within the Gilt Edge Mine Superfund Boundary, as generally depicted on the map.

(2) MAP.—The term “map” means the map entitled “Gilt Edge Mine Conveyance Act” and dated August 20, 2020.

(3) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(4) STATE.—The term “State” means State of South Dakota.

SEC. 3. LAND CONVEYANCE.

(a) IN GENERAL.—Subject to the terms and conditions described in this Act, if the State submits to the Secretary an offer to acquire the Federal land for the market value, as determined by the appraisal under subsection (c), the Secretary shall convey the Federal land to the State.

(b) TERMS AND CONDITIONS.—The conveyance under subsection (a) shall be—

(1) subject to valid existing rights;

(2) made by quitclaim deed; and

(3) subject to any other terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) APPRAISAL.—

(1) IN GENERAL.—After the State submits an offer under subsection (a), the Secretary shall complete an appraisal to determine the market value of the Federal land.

(2) STANDARDS.—The appraisal under paragraph (1) shall be conducted in accordance with—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(d) MAP.—

(1) AVAILABILITY OF MAP.—The map shall be kept on file and available for public inspection in the appropriate office of the Forest Service.

(2) CORRECTION OF ERRORS.—The Secretary may correct any errors in the map.

(e) CONSIDERATION.—As consideration for the conveyance under subsection (a), the State shall pay to the Secretary an amount equal to the market value of the Federal land, as determined by the appraisal under subsection (c).

(f) SURVEY.—The State shall prepare a survey that is satisfactory to the Secretary of the exact acreage and legal description of the Federal land to be conveyed under subsection (a).

(g) COSTS OF CONVEYANCE.—As a condition on the conveyance under subsection (a), the State shall pay all costs associated with the conveyance, including the cost of—

(1) the appraisal under subsection (c); and

(2) the survey under subsection (f).

(h) PROCEEDS FROM THE SALE OF LAND.—Any proceeds received by the Secretary from the conveyance under subsection (a) shall be—

(1) deposited in the fund established under Public Law 90-171 (commonly known as the “Sisk Act”) (16 U.S.C. 484a); and

(2) available to the Secretary, only to the extent and in the amount provided in advance in appropriations Acts, for the maintenance and improvement of land or administration facilities in the Black Hills National Forest in the State.

(i) ENVIRONMENTAL CONDITIONS.—Notwithstanding section 120(h)(3)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)), the Secretary shall not be required to provide any covenant or warranty for the Federal land conveyed to the State under this Act.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory

Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Ms. TLAI) and the gentleman from Idaho (Mr. FULCHER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Ms. TLAI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Ms. TLAI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1638, the Gilt Edge Mine Conveyance Act, introduced by my colleague, Representative JOHNSON.

The bill will authorize South Dakota to purchase approximately 266 acres of U.S. Forest Service land in Lawrence County, South Dakota.

Any proceeds received by the Forest Service from the conveyance will be deposited in a fund for the maintenance and improvement of the Black Hills National Forest in South Dakota.

Mr. Speaker, the conveyance is necessary due to the Gilt Edge Mine, which is located within the Black Hills forestry boundary. Since Brohm Mining Company abandoned the mine and its responsibilities to address contaminated water in the late 1990s, South Dakota and the Environmental Protection Agency have worked together to conduct a cleanup effort of the mine and contaminated water.

Mr. Speaker, currently, the mine encompasses a patchwork of Forest Service lands and lands owned by South Dakota. Consolidating ownership of the entire Gilt Edge Mine with South Dakota will make it easier for the State to fulfill its obligation for site remediation and monitoring.

Mr. Speaker, I thank my good colleague, Representative JOHNSON, for introducing this important legislation and championing this bill on behalf of his constituents.

Mr. Speaker, I urge my colleagues to vote “yes” on H.R. 1638, and I reserve the balance of my time.

□ 1700

Mr. FULCHER. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the Gilt Edge Mine Conveyance Act. This bill reflects exemplary collaboration between the State of South Dakota, the Environmental Protection Agency, and the Forest Service. I commend Congressman DUSTY JOHNSON for his leadership on this proposal.

The Gilt Edge Mine is a 360-acre former mining site in South Dakota. Mining began on the site in 1876 with sporadic operations until the 1990s. The Environmental Protection Agency declared the former mine a Superfund site in the year 2000.

Mr. JOHNSON’s bill authorizes the State of South Dakota to purchase approximately 266 acres of Forest Service land that will allow the State to clean up the Gilt Edge Mine Superfund site once the EPA completes its portion of the cleanup.

This is a good bill that will lead to a more seamless cleanup effort and empower South Dakota to pursue additional water reclamation efforts.

This bill will also allow revenue from the land sale to go toward maintenance and improvements at the Black Hills National Forest. Recent mismanagement of the Black Hills National Forest has hurt rural communities and jeopardized future forest management efforts. This is a key provision of the bill and the result of a compromise worked out with South Dakota that will improve the management and care of the Black Hills National Forest, and I strongly support its inclusion.

This bill is an example of a win-win solution that not only empowers the State to enhance its environment and remediation efforts, but also reduces the burden on the Federal Government by chipping away at the massive Federal estate.

Mr. Speaker, I urge adoption of this bill, and I reserve the balance of my time.

Ms. TLAI. Mr. Speaker, I have no further requests for time. I am prepared to close, and I reserve the balance of my time.

Mr. FULCHER. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. JOHNSON).

Mr. JOHNSON of South Dakota. Mr. Speaker, I want to thank the gentlewoman and thank the gentleman for their words of support for this piece of legislation.

I ask all my colleagues to support my bill.

It would do exactly as the previous two speakers said. It would make things a lot easier. It would advance environmental quality.

What exactly are we dealing with here?

We have a 266-acre parcel. It used to be the site of the Gilt Edge Mine. It is now an EPA Superfund site. Mr. Speaker, you can see a picture of the site here. This is not pristine wilderness; but, of course, we want to get it back to an environmental asset.

This is now, as the gentlewoman said, a checkerboard of competing governmental ownerships and roles. You have got the Forest Service which owns much of this land; you have got the State of South Dakota which owns some of the rest of it; you have got the EPA which for 20 years has been doing remediation work on the water; and then you have got the State of South

Dakota which has other environmental cleanup and management responsibilities on this site.

So what this bill would do is take the portions of this site that are owned by the Forest Service, and it would allow the State of South Dakota to purchase this land. That is going to get the Forest Service out of the middle of this. They don't need to play a role here.

The work of the State will be easier if they have one less Federal partner to work with and to navigate.

Now, sometimes my colleagues get concerned if we are going to take a Federal asset and give it to a State.

Will this be a loss of important Federal access opportunities for the public?

Well, that is why I brought this picture up here, Mr. Speaker. People are not going hiking here. This is not wildlife habitat. You will not have bison from the Black Hills of South Dakota nestle in this leach pond here.

We have real environmental work to do here, and it is important that we do it in the most effective way. This bill would advance that cause.

I just want to make it clear, so many people who are involved are supportive of this. Senators THUNE and ROUNDS have been supportive. Governor Noem has been supportive. Lawrence County, the city of Lead, and the city of Deadwood are all supportive.

I ask all of my colleagues to join their voices of support so we can do what needs to be done on this Superfund site. We didn't treat this land properly, and the mining company did not treat this land properly. We have a continuing opportunity to do right. My bill would do that. Vote "yes."

Mr. FULCHER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Ms. TLAIB. Mr. Speaker, I urge my colleagues to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Ms. TLAIB) that the House suspend the rules and pass the bill, H.R. 1638, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GLOBAL AIRCRAFT MAINTENANCE SAFETY IMPROVEMENT ACT

Mr. KAHELE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7321) to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive

maintenance, or alterations, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Aircraft Maintenance Safety Improvement Act".

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the safety of the global aviation system requires the highest standards for aircraft maintenance, repair, and overhaul work;

(2) the safety of aircraft operated by United States air carriers should not be dependent on the location where maintenance, repair, and overhaul work is performed; and

(3) the Federal Aviation Administration must fully enforce, in a manner consistent with United States obligations under international agreements, Federal Aviation Administration standards for maintenance, repair, and overhaul work at every facility, whether in the United States or abroad, where such work is performed on aircraft operated by United States air carriers.

SEC. 3. FAA OVERSIGHT OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 44733 of title 49, United States Code, is amended—

(1) in the heading by striking "Inspection" and inserting "Oversight";

(2) in subsection (e)—

(A) by inserting ", without prior notice to such repair stations," after "annually";

(B) by inserting "and the applicable laws of the country in which a repair station is located" after "international agreements"; and

(C) by striking the last sentence and inserting "The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based on identified risks and in a manner consistent with United States obligations under international agreements and with the applicable laws of the country in which a repair station is located.";

(3) by redesignating subsection (g) as subsection (j); and

(4) by inserting after subsection (f) the following:

"(g) DATA ANALYSIS.—

"(1) IN GENERAL.—An air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, shall, if applicable, provide to the appropriate office of the Administration, not less than once every year, a report containing the information described in paragraph (2) with respect to heavy maintenance work on aircraft (including on-wing aircraft engines) performed in the preceding year.

"(2) INFORMATION REQUIRED.—A report under paragraph (1) shall contain the following information:

"(A) The location where any heavy maintenance work on aircraft (including on-wing aircraft engines) was performed outside the United States.

"(B) A description of the work performed at each such location.

"(C) The date of completion of the work performed at each such location.

"(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier within 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

"(i) requires corrective action after the aircraft is approved for return to service; and

"(ii) results from the work performed on such aircraft.

"(E) The certificate number of the person approving such aircraft or on-wing aircraft engine, for return to service following completion of the work performed at each such location.

"(3) ANALYSIS.—The Administrator of the Federal Aviation Administration shall—

"(A) analyze information made available under paragraph (1) of this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions, to detect safety issues associated with heavy maintenance work on aircraft (including on-wing aircraft engines) performed outside the United States; and

"(B) require appropriate actions in response.

"(4) CONFIDENTIALITY.—Information made available under paragraph (1) shall be subject to the same protections given to voluntarily-provided safety or security related information under section 40123.

"(h) APPLICATIONS AND PROHIBITION.—

"(1) IN GENERAL.—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Regulations, from a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2.

"(2) EXCEPTION.—Paragraph (1) shall not apply to an application for the renewal of a certificate issued under part 145 of title 14, Code of Federal Regulations.

"(3) MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as that country remains classified as Category 2.

"(4) PROHIBITION ON CONTINUED HEAVY MAINTENANCE WORK.—No air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administrator, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

"(i) MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require that, at each covered repair station—

"(A) all supervisory personnel are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

"(B) all personnel authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

"(2) AVAILABLE FOR CONSULTATION.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for approving an article for return to service or who is directly in charge of aircraft (including on-wing aircraft engine) maintenance performed on aircraft operated under part 121 of title 14, Code of Federal Regulations, be available for consultation while work is being performed at a covered repair station."

(b) DEFINITION OF COVERED REPAIR STATION.—

(1) IN GENERAL.—Section 44733(j) of title 49, United States Code (as redesignated by this section), is amended—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) COVERED REPAIR STATION.—The term ‘covered repair station’ means a facility that—

“(A) is located outside the United States;

“(B) is certificated under part 145 of title 14, Code of Federal Regulations; and

“(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines) operated under part 121 of title 14, Code of Federal Regulations.”.

(2) TECHNICAL AMENDMENT.—Section 44733(a)(3) of title 49, United States Code, is amended by striking “covered part 145 repair stations” and inserting “part 145 repair stations”.

(c) CONFORMING AMENDMENTS.—The analysis for chapter 447 of title 49, United States Code, is amended by striking the item relating to section 44733 and inserting the following:

“44733. Oversight of repair stations located outside the United States.”.

SEC. 4. INTERNATIONAL STANDARDS FOR SAFETY OVERSIGHT OF FOREIGN REPAIR STATIONS.

(a) FOREIGN REPAIR STATION WORKING GROUP.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a foreign repair station working group with other civil aviation authorities (hereinafter referred to as “repair station working group”) to conduct a review of the certification and oversight of foreign repair stations and to identify any future enhancements that might be appropriate to strengthen oversight of such repair stations.

(b) COMPOSITION OF THE REPAIR STATION WORKING GROUP.—The repair station working group shall consist of—

(1) technical representatives from the FAA; and

(2) such other civil aviation authorities or international intergovernmental aviation safety organizations as the Administrator shall invite that are willing to participate, including—

(A) civil aviation authorities responsible for certifying foreign repair stations; and

(B) civil aviation authorities of countries in which foreign repair stations are located.

(c) CONSULTATION.—In conducting the review under this section, the repair station working group shall, as appropriate, consult with relevant experts and stakeholders.

(d) RECOMMENDATIONS.—The repair station working group shall make recommendations with respect to any future enhancements that might be appropriate to—

(1) strengthen oversight of foreign repair stations; and

(2) better leverage the resources of other civil aviation authorities to conduct such oversight.

(e) REPORTS.—

(1) REPAIR STATION WORKING GROUP REPORT.—Not later than 1 year after the date of the first meeting of the repair station working group, the repair station working group shall submit to the Administrator a report containing the findings of the review and each recommendation made under subsection (d).

(2) FAA REPORTS.—

(A) TRANSMISSION OF REPAIR STATION WORKING GROUP REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Rep-

resentatives, and the Committee on Commerce, Science, and Transportation of the Senate the report required under paragraph (1) as soon as is practicable after the receipt of such report.

(B) FAA REPORT TO CONGRESS.—Not later than 45 days after receipt of the Report under paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(i) a statement of whether the Administrator concurs or does not concur with each recommendation contained in the report required under paragraph (1);

(ii) for any recommendation with which the Administrator does not concur, a detailed explanation as to why the Administrator does not concur;

(iii) a plan to implement each recommendation related to FAA oversight of foreign repair stations contained in such report with which the Administrator concurs; and

(iv) a plan to work with the international community to implement the recommendations applicable to both the FAA as well as other civil aviation authorities.

(f) TERMINATION.—The repair station working group shall terminate on the earlier of the date of submission of the report under subsection (e)(1) or on the date that is 2 years after the repair station working group is commissioned under subsection (a).

(g) DEFINITION OF FOREIGN REPAIR STATION.—In this section, the term “foreign repair station” means a repair station that performs heavy maintenance work on an aircraft (including on-wing engines) and that is located outside of the territory of the country of the civil aviation authority which certificated the repair station, including repair stations certified under part 145 of title 14, Code of Federal Regulations, which are located outside the United States and the territories of the United States.

SEC. 5. ALCOHOL AND DRUG TESTING AND BACKGROUND CHECKS.

(a) IN GENERAL.—Beginning on the date that is 24 months after the date of enactment of this Act, the Administrator may not approve or authorize international travel for any employee of the Federal Aviation Administration until a final rule carrying out the requirements of subsection (b) of section 2112 of the FAA Extension, Safety, and Security Act of 2016 (49 U.S.C. 44733 note) has been published in the Federal Register.

(b) RULEMAKING ON ASSESSMENT REQUIREMENT.—With respect to any employee not covered under the requirements of section 1554.101 of title 49, Code of Federal Regulations, the Administrator shall initiate a rulemaking that requires a covered repair station to confirm that any such employee has successfully completed an assessment commensurate with a security threat assessment described in subpart C of part 1540 of such title.

(c) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to international travel that is determined by the Administrator on an individual by individual basis to be—

(1) exclusively for the purpose of conducting a safety inspection;

(2) directly related to aviation safety standards, certification, and oversight; or

(3) vital to the national interests of the United States.

(d) NON-DELEGATION AND REPORTING.—For any determination to make an exception based on the criteria in paragraph (2) or (3) of subsection (c), the Administrator—

(1) may not delegate the authority to make such a determination to any other individual; and

(2) shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 3 days after making each determination under subsection (c)—

(A) the name of the individual approved or authorized to travel internationally;

(B) the location to which the individual is traveling;

(C) a detailed explanation of why the Administrator has determined the travel is—

(i) directly related to aviation safety standards, certification, and oversight; or

(ii) vital to the national interests of the United States; and

(D) a detailed description of the status of the rulemakings described in subsection (a).

SEC. 6. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the FAA.

(2) COVERED REPAIR STATION.—The term “covered repair station” means a facility that—

(A) is located outside the United States;

(B) is certificated under part 145 of title 14, Code of Federal Regulations; and

(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines), operated under part 121 of title 14, Code of Federal Regulations.

(3) FAA.—The term “FAA” means the Federal Aviation Administration.

The SPEAKER pro tempore (Ms. TLAIB). Pursuant to the rule, the gentleman from Hawaii (Mr. KAHELE) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. KAHELE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 7321, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. KAHELE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 7321, the Global Aircraft Maintenance Safety Improvement Act, introduced by Transportation and Infrastructure Committee Chair, PETER DEFazio.

One level of safety. For over a decade, that has been the single-minded goal of Congress and the Federal Aviation Administration in setting aviation policy. But until domestic and FAA-certificated foreign repair stations are subject to the same oversight and safety standards, there is no hope we can achieve one level of safety.

In fact, existing safety rules make clear that there is not truly one level of safety. Under current FAA regulations, domestic repair station workers are subject to mandatory drug and alcohol testing. Workers at foreign repair stations are not. Domestic repair station workers are subject to comprehensive background investigations; foreign repair station workers are not.

Unfortunately, more and more maintenance work for U.S. air carriers is being sent overseas. The number of these facilities has grown by nearly 40 percent in the past 6 years. The global pandemic has only exacerbated this trend, as more than 8,200 aircraft maintenance jobs left the United States in just the past few years.

The Department of Transportation inspector general has also been ringing the alarm bell in five audit reports containing 41 recommendations since 2002 to improve the FAA's dangerously weak oversight of repair stations overseas.

How many more inspector general reports will it take for the FAA to be brave enough to take a leadership role in the international community and apply strong standards to foreign repair stations?

This bill will require the FAA to take a number of specific and decisive steps to improve oversight of foreign repair stations. These include, among other things: requiring all foreign repair stations to be subject to at least one unannounced inspection each year; requiring supervisors and individuals who authorize aircraft for return to service to meet minimum requirements and hold FAA mechanic or repairman certificates; and requiring the FAA to, one, comply with the 2016 mandate for a final rule on drug and alcohol testing of employees at foreign repair stations, and, two, initiate a rulemaking mandating background checks of such employees.

I thank the stakeholders for their support and the tireless efforts in working toward an agreeable solution as well as Ranking Member GRAVES and his staff.

Madam Speaker, this bill is a giant step in the right direction. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first, I thank Chairman DEFazio for working with us on this particular bill, the Global Aircraft Maintenance Safety Improvement Act.

I am pleased that H.R. 7321, as amended, ensures the level of safety we all expect in a way that is consistent with our bilateral safety agreements and collaborative with foreign civil aviation authorities.

International buy-in and collaboration are key if we are to chart a real path forward on aviation safety, and this bill strives to do that.

Notably, this legislation has markedly improved since last Congress, and I, again, want to thank the chair and his staff for working with us in a bipartisan manner.

Under H.R. 7321, our domestic repair stations will not be exposed to retaliation by other countries, nor will American jobs be jeopardized.

Again, improving oversight of foreign repair stations without damaging our standing and partnerships in the inter-

national community is the goal here today. This is another example of our bipartisan commitment to aviation safety.

Madam Speaker, I urge support, and I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana (Mr. CARSON) will control the remaining time.

There was no objection.

Mr. CARSON. Madam Speaker, I have no more speakers, and I continue to reserve the balance of my time.

Mr. WEBSTER of Florida. Madam Speaker, in closing, H.R. 7321, as amended, continues our commitment to the traveling public by ensuring aviation safety on the international playing field.

Madam Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. CARSON. Madam Speaker, in closing, this bipartisan bill will correct the FAA's unacceptably lax oversight of foreign aeronautical repair stations that work on U.S. airline fleets and help increase the safety of our global aviation system.

Madam Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

□ 1715

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. KAHELE) that the House suspend the rules and pass the bill, H.R. 7321, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION ACT OF 2022

Mr. CARSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3482) to establish the National Center for the Advancement of Aviation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3482

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Center for the Advancement of Aviation Act of 2022".

SEC. 2. FEDERAL CHARTER FOR THE NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

"§ 120. National Center for the Advancement of Aviation

"(a) FEDERAL CHARTER AND STATUS.—

"(1) IN GENERAL.—The National Center for the Advancement of Aviation (in this section referred to as the 'Center') is a federally chartered entity. The Center is a private independent entity, not a department, agency, or instrumentality of the United States Government or a component thereof. Except as provided in subsection (f)(1), an officer or employee of the Center is not an officer or employee of the Federal Government.

"(2) PERPETUAL EXISTENCE.—Except as otherwise provided, the Center shall have perpetual existence.

"(b) GOVERNING BODY.—

"(1) IN GENERAL.—The Board of Directors (in this section referred to as the 'Board') is the governing body of the Center.

"(2) AUTHORITY OF POWERS.—

"(A) IN GENERAL.—The Board shall adopt a constitution, bylaws, regulations, policies, and procedures to carry out the purpose of the Center and may take any other action that it considers necessary (in accordance with the duties and powers of the Center) for the management and operation of the Center. The Board is responsible for the general policies and management of the Center and for the control of all funds of the Center.

"(B) POWERS OF BOARD.—The Board shall have the power to do the following:

"(i) Adopt and alter a corporate seal.

"(ii) Establish and maintain offices to conduct its activities.

"(iii) Enter into contracts or agreements as a private entity not subject to the requirements of title 41.

"(iv) Acquire, own, lease, encumber, and transfer property as necessary and appropriate to carry out the purposes of the Center.

"(v) Publish documents and other publications in a publicly accessible manner.

"(vi) Incur and pay obligations as a private entity not subject to the requirements of title 31.

"(vii) Make or issue grants and include any conditions on such grants in furtherance of the purpose and duties of the Center.

"(viii) Perform any other act necessary and proper to carry out the purposes of the Center as described in its constitution and bylaws or duties outlined in this section.

"(3) MEMBERSHIP OF THE BOARD.—

"(A) IN GENERAL.—The Board shall have 11 Directors as follows:

"(i) EX-OFFICIO MEMBERSHIP.—The following individuals, or their designees, shall be considered ex-officio members of the Board:

"(I) The Administrator of the Federal Aviation Administration.

"(II) The Executive Director, pursuant to paragraph (5)(D).

"(ii) APPOINTMENTS.—

"(I) IN GENERAL.—From among those members of the public who are highly respected and have knowledge and experience in the fields of aviation, finance, or academia—

"(aa) the Secretary of Transportation shall appoint 5 members to the Board;

"(bb) the Secretary of Defense shall appoint 1 member to the Board;

"(cc) the Secretary of Veterans Affairs shall appoint 1 member to the Board;

"(dd) the Secretary of Education shall appoint 1 member to the Board;

"(ee) the Administrator of the National Aeronautics and Space Administration shall appoint 1 member to the Board.

"(II) TERMS.—

"(aa) IN GENERAL.—The members appointed under subclause (I) shall serve for a term of 3 years and may be reappointed.

"(bb) STAGGERING TERMS.—To ensure subsequent appointments to the Board are staggered, of the 9 members first appointed under subclause (I), 3 shall be appointed for a term of 1 year, 3 shall be appointed for a term of

2 years, and 3 shall be appointed for a term of 3 years.

“(III) CONSIDERATION.—In considering whom to appoint to the Board, the Secretaries and Administrator referenced in subclause (I) shall, to the maximum extent practicable, ensure the overall composition of the Board adequately represents the fields of aviation and academia.

“(B) VACANCIES.—A vacancy on the Board shall be filled in the same manner as the initial appointment.

“(C) STATUS.—All Members of the Board shall have equal voting powers, regardless if they are ex-officio members or appointed.

“(4) CHAIR OF THE BOARD.—The Board shall choose a Chair of the Board from among the members of the Board that are not ex-officio members under paragraph (3)(A)(i).

“(5) ADMINISTRATIVE MATTERS.—

“(A) MEETINGS.—

“(i) IN GENERAL.—The Board shall meet at the call of the Chair but not less than 2 times each year and may, as appropriate, conduct business by telephone or other electronic means.

“(ii) OPEN.—

“(I) IN GENERAL.—Except as provided in subclause (II), a meeting of the Board shall be open to the public.

“(II) EXCEPTION.—A meeting, or any portion of a meeting, may be closed if the Board, in public session, votes to close the meeting because the matters to be discussed—

“(aa) relate solely to the internal personnel rules and practices of the Center;

“(bb) may result in disclosure of commercial or financial information obtained from a person that is privileged or confidential;

“(cc) may disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

“(dd) are matters that are specifically exempted from disclosure by Federal or State law.

“(iii) PUBLIC ANNOUNCEMENT.—At least 1 week before a meeting of the Board, and as soon as practicable thereafter if there are any changes to the information described in subclauses (I) through (III), the Board shall make a public announcement of the meeting that describes—

“(I) the time, place, and subject matter of the meeting;

“(II) whether the meeting is to be open or closed to the public; and

“(III) the name and appropriate contact information of a person who can respond to requests for information about the meeting.

“(iv) RECORD.—The Board shall keep a transcript of minutes from each Board meeting. Such transcript shall be made available to the public in an accessible format, except for portions of the meeting that are closed pursuant to subparagraph (A)(ii)(II).

“(B) QUORUM.—A majority of members of the Board shall constitute a quorum.

“(C) RESTRICTION.—No member of the Board shall participate in any proceeding, application, ruling or other determination, contract claim, scholarship award, controversy, or other matter in which the member, the member's employer or prospective employer, or the member's spouse, partner, or minor child has a direct financial interest. Any person who violates this subparagraph may be fined not more than \$10,000, imprisoned for not more than 2 years, or both.

“(D) EXECUTIVE DIRECTOR.—The Board shall appoint and fix the pay of an Executive Director of the Center (in this section referred to as the ‘Executive Director’) who shall—

“(i) serve as a Member of the Board;

“(ii) serve at the pleasure of the Board, under such terms and conditions as the Board shall establish;

“(iii) is subject to removal by the Board at the discretion of the Board; and

“(iv) be responsible for the daily management and operation of the Center and for carrying out the purposes and duties of the Center.

“(E) APPOINTMENT OF PERSONNEL.—The Board shall designate to the Executive Director the authority to appoint additional personnel as the Board considers appropriate and necessary to carry out the purposes and duties of the Center.

“(F) PUBLIC INFORMATION.—Nothing in this section may be construed to withhold disclosure of information or records that are subject to disclosure under section 552 of title 5.

“(c) PURPOSE OF THE CENTER.—The purpose of the Center is to—

“(1) develop a skilled and robust U.S. aviation and aerospace workforce;

“(2) provide a forum to support collaboration and cooperation between governmental, non-governmental, and private aviation and aerospace sector stakeholders regarding the advancement of the U.S. aviation and aerospace workforce, including general, business, and commercial aviation, education, labor, manufacturing and international organizations; and

“(3) serve as a repository for research conducted by institutions of higher education, research institutions, or other stakeholders regarding the aviation and aerospace workforce, or related technical and skill development.

“(d) DUTIES OF THE CENTER.—In order to accomplish the purpose described in subsection (c), the Center shall perform the following duties:

“(1) Improve access to aviation and aerospace education and related skills training to help grow the U.S. aviation and aerospace workforce, including—

“(A) assessing the current U.S. aviation and aerospace workforce challenges and identifying actions to address these challenges, including by developing a comprehensive workforce strategy;

“(B) establishing scholarship, apprenticeship, internship or mentorship programs for individuals who wish to pursue a career in an aviation- or aerospace-related field, including individuals in economically disadvantaged areas or individuals who are members of underrepresented groups in the aviation and aerospace sector;

“(C) supporting the development of aviation and aerospace education curricula, including syllabi, training materials, and lesson plans, for use by middle schools and high schools, institutions of higher education, secondary education institutions, or technical training and vocational schools; and

“(D) building awareness of youth-oriented aviation and aerospace programs and other outreach programs.

“(2) Support the personnel or veterans of the Armed Forces seeking to transition to a career in civil aviation or aerospace through outreach, training, apprenticeships, or other means.

“(3) Amplify and support the research and development efforts conducted as part of the National Aviation Research Plan, as required under section 44501(c), and work done at the Centers of Excellence and Technical Centers of the Federal Aviation Administration regarding the aviation and aerospace workforce, or related technical and skills development, including organizing and hosting symposiums, conferences, and other forums as appropriate, between the Federal Aviation Administration, aviation and aerospace stakeholders, and other interested parties, to

discuss current and future research efforts and technical work.

“(e) GRANTS.—

“(1) IN GENERAL.—In order to accomplish the purpose under subsection (c) and duties under subsection (d), the Center may issue grants to eligible entities to—

“(A) create, develop, deliver, or update—

“(i) middle and high school aviation curricula, including syllabi, training materials, equipment and lesson plans, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to support the continuing education of any of the aforementioned individuals; or

“(ii) aviation curricula, including syllabi, training materials, equipment and lesson plans, used at institutions of higher education, secondary education institutions, or by technical training and vocational schools, that are designed to prepare individuals to become aircraft pilots, aerospace engineers, unmanned aircraft system operators, aviation maintenance technicians, or other aviation maintenance professionals, or to refresh the knowledge of any of the aforementioned individuals; or

“(B) support the professional development of educators using the curriculum in subparagraph (A);

“(C) establish new education programs that teach technical skills used in aviation maintenance, including purchasing equipment, or to improve existing programs;

“(D) establish scholarships, internships or apprenticeships for individuals pursuing employment in the aviation maintenance industry;

“(E) support outreach about educational opportunities and careers in the aviation maintenance industry, including in economically disadvantaged areas; or

“(F) support the transition to careers in aviation maintenance, including for members of the Armed Forces.

“(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection includes—

“(A) an air carrier, as defined in section 40102, an air carrier engaged in intrastate or intra-U.S. territorial operations, an air carrier engaged in commercial operations covered by part 135 or part 91 of title 14, Code of Federal Regulations, operations, or a labor organization representing aircraft pilots;

“(B) an accredited institution of higher education or a high school or secondary school (as defined in section 8101 of the Higher Education Act of 1965 (20 U.S.C. 7801));

“(C) a flight school that provides flight training, as defined in part 61 of title 14, Code of Federal Regulations, or that holds a pilot school certificate under part 141 of title 14, Code of Federal Regulations;

“(D) a State or local governmental entity; or

“(E) an organization representing aircraft users, aircraft owners, or aircraft pilots;

“(F) a holder of a certificate issued under part 21, 121, 135, or 145 of title 14, Code of Federal Regulations or a labor organization representing aviation maintenance workers; or

“(G) other organizations at the discretion of the Board.

“(3) LIMITATION.—No organization that receives a grant under this section may sell or make a profit from the creation, development, delivery, or updating of high school aviation curricula.

“(f) ADMINISTRATIVE MATTERS OF THE CENTER.—

“(1) DETAILEES.—

“(A) IN GENERAL.—At the request of the Center, the head of any Federal agency or department may, at the discretion of such

agency or department, detail to the Center, on a reimbursable basis, any employee of the agency or department.

“(B) CIVIL SERVANT STATUS.—The detail of an employee under subparagraph (A) shall be without interruption or loss of civil service status or privilege.

“(2) NAMES AND SYMBOLS.—The Center may accept, retain, and use proceeds derived from the Center’s use of the exclusive right to use its name and seal, emblems, and badges incorporating such name as lawfully adopted by the Board in furtherance of the purpose and duties of the Center.

“(3) GIFTS, GRANTS, BEQUESTS, AND DEVICES.—The Center may accept, retain, use, and dispose of gifts, grants, bequests, or devises of money, services, or property from any public or private source for the purpose of covering the costs incurred by the Center in furtherance of the purpose and duties of the Center.

“(4) VOLUNTARY SERVICES.—The Center may accept from any person voluntary services to be provided in furtherance of the purpose and duties of the Center.

“(g) RESTRICTIONS OF THE CENTER.—

“(1) PROFIT.—The Center may not engage in business activity for profit.

“(2) STOCKS AND DIVIDENDS.—The Center may not issue any shares of stock or declare or pay any dividends.

“(3) POLITICAL ACTIVITIES.—The Center shall be nonpolitical and may not provide financial aid or assistance to, or otherwise contribute to or promote the candidacy of, any individual seeking elective public office or political party. The Center may not engage in activities that are, directly, or indirectly, intended to be or likely to be perceived as advocating or influencing the legislative process.

“(4) DISTRIBUTION OF INCOME OR ASSETS.—The assets of the Center may not inure to the benefit of any member of the Board, or any officer or employee of the Center or be distributed to any person. This subsection does not prevent the payment of reasonable compensation to any officer, employee, or other person or reimbursement for actual and necessary expenses in amounts approved by the Board.

“(5) LOANS.—The Center may not make a loan to any member of the Board or any officer or employee of the Center.

“(6) NO CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The Center may not claim approval of Congress or of the authority of the United States for any of its activities.

“(h) ADVISORY COMMITTEE.—

“(1) IN GENERAL.—The Executive Director shall appoint members to an advisory committee subject to approval by the Board. Members of the Board may not sit on the advisory committee.

“(2) MEMBERSHIP.—The advisory committee shall consist of 15 members who represent various aviation industry and labor stakeholders, stakeholder associations, and others as determined appropriate by the Board. The advisory committee shall select a Chair and Vice Chair from among its members by majority vote. Members of the advisory committee shall be appointed for a term of 5 years.

“(3) DUTIES.—The advisory committee shall—

“(A) provide recommendations to the Board on an annual basis regarding the priorities for the activities of the Center;

“(B) consult with the Board on an ongoing basis regarding the appropriate powers of the Board to accomplish the purposes and duties of the Center;

“(C) provide relevant data and information to the Center in order to carry out the duties set forth in subsection (d); and

“(D) nominate United States citizens for consideration by the Board to be honored annually by the Center for such citizens’ efforts in promoting U.S. aviation or aviation education and enhancing the aviation workforce in the United States.

“(4) MEETINGS.—The provisions for meetings of the Board under subsection (b)(5) shall apply as similarly as is practicable to meetings of the advisory committee.

“(1) WORKING GROUPS.—

“(1) IN GENERAL.—The Board may establish and appoint the membership of the working groups as determined necessary and appropriate to achieve the purpose of the Center under subsection (c).

“(2) MEMBERSHIP.—Any working group established by the Board shall have members representing various aviation industry and labor stakeholders, stakeholder associations, and others, as determined appropriate by the Board. Once established, the membership of such working group shall choose a Chair from among the members of the working group by majority vote.

“(3) TERMINATION.—Unless determined otherwise by the Board, any working group established by the Board under this subsection shall be constituted for a time period of not more than 3 years.

“(j) RECORDS OF ACCOUNTS.—The Center shall keep correct and complete records of accounts.

“(k) DUTY TO MAINTAIN TAX-EXEMPT STATUS.—The Center shall be operated in a manner and for purposes that qualify the Center for exemption from taxation under the Internal Revenue Code as an organization described in section 501(c)(3) of such Code.

“(1) ANNUAL REPORT.—The Board shall submit an annual report to the appropriate committees of Congress that, at minimum,—

“(1) includes a review and examination of—

“(A) the activities performed as set forth in subsections (d) and (e) during the prior fiscal year;

“(B) the advisory committee as described under subsection (h); and

“(C) the working groups as described under subsection (i); and

“(2) provides recommendations to improve the role, responsibilities, and functions of the Center to achieve the purpose set forth in subsection (c).

“(m) AUDIT BY THE DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL.—

“(1) IN GENERAL.—Not later than 2 years after the date on which the Center is established under subsection (a), the inspector general of the Department of Transportation shall conduct a review of the Center.

“(2) CONTENTS.—The review shall—

“(A) include, at a minimum—

“(i) an evaluation of the efforts taken at the Center to achieve the purpose set forth in subsection (c); and

“(ii) the recommendations provided by the Board in subsection (1)(2); and

“(B) provide any other information that the inspector general determines is appropriate.

“(3) REPORT ON AUDIT.—

“(A) REPORT TO SECRETARY.—Not later than 30 days after the date of completion of the audit, the inspector general shall submit to the Secretary a report on the results of the audit.

“(B) REPORT TO CONGRESS.—Not later than 60 days after the date of receipt of the report under subparagraph (A), the Secretary shall submit to the appropriate committees of Congress a copy of the report, together with, if appropriate, a description of any actions taken or to be taken to address the results of the audit.

“(n) AUTHORIZATION OF APPROPRIATIONS.—In order to carry out this section, there is authorized to be appropriated for fiscal year

2023 and each fiscal year thereafter an amount equal to 3 percent of the interest from investment credited to the Airport and Airway Trust Fund.

“(o) DEFINITIONS.—In this section:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(2) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(3) STEM.—The term ‘STEM’ means science, technology, engineering, and mathematics.”

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 49, United States Code, is amended by inserting after the item relating to section 119 the following:

“120. National Center for the Advancement of Aviation.”

SEC. 3. PREVENTION OF DUPLICATIVE PROGRAMS.

The Board of Directors of the National Center for the Advancement of Aviation established under section 120 of title 49, United States Code (as added by this Act), shall coordinate with the Administrator of the Federal Aviation Administration to prevent any programs of the Center from duplicating programs established under section 625 of the FAA Reauthorization Act of 2018 (49 U.S.C. 40101 note).

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore (Mr. KAHELE). Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3482, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today is bittersweet. I am glad that my bill is finally being considered on the House floor after working on this bill for over two sessions, but unfortunately, my partner on this bill is not here to join me, Representative Don Young of Alaska, the former chairman of the Transportation and Infrastructure Committee, the former dean of this House. Mr. Speaker, his work and support were invaluable in helping us get this bill to the floor.

This National Center for the Advancement of Aviation Act is both bipartisan and bicameral. I am pleased that so many members of our Transportation and Infrastructure Committee are sponsors of the bill, including Subcommittee on Aviation Chair LARSEN, as well as my colleagues in the other body, Senators DUCKWORTH and INHOFE.

Our committee has worked for years to make American skies the safest in the world and to strengthen the industry workforce to maintain the highest standards of aviation excellence.

This bill supports and promotes collaboration among civil, commercial, and military aviation sectors to address the demands and challenges of ensuring a safe and vibrant national aviation system through research, education, and training.

Too often in the past, Mr. Speaker, innovation and lessons learned in various aviation sectors have not been shared in a collaborative or even a timely manner, especially considering rapid developments in new technology. My bill helps to break down these silos across commercial aviation, general aviation, and military aviation sectors. This will not only improve safety and best practices, Mr. Speaker, but it will also expand opportunities for those interested in more diverse aviation workforces.

For the young and not so young, from those just starting out to those with experience who want to move into other types of aviation work, the national center will focus on four key areas with an emphasis on aviation workforce development.

Firstly, it will support education efforts and provide resources to curriculum developers, so educators at all levels have the tools and training to educate the next generation of aviation professionals.

Secondly, the national center will provide a forum to leverage and share expertise amongst industry sectors, including the improvement of existing high school curriculum to develop and deploy a workforce of pilots, aerospace engineers, unmanned aircraft systems operators, aviation maintenance technicians, or other aviation maintenance professionals needed in the coming decades.

Finally, it will support symposiums and conferences to facilitate collaboration across the industry and develop future advancements for the aviation and aerospace community. This legislation will also allow the FAA to focus on safety, certification, and air traffic operations.

Mr. Speaker, the aviation and aerospace industry supports over 11 million jobs and contributes more than \$1.6 trillion per year to our national economy.

Nearly 200 organizations, including schools, airports, airlines, manufacturers, unions, and other entities involved in aviation and aerospace, have expressed strong support for this wonder-

ful legislation. It will address the demands and challenges our aviation and aerospace industry face today and tomorrow.

Mr. Speaker, I urge my colleagues to support the National Center for the Advancement of Aviation Act, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,

Washington DC, September 27, 2022.

Hon. EDDIE BERNICE JOHNSON, Chairwoman, Committee on Science, Space, and Technology,

House of Representatives, Washington, DC.

DEAR CHAIRWOMAN JOHNSON: I write to you concerning H.R. 3482, the National Center for the Advancement of Aviation Act of 2022, which was introduced on May 21, 2021, and solely referred to the Committee on Transportation and Infrastructure.

I appreciate you agreeing to withdraw your request for a sequential referral of H.R. 3482 so that the bill may be considered expeditiously. I acknowledge that forgoing your referral claim now does not waive the right to jurisdictional claims in the future on subject matter contained in this bill or similar legislation. Further, I will appropriately consult and involve the Committee on Science, Space, and Technology as the bill moves forward on issues that fall within your Rule X jurisdiction.

Finally, I will include a copy of our letter exchange in the committee report and in the Congressional Record when the bill is considered on the floor.

Thank you again for your cooperation.

Sincerely,

PETER A. DEFazio,
Chair.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,

Washington, DC, September 27, 2022.

Chairman PETER A. DEFazio,

Committee on Transportation and Infrastructure House of Representatives, Washington, DC.

DEAR CHAIRMAN DEFazio: I am writing to you concerning H.R. 3482, the "National Center for the Advancement of Aviation Act of 2022," which was referred to the Committee on Transportation and Infrastructure. I requested a sequential referral of this bill on July 23, 2022. However, in an effort to expedite consideration of this measure, I agree to withdraw my request for a sequential referral.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3482 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation. I also ask to be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction.

I would appreciate your response to this letter confirming this understanding and ask that a copy of our exchange of letters on this matter be included in the bill report filed by the Committee on Transportation and Infrastructure, as well as inserted in the Congressional Record during floor consideration to memorialize our understanding. Thank you for your cooperation on this legislation.

Sincerely,

EDDIE BERNICE JOHNSON.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3482, as amended, creates the National Center for the Ad-

vancement of Aviation, a private, not-for-profit organization dedicated to bringing government and aviation stakeholders together to address aviation workforce issues.

United States aviation supports 11.3 million direct jobs and facilitates more than a trillion dollars in economic activity, which represents more than 5 percent of gross domestic product.

Every industry is feeling the pinch of labor shortages, and the reality is that self-help measures undertaken by the aviation industry are not enough to ensure advancement of the aerospace industry. We must address the growing aviation workforce shortage to ensure our domestic aerospace industry maintains its global competitive advantage.

This bipartisan legislation has widespread support across the aviation industry, and I acknowledge that this bill was passionately supported, as has been said, by the dean of the House, Don Young.

Mr. Speaker, in order to ensure our Nation's aviation dominance, we must work forcefully to address the looming shortfall of aviation workforce. Having a properly trained and dedicated workforce to meet the near-term and future capacities needed in the aviation sector is crucial to the underpinning of the high standard of safety that sets America apart from the rest.

H.R. 3482, as amended, supplements the FAA's safety-focused mission by ensuring just that.

Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, this bill will help to address the workforce challenges facing U.S. aviation today and prepare our workforce for the opportunities of the future.

Mr. Speaker, I support this bipartisan legislation, and I urge my colleagues to do the same.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, H.R. 3482, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SMALL PROJECT EFFICIENT AND EFFECTIVE DISASTER RECOVERY ACT

Mr. CARSON. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5641) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for

eligibility for assistance under sections 403, 406, 407, and 502 of such Act, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, line 13, strike ["AND REPORT" after "REVIEW"] and insert "AND REPORT" after "REVIEW".

(2) On page 3, after line 3, insert:

SEC. 3. AUDIT AND REVIEW.

Not later than 3 years after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall conduct an audit, and submit to Congress a report, on whether there has been waste and abuse as a result of the amendment made under section 2(a)(1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5641.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5641. This legislation will expedite the approval process for small projects applying for aid through FEMA's public assistance program, a program that helps communities remove debris, implement emergency protective measures, and repair damage to public infrastructure.

The House has already passed this once with overwhelming support, and the amendment we are considering today would solely add a reporting requirement to the language we previously supported.

Also, in the time since we first passed this bill, the Biden administration has updated the small project threshold to \$1 million via rulemaking. The \$1 million threshold, Mr. Speaker, is currently expediting the post-disaster recovery process, cutting unnecessary red tape and helping communities get back on their feet.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5641, the SPEED Recovery Act, is a bipartisan bill that cuts red tape and helps expedite disaster recovery efforts, especially in small and rural areas. This legislation updates what the Federal Emergency Management Agency considers a small project.

The bill already passed the House in April, as has been said, and today, it

returns with a reasonable amendment from the Senate and adds a report by the inspector general of Homeland Security to help ensure that there is no fraud, waste, and abuse.

Increasing the small project threshold allows communities to recover faster and allows FEMA to focus more of their time and resources on larger, more complex projects that represent 90 percent of the disaster costs.

I have heard from communities in my district about paperwork burdens and increasing denials over technicalities, and I hope the commonsense adjustments of this bill will improve this process.

Mr. Speaker, I urge support of this legislation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Puerto Rico (Miss GONZÁLEZ-COLÓN).

Miss GONZÁLEZ-COLÓN. Mr. Speaker, I thank my colleague for yielding.

Today, I rise again in support of H.R. 5641, the SPEED Recovery Act, which is bipartisan legislation introduced by Ranking Member GRAVES that passed the House in April.

This bill cannot be timelier as Puerto Rico is once again dealing with the effects of yet another major disaster, Hurricane Fiona, while also communities in Florida are facing Hurricane Ian as we speak.

We do have a lot of experience in those small projects that are never done because of the red tape or the long procedures that need to be dealt with between municipalities and FEMA.

Too often, cities and municipalities face the burden of rising costs of material and labor, which means that the cost estimate for relatively simple projects, such as street repairs, now surpasses the threshold for what is defined as a small project.

Today, \$123,000 hardly covers the most trivial work, and we can talk about that. I mean, we still have a lot of those small projects since Hurricane Maria that are not being done, and now, many of those projects were hit by Hurricane Fiona. Although the money is there, the process is so big that even the initial amount won't cover those repairs.

We have had cases where there may have been resources to start and finish promptly, but because of the price tag, we are forced to go through a more complicated process with FEMA, which can take years, years in which the people wonder when they will see the work.

When a community does not see even small things taken care of, that weakens the social fabric and promotes displacement.

□ 1730

We cannot afford to keep going through that again. We have a responsibility to make the Federal Government more efficient, particularly in times of need.

By increasing the threshold for eligibility for small projects, including ad-

justments for inflation, this bill will simplify that process, reducing administrative burdens, resulting in faster start of work and allowing more recovery projects to move forward.

Mr. Speaker, I support this commonsense bipartisan legislation, and I urge all Members to support the Senate amendments and send them to the President's desk. Across the Nation, our communities will need it.

Mr. CARSON. Mr. Speaker, I have no more speakers, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume to close.

The amendments to H.R. 5641, the SPEED Recovery Act, is reasonable and will help to strengthen accountability.

Mr. Speaker, I thank Senators PORTMAN and PETERS, who are the bipartisan leaders of the Senate Committee on Homeland Security and Governmental Affairs. Without their leadership in the Senate to push forward this measure, we would not be here today.

Mr. Speaker, I thank Senator JOSH HAWLEY of Missouri, who also helped by being engaged in this particular issue.

Finally, I thank our great staff on both sides to get this bill to the finish line, especially my subcommittee staff director, Johanna Hardy and Maddy McCaslin.

Mr. Speaker, I urge support of this important legislation, and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, in closing, this legislation supports FEMA's role and codifies that the qualifying small project threshold will be \$1 million.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and concur in Senate amendments to the bill, H.R. 5641.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. NEHLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PREVENTING PFAS RUNOFF AT AIRPORTS ACT

Mr. CARSON. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3662) to temporarily increase the cost share authority for aqueous film forming foam input-based testing equipment, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3662

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing PFAS Runoff at Airports Act”.

SEC. 2. TEMPORARILY INCREASED COST SHARE AUTHORITY FOR AQUEOUS FILM FORMING FOAM INPUT-BASED TESTING EQUIPMENT.

(a) IN GENERAL.—Section 47109 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(g) SPECIAL RULE FOR COVERED EQUIPMENT.—

“(1) IN GENERAL.—The Government’s share of allowable project costs for covered equipment and its installation shall be 100 percent.

“(2) DEFINITION OF COVERED EQUIPMENT.—For purposes of this subsection, the term ‘covered equipment’ means aqueous film forming foam input-based testing equipment that is eligible for Airport Improvement Program funding based on Federal Aviation Administration PGL 21-01, titled ‘Extension of Eligibility for stand-alone acquisition of input-based testing equipment and truck modification’, dated October 5, 2021 (or any other successor program guidance letter).

“(3) SUNSET.—The higher cost share authority established in this subsection shall terminate on the earlier of—

“(A) 180 days after the date on which the eligibility of covered equipment for Airport Improvement Program funding under the authority described in paragraph (2) terminates or is discontinued by the Administrator; or

“(B) 5 years after the date of enactment of this subsection.”.

(b) OUTREACH EFFORTS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct an outreach effort to make airports aware of the higher cost share authority established in section 47109(g) of title 49, United States Code, as added by subsection (a).

(c) FORWARD-LOOKING AIRPORT REIMBURSEMENTS.—Not later than 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall provide a briefing to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that reviews—

(1) potential options for Congress to reimburse airports that—

(A) are certificated under part 139 of title 14, Code of Federal Regulations; and

(B) acquired covered equipment (as defined in section 47109(g) of title 49, United States Code) as added by subsection (a)—

(i) with Federal funding but with a Government’s share less than 100 percent; or

(ii) without Federal funding;

(2) information relevant to estimating the potential cost of providing such reimbursement;

(3) the status of the Federal Aviation Administration’s outreach efforts as required under subsection (b); and

(4) any additional information the Administrator of the Federal Aviation Administration considers appropriate.

(d) AUTHORIZATION OF APPROPRIATIONS.—The amendments made by this Act shall apply to amounts that first become available in fiscal year 2023 or thereafter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. WEBSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

GENERAL LEAVE

Mr. CARSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 3662, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 3662, the Preventing PFAS Runoff at Airports Act, sponsored by Senator PETERS from Michigan.

Mr. Speaker, every day millions of Americans are exposed to highly toxic fluorinated chemicals known as PFAS, through either their drinking water, home appliances, retail packaging, or countless other things they come into contact with each and every day.

These chemicals, known as “forever chemicals” due to their long-term persistence and inability to be easily broken down when released into the environment, have been linked with numerous human health risks, including increased risk of cancer, immune system impairment, and impaired child development. And that is just what we know. There is still plenty that we don’t know about these hazardous materials and chemicals.

Unfortunately, these chemicals are also likely to be found in and around many of our Nation’s airports. That is because airports have been required by law to use and discharge firefighting foam containing PFAS; not just during firefighting emergencies, but also to comply with mandatory FAA testing requirements for firefighting equipment. These discharges have tremendous health implications for the people who live and work around airports, as well as growing liability concerns for the airports themselves.

Fortunately, there has been significant progress on this front. For instance, just last month, the EPA proposed designating two of the most widely used PFAS chemicals as hazardous substances, which would create more public transparencies around the release of these chemicals. And the FAA is in the process of transitioning away from mandating the use of airport firefighting foam containing PFAS—though the agency still has to offer PFAS-free alternatives.

Furthermore, the FAA now allows for airports to sufficiently test their firefighting equipment without discharging PFAS outside of the vehicle. But while these efforts should be celebrated, more work must be done.

That is why I support this bill, which would raise the Federal cost share to 100 percent for airports that use Federal Airport Improvements Program funds to acquire input-based testing equipment, which enables airports to test firefighting equipment without

emitting toxic PFAS substances. While airports are already allowed to procure this equipment, the cost of the equipment—which can be tens of thousands of dollars—can often be prohibitive.

Through this higher Federal cost share, S. 3662 would incentivize the broad adoption of this new technology to ensure airports are able to limit or prevent the spread of PFAS contamination into local communities.

In addition, the bill would require the FAA to provide Congress with options for reimbursing airports that use AIP funds to require input-based testing equipment under a lower Federal cost share standard or acquire this equipment without AIP funds.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, ensuring the safety of the traveling public is of critical importance to this Committee. To ensure aviation safety, the Federal Aviation Administration regulates airport firefighting standards and requires airports to regularly test firefighting equipment.

Currently, the fire suppressant foam required to be used at airports contains PFAS. While FAA is working closely with the Department of Defense to come up with an alternative that is just as effective at suppressing jet fuel fires, there is still work to be done before that alternative is made available.

Given that, this bill ensures that airports are able to acquire equipment to test firefighting vehicles, in compliance with FAA regulations, without discharging PFAS-laden foam.

Mr. Speaker, this bipartisan bill passed the Senate unanimously, and I urge support. This legislation is a good piece of legislation, and I reserve the balance of my time.

Mr. CARSON. Mr. Speaker, I have no more speakers and I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Speaker, in closing, S. 3662 is a minor adjustment of an AIP cost share to remove any barriers an airport might have for acquiring firefighting testing equipment.

Mr. Speaker, I urge support of the bill and I yield back the balance of my time.

Mr. CARSON. Mr. Speaker, in closing, by making this small change to the Federal AIP, this bill would make it much easier to protect the health of our airport workers, first responders, and local communities, as well as bolster our Nation’s ability to continue fighting these dangerous and insidious chemicals.

Mr. Speaker, I support this bipartisan legislation and I urge my colleagues to do the same. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 3662, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. NEHLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1745

PROVIDING FOR CONSIDERATION OF H.R. 3843, MERGER FILING FEE MODERNIZATION ACT OF 2022; PROVIDING FOR CONSIDERATION OF H.R. 7780, MENTAL HEALTH MATTERS ACT; AND PROVIDING FOR CONSIDERATION OF S. 3969, PAVA PROGRAM INCLUSION ACT; AND FOR OTHER PURPOSES

Mr. DESAULNIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1396

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-66 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their respective designees. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-67 shall be considered as adopted in the House and in the Committee of the Whole. The bill,

as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SEC. 3. During consideration of H.R. 7780, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education and Labor or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. Upon adoption of this resolution it shall be in order to consider in the House the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on House Administration or their respective designees; and (2) one motion to commit.

SEC. 5. On any legislative day during the period from October 3, 2022, through November 11, 2022, the Journal of the proceedings of the previous day shall be considered as approved.

SEC. 6. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 5 of this resolution as though under clause 8(a) of rule I.

SEC. 7. Each day during the period addressed by section 5 of this resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

SEC. 8. Each day during the period addressed by section 5 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII.

SEC. 9. Each day during the period addressed by section 5 of this resolution shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII.

SEC. 10. (a) At any time through the legislative day of Friday, September 30, 2022, the Speaker may entertain motions offered by

the Majority Leader or a designee that the House suspend the rules as though under clause 1 of rule XV with respect to multiple measures described in subsection (b), and the Chair shall put the question on any such motion without debate or intervening motion.

(b) A measure referred to in subsection (a) includes any measure that was the object of a motion to suspend the rules on the legislative day of September 28, 2022, September 29, 2022, or September 30, 2022, in the form as so offered, on which the yeas and nays were ordered and further proceedings postponed pursuant to clause 8 of rule XX.

(c) Upon the offering of a motion pursuant to subsection (a) concerning multiple measures, the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated to the end that all such motions are considered as withdrawn.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DESAULNIER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Minnesota (Mrs. FISCHBACH), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. DESAULNIER. Mr. Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DESAULNIER. Mr. Speaker, yesterday, the Rules Committee met and reported a rule, House Resolution 1396, providing for consideration of three measures.

First, the rule provides for consideration of H.R. 7780 under a structured rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and the ranking minority member of the Committee on Education and Labor, and makes in order two amendments, and provides one motion to recommit.

Second, the rule provides for consideration of H.R. 3843 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and a motion to recommit.

Third, the rule provides for consideration of S. 3969 under a closed rule. The rule provides 1 hour of general debate equally divided and controlled by the chair and the ranking minority member of the Committee on House Administration and a motion to commit.

The rule provides the majority leader or his designee the ability to en bloc requested roll call votes on suspension bills considered on September 28 to September 30. This authority lasts through September 30, 2022.

Lastly, the rule provides standard recess instructions from October 3 to November 11.

Mr. Speaker, an average of 18 young Americans took their own lives every

day in 2020. When children take their own lives, families and communities are left broken. This includes the community of Moorhead, Minnesota, which faced the devastating loss of 13-year old Horizon Middle School student Jacoby Blake to suicide just last year.

These sad stories happen all over this country in all of our districts. Mental health disorders, as a whole, are a common cause of death. It is estimated by CDC that 8 million deaths worldwide, which represents about 14.3 of total annual deaths, are attributable to mental disorders.

Even before the pandemic, the unmet mental and behavioral health needs of young people, students, and teachers, were a serious problem.

In talking with teachers in the district I represent in the East Bay of the San Francisco Bay area, it is clear that this problem has become a crisis. Teachers, administrators, and parents, often tell me that dealing with their students and their children's and their own mental and behavioral health challenges is among the most difficult things they deal with every day.

The data, unfortunately, backs up these stories. Teachers are saying, just last year, almost half of the students experienced persistent sadness or hopelessness, and nearly 20 percent seriously considered suicide.

Think of that, Mr. Speaker. Almost one in four American children have considered suicide in the last 2 years.

At the same time, 27 percent of teachers reported symptoms of depression, which is significantly higher than average adults, and those numbers have been growing.

Despite these warning signs, over 60 percent of children experiencing major depression do not receive any form of mental health treatment, and only 22 percent of teachers reported receiving emotional support from their school, their school district, or professional staff.

This is at a time when investments in the National Institute of Mental Health is discovering exponential information about how our brains work, how they cognitively develop, and the danger to trauma.

We are not getting this information out to the people who need it the most. We know that when people get treatment, they succeed. They overcome their difficulties.

As a Nation, we are underinvesting in the resources our students need, and our communities, our parents, our teachers, our administrators, to stay healthy, to succeed in school, and retain talented teachers and professionals and make sure that future Americans grow and are ready to carry on the legacy that we have inherited from former generations.

While the School Social Work Association of America recommends a ratio of 250 students per social worker, not one single State meets this recommended ratio. The national average is 2,106 of students per social worker;

2,106, as opposed to the recommended average of 250.

I am proud this week that the House is advancing my legislation, the Mental Health Matters Act, to confront this crisis head on, to give communities and parents and teachers the resources they need.

This bill was drafted with the needs of students, parents, and teachers in mind and is the product of months of careful consideration about how Congress can best respond to our Nation's mental health crisis.

This legislation before us would expand the school-based mental and behavioral health workforce, promote accessibility for students with disabilities, provide resources to address trauma in young children, and strengthen the ability of Americans with employer-sponsored insurance to access mental health and substance use disorder treatments they are statutorily entitled to.

From my discussions with mental health professionals over the years and research that has informed this legislation, it is clear that failure to address these challenges at a young age can harm performance at school and work and lead to ever worsening mental and behavioral health outcomes later in life for individuals and for our country.

□ 1800

Anxiety and reading disorders co-occur in approximately 25 percent of students. For individuals whose reading challenges persist into adulthood, there is a greater likelihood of depression, low self-esteem, and difficulty in social functioning.

To break this cycle, a provision I authored would help Head Start agencies implement evidence-based interventions to improve the health of children and staff.

While investment is needed for greater access to school-based mental health and behavioral health, individuals and families with employer-sponsored health insurance must also have robust access to treatment outside of school.

Some insurers, unfortunately, have placed arbitrary coverage limits on mental and behavioral health care, making it hard for patients to access treatment in the same way they would for physical ailments. This legislation makes great strides in the fight for mental health parity so that families can focus more on staying healthy and less on battling insurers for coverage.

Mental health and suicide prevention are deeply personal issues for me, having lost my own father to suicide almost 34 years ago. In advancing this bill, it is my hope that we can prevent many families from having to experience what mine went through several decades ago.

Also included in today's rule is the Merger Filing Fee Modernization Act. This bipartisan bill would increase the filing fee that large corporations must pay the Federal Trade Commission in order to conduct a merger.

A recent surge in merger filings has placed a strain on the FTC's resources, and updating the fee schedule will help the agency cope with its many demands.

Finally, we will also consider the PAVA Program Inclusion Act under the rule. This Senate-passed legislation would help ensure that all programs designed to help voters with disabilities can access Federal funds regardless of their location.

Unfortunately, programs designed to help individuals with disabilities vote who are Native Americans or who live in the Northern Mariana Islands are not currently able to access the Protection and Advocacy for Voting Access funds in the same manner as other Federal programs. The PAVA Program Inclusion Act will fix this injustice, and passing this bill will send it to President Biden's desk to be signed into law.

Mr. Speaker, we have a great opportunity this week to make transformative investments in our Nation's future and our mental health and pass other commonsense legislation.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I thank the gentleman from California for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

We are here to debate the rule providing for consideration of three bills: H.R. 7780, Mental Health Matters Act; H.R. 3843, Merger Filing Fee Modernization Act; and S. 3969, Protection and Advocacy for Voting Access, or PAVA, Program Inclusion Act.

H.R. 3843 would increase funding to the Federal Trade Commission without justification or restrictions on that funding. This is the same agency that, through its strategic plan for the next 4 years, removed a longstanding clause that states the agency will not unduly burden legitimate business activity.

In the coming term, the Supreme Court will hear a case as to whether the FTC is mission creeping beyond the bounds of its constitutional authority. The FTC, through its initiatives in antitrust enforcement, has taken an increasing liberal view of its traditional focus on protecting consumers from fraud and ensuring businesses have clear rules to follow and is instead moving toward an interpretation of reshaping the American economy through enforcement action.

In the Committee on the Judiciary, my colleagues offered amendments to put limitations on this funding.

Mr. ROY offered an amendment to prohibit appropriated funds from being used to promote critical race theory and one to require funds to be used to enforce antitrust laws as defined in the Clayton Act.

Mr. FITZGERALD offered one to prohibit funds from being used for non-enforcement activities.

Mr. BISHOP offered one to limit the scope of the bill to only apply to mergers involving large technology companies.

All of these failed on party lines, and I can't understand why, unless my colleagues on the left want to encourage the FTC to get involved in issues outside of its purview. The FTC is out of control under this administration and cannot be trusted with these additional resources.

H.R. 7780 misses the mark. Republicans are committed to addressing the mental health crisis facing young people in the country. Unfortunately, this bill is another one-size-fits-all proposal that fails to provide local leaders with the flexibility they need to address the unique problems they face. Republicans support mental health parity, but this bill will actually do the opposite. It opens insurers and employers to lawsuits when they voluntarily offer to provide mental health care benefits.

As with so many bills promoted by the majority this Congress, provisions of this bill ban arbitration clauses, class action waivers, and representation waivers, discouraging other means of settling disputes and pushing creating even more bottlenecks in our judicial system.

During markup, Republicans offered an alternative bill that streamlined existing programs, helped the needs on the ground, helped all students in need regardless of where their school is, and included important accountability metrics. I wish we were discussing that bill here today. Unfortunately, this and every other Republican amendment is effectively blocked from discussion under this rule.

Mr. Speaker, it is for that reason that I oppose the rule and ask Members to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. DESAULNIER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments from my friend.

Just on the mental health part, we did have hearings in the subcommittee I am proud to chair, the Subcommittee on Health, Employment, Labor, and Pensions. We have had ongoing discussions with both the ranking member of that subcommittee and the ranking member of the full committee, so I think this is to be continued.

I would say on the mental health part of the rule, the urgency is right now, as I outlined in my opening comments. It is something we will have to continue to work with and hopefully will in good faith because all of these issues are on mental health, particularly for young people. I have agreed in my conversations with my friends, the ranking members, Ms. FOXX and Mr. ALLEN, and I look forward to continuing that. I think there is a real urgency on that.

On the trust, I respectfully disagree. Given the level of inequality in this country right now, I think it is really important that we support competition in the marketplace, and the Federal Trade Commission needs the resources to make sure that that happens.

The PAVA bill obviously has bipartisan support.

On all of these bills, I am anxious to get them off the floor today as a rule and look forward to seeing the continued debate tomorrow on the specific bills and the outcome of those bills.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to my colleague from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, today, I reluctantly rise in opposition to this rule and will vote "no."

I am a supporter of all three bills covered by this rule as they were originally introduced. I am even the cosponsor of Representative NEGUSE's bill to increase filing fees. However, very unfortunately, this rule advances a modified version of that bill. It tacks on provisions from Representative BUCK's antitrust enforcement venue bill, and these antitrust venue provisions are unwise public policy.

I vocally opposed them during the Committee on the Judiciary markup and have dutifully kept my leadership apprised of my opposition to them since that time.

Despite proponents trying to sell these venue provisions as non-controversial, I am far from the only Member with concerns.

Furthermore, in a highly unusual move, the Administrative Office of the U.S. Courts wrote to Congress outlining their serious concerns with these venue policy provisions. Opposition also comes in letters from the Progressive Policy Institute and the U.S. Chamber of Commerce.

Proponents argue that State attorneys general are in favor. Well, I understand it was sold to them as a non-controversial provision. Of course, they would be in favor. It makes life easier for them. It doesn't address the very serious issues outlined by the Administrative Office of the Courts, and it doesn't make this good, wise policy.

So, very reluctantly, I will vote "no." I would gladly support today's rule if these venue provisions were not tacked onto the other good bills.

Mr. Speaker, I include in the RECORD the letters from the Administrative Office of the United States Courts, the Progressive Policy Institute, and the U.S. Chamber of Commerce.

ADMINISTRATIVE OFFICE OF
THE UNITED STATES COURTS,
Washington, DC, July 19, 2021.

Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. LEADER: I write regarding H.R. 3460, the "State Antitrust Enforcement Venue Act of 2021," which was ordered reported as amended by the Committee on the Judiciary on June 24, 2021. Neither the Judicial Panel on Multidistrict Litigation ("Panel") nor any of the relevant committees of the Judicial Conference of the United States ("Conference") have had the opportunity to analyze this bill thoroughly. Considering its potential impact on the federal Judiciary and the efficient administration of justice, I offer for your consideration the fol-

lowing initial observations. These comments are neither expressions of support for, nor opposition to the bill. Nevertheless, I hope they are helpful and note that pending a more in-depth analysis, by both the Panel and the relevant Conference committees, additional comments may be submitted.

BACKGROUND

Section 1407 was enacted in 1968, in the wake of a large multidistrict antitrust litigation involving alleged conspiracies to divide businesses and fix prices in multiple product lines of electrical equipment. That litigation encompassed more than a thousand actions in numerous federal judicial districts brought, in large part, by public utilities against virtually every manufacturer of electrical equipment. The sudden influx of civil antitrust actions led to the creation of ad hoc procedures to coordinate the litigation before a smaller number of judges to eliminate duplicative discovery and pretrial proceedings.

Section 1407 was intended to serve as a permanent solution to the problem that large multidistrict litigations pose to the federal Judiciary's ability to administer its civil docket efficiently and justly. The statute created a panel of seven circuit and district judges, no two of whom shall be from the same circuit, which is authorized to transfer civil actions involving one or more common questions of fact and pending in different districts to a single district for coordinated or consolidated pretrial proceedings. See 28 U.S.C. §1407(a). To distinguish from other forms of transfer and consolidation, transfer for coordinated or consolidated pretrial proceedings under Section 1407 is referred to as "centralization." The Panel may transfer actions for centralized pretrial proceedings only if it determines that transfer will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of such actions. Id. Civil actions transferred to multidistrict litigation (MDL) proceedings are remanded by the Panel at the conclusion of pretrial proceedings to their transferor districts (i.e., trial is conducted in the district of original filing), unless the actions were terminated during the course of pretrial proceedings. Id.

Over the past fifty years, MDLs have encompassed a wide variety of civil litigation in the federal courts, but antitrust litigations have always constituted a core category of cases subject to centralization. Section 1407 contains one exception with respect to antitrust MDLs—enforcement actions by the United States arising under the federal antitrust laws are not subject to transfer under Section 1407. See 28 U.S.C. §1407(g). Congress has amended Section 1407 only once. As part of the Hart Scott Rodino Antitrust Improvements Act of 1976, Congress added subsection (h), which authorizes the Panel to consolidate and transfer any action brought under 15 U.S.C. §15c (i.e., State *parens patriae* actions) for both pretrial purposes and trial. See 28 U.S.C. §1407(h).

CONCERNS

H.R. 3460 would amend 28 U.S.C. §1407 to limit the Panel's ability to centralize civil actions brought by States under the antitrust laws of the United States and delete the subsection added by the Hart Scott Rodino Antitrust Improvements Act of 1976. Congress to date has never amended Section 1407 to restrict the Panel's ability to centralize civil actions. Doing so in this instance raises several concerns that merit Congress's consideration.

H.R. 3460 May Negatively Impact the Efficiency and Conduct of Antitrust MDLs

Restricting the Panel's ability to centralize State antitrust actions could negatively impact the efficiency and conduct of

antitrust MDLs. When the Panel centralizes actions under Section 1407, it considers whether centralization will enhance convenience and efficiency with respect to the parties, witnesses, and the federal Judiciary as a whole—the Panel does not limit its consideration to the impact on any one party in isolation. In general, MDL litigation is most efficient when all related actions are centralized before a single judge. Doing so minimizes the potential for duplicative discovery and motion practice, eliminates the potential for inconsistent pretrial schedules or rulings, and conserves the resources of the parties, counsel, and the Judiciary. To the extent there are actions with different legal issues or concerns, the MDL judge can formulate a pretrial program that allows pretrial proceedings with respect to any non-common issues to proceed concurrently with pretrial proceedings on common issues (for example, by creating a separate discovery or motion track for certain actions). This ensures that pretrial proceedings will be conducted in a streamlined manner leading to a just and expeditious resolution of all actions to the overall benefit of the parties.

Excepting State antitrust actions from centralization can only increase the number of actions (and, hence, the number of independent parties and courts) outside the ambit of the MDL. Related actions that cannot be centralized can introduce case management difficulties into the MDL. Parties and courts in actions pending outside the MDL may (either actively or inadvertently) undermine attempts to coordinate and streamline discovery and pretrial practice in the litigation. For instance, such actions may be subject to different pretrial schedules, parties and witnesses might be subject to duplicative discovery, and the courts might issue inconsistent pretrial rulings pertaining to the same parties. It also is possible that substantively inconsistent rulings could issue—such as with respect to market definition or which standard of review (per se or rule of reason) applies to a given case. Given the nationwide scope of these antitrust litigations, such inconsistent rulings may complicate proceedings and sow confusion not only among the courts and parties, but also in the marketplace.

H.R. 3460 May Result in Inefficient Judicial Administration of Antitrust Litigation

Apart from the general impact on efficiency caused by increasing the number of actions that cannot be centralized, there could be particular inefficiencies created by excepting State antitrust actions from centralization. States are, in many ways, similar to private antitrust plaintiffs. For instance, States may sue because they have suffered a direct antitrust injury (e.g., if the State directly purchased a product subject to an alleged price fixing conspiracy). Along with their claims under the federal antitrust laws, States may also include claims brought under state antitrust law for “indirect” antitrust damages not permitted under federal antitrust law. Both types of claims are substantially similar to those presented by private plaintiffs asserting antitrust injury as direct or indirect purchasers. As such, these type of State antitrust claims will present factual and legal issues that are similar or identical to those presented by the claims of the private plaintiffs. These common claims generally will be most efficiently litigated in a centralized proceeding. Notably, similar claims by the United States for civil damages due to injury to the government itself are not excluded from centralization under Section 1407. See 28 U.S.C. §1407(g) (stating that the exemption for claims brought by the United States as a complainant under the antitrust laws “shall not include section

4A of the Act of October 15, 1914, as added July 7, 1955 (69 Stat. 282; 15 U.S.C. 15a)).

In addition, States may bring federal antitrust claims on behalf of their citizens who have suffered harm due to the alleged anti-competitive conduct (parens patriae actions). Those citizens may be class members in private antitrust actions. Indeed, Section 4C of the Clayton Act, 15 U.S.C. §15c, imposes on State parens patriae actions notice and opt out requirements akin to those for private class actions under Federal Rule of Civil Procedure 23. Courts also are statutorily obligated to exclude from any award in a parens patriae action any amounts that duplicate awards in private actions. See 15 U.S.C. §15c(a)(1). A single MDL judge usually will be best positioned to coordinate state and private litigations.

H.R. 3460 Could Adversely Affect the Interest of States

Excluding State antitrust actions from MDL proceedings could adversely affect the interests of the States. While States might gain greater autonomy with respect to their individual actions, they would lose much of their ability to participate in and influence the centralized proceedings. Collaboration between private plaintiffs and State Attorneys General also may be reduced, particularly if the States retain outside counsel to prosecute their antitrust claims. Such counsel may have attorneys’ fees or other incentives inconsistent with close coordination with the MDL. This could result (absent coordination between the different courts) in competing pretrial schedules and inconsistent orders that complicate the management and adjudication of both the State antitrust action and the MDL.

H.R. 3460 Could Undermine the Panel’s Efforts to Enhance Coordination with Federal Antitrust Litigation

Excluding State antitrust actions from centralization could undermine the Panel’s efforts to facilitate coordination and cooperation between private antitrust litigation and antitrust actions brought by the United States. Where there is a federal enforcement action or investigation that cannot be included in a given antitrust MDL, the Panel often will centralize the MDL in the court where the federal antitrust action or grand jury proceedings are pending to facilitate any appropriate and necessary coordination with the private actions. By multiplying the number of actions excluded from centralization under Section 1407, the proposed legislation might eliminate this alternative means of facilitating coordination with respect to litigations involving both federal and state antitrust actions.

CONCLUSION

Thank you for considering these comments. We request that the Committees of the Judicial Conference and the Panel have the opportunity to conduct more in-depth analysis of the legislation before any further consideration by Congress.

Sincerely,

ROSLYNN R. MAUSKOPF,
Director.

PROGRESSIVE POLICY INSTITUTE (PPI)
September 26, 2022.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. STENY HOYER,
Majority Leader, House of Representatives,
Washington, DC.
Hon. KEVIN MCCARTHY,
Minority Leader, House of Representatives
Washington, DC.

DEAR SPEAKER PELOSI, LEADER MCCARTHY,
AND LEADER HOYER: State enforcement of

antitrust law plays a key role in protecting consumer welfare in the face of corporate monopolies. However, the national nature of our economy means that, in many cases, consumers across state lines are buying the same products and services. H.R. 3460, the State Antitrust Enforcement Venue Act, retreats from the national nature of many markets by attempting to refocus antitrust law on a state-by-state basis. It makes this shift by preventing venue transfers for antitrust cases brought by state attorneys general in favor of a system where states can bring antitrust claims against companies with more control over the venue in which these cases are carried out. A major change such as this will have unforeseen consequences in a variety of antitrust situations. It is for this and the following reasons we urge you to oppose H.R. 3460, which is incorporated in the House Rules Committee notice hearing for the modified version of H.R. 3843, the Merger Filing Fee Modernization Act.

A July 2021 letter from the Director of the Administrative Office of the U.S. Courts explains the ways in which the bill would reduce efficiency in the American judicial system. It highlights that currently under 28 U.S. Code §1407 similar civil cases in different districts are consolidated by the Judicial Panel on Multi-District Litigation, which then transfers the case to a single district. This can be requested by the defendant and the intent is to minimize duplicative processes and prevent inconsistent rulings.

By discarding this means for centralization through the passage of H.R. 3460, the processes through which states approach antitrust cases is fundamentally changed. As is pointed out by the Administrative Office of the U.S. Courts, efficiency is compromised, as courts will need to separately engage in similar discovery and pretrial proceedings in different venues, even in cases where it would conserve the time of the court and taxpayer money to carry out in a single district.

Additional concerns lie in the potential for politically motivated judicial consequences associated with the bill. The bill’s elimination of the consolidation process for antitrust cases brought under 15 U.S.C. §15c will give rise to a reality where different states could simultaneously pursue their own separate antitrust actions against the same companies across various federal courts. As such, state attorneys generals may harass companies that are politically unpopular in a particular state or region.

Creating a fragmented and inefficient antitrust system is not the optimal remedy for potential corporate antitrust violations. We urge you to oppose H.R. 3460, the State Antitrust Enforcement Venue Act, and avoid the unintended consequences that may come with it.

Sincerely,

Progressive Policy Institute (PPI), Center for New Liberalism (CNL), Computer & Communications Industry Association (CCIA), Blackstone Valley Chamber of Commerce, South Shore Chamber of Commerce, Council Bluffs Chamber of Commerce, Lawsuit Reform Alliance of New York, Florida State Hispanic Chamber of Commerce.

U.S. CHAMBER OF COMMERCE,
GOVERNMENT AFFAIRS,

Washington, DC, September 27, 2022.

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce strongly opposes in its current form H.R. 3843, the “Merger Filing Fee Modernization Act of 2022,” because it would stymie legitimate business transactions across sectors and industries, create needless new bureaucracy, and spur unwarranted litigation. The

Chamber will consider including votes related to this legislation in our "How They Voted" scorecard.

The egregious provisions of the bill include:

Venue. While no longer retroactive as it was in previous drafts of the bill, the Multi District Litigation (MDL) provisions could force firms into simultaneously defending against private litigants, the federal government, and various states in dozens of different courtrooms around the country. The Administrative Office of the United States Courts indicates that such legislation could harm MDL participants more generally by harming judicial efficiency and administration and hamper coordination of state and federal enforcement actions with MDLs. Moreover, these problems would be compounded when states employ private, outside contingency fee attorneys to maximize profits through litigation, rather than to protect consumers or competition.

Transparency and Fees. Only a handful of the thousands of mergers filed each year present potential competition concerns. Yet, the agencies have refused to meet the statutory deadlines for process and accountability under the Hart-Scott-Rodino (HSR) Act. Rather, regulators issue notice letters to firms that essentially dare companies to close mergers at the risk of future action. It is unacceptable to engage in abusive procedural gimmicks. Congress should not raise merger fees while the agencies are currently engaging in process violations.

Foreign Subsidy Notification Provision. Despite efforts to improve the subsidy notification provisions, they remain un-administrable. The legislation provides no clear definition as to what constitutes a subsidy, there is no definition as to what qualifies as a "country of concern," and the disclosure of subsidies has zero bearing on merger review and the merger standard under the law. Subsidies involved in how a deal is financed are not a concern under the antitrust laws, and concerns tied to subsidies the merging parties have received will not result in the government successfully blocking the merger as a remedy to predatory pricing concerns.

The Chamber urges you to oppose this legislation.

Sincerely,

EVAN JENKINS,
Senior Vice President,
U.S. Chamber of Commerce.

Mr. DESAULNIER. Mr. Speaker, I always say that I respect and admire my friend from the San Francisco Bay Area. Sometimes, we disagree.

Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BUCK).

Mr. BUCK. Mr. Speaker, Big Tech is crushing competition and crushing conservative speech. H.R. 3843 contains three important measures that will help America with Big Tech.

The first gives State attorneys general the ability to file their lawsuits and keep those lawsuits in their States. The 48 State attorneys general have asked Congress to move this bill forward. It received broad bipartisan support in the Committee on the Judiciary.

The second is a bill that Senator HAWLEY and our colleague, Congressman FITZGERALD, have supported. It basically prohibits China from buying small high-tech companies so that they can steal our innovation.

The third bill that is combined with H.R. 3843 raises filing fees. Make no mistake, there are controls on these filing fees. They have to be appropriated for the FTC by the Appropriations Committee. That is a control. The Appropriations Committee, I hope, will be under Republican control in the next Congress, and it will be controlled so that nobody in the FTC is using these funds in an inappropriate way, other than reviewing the mergers at issue.

Mr. Speaker, my friend Senator CRUZ has said it absolutely correctly: The greatest threat to democracy in this country is Big Tech.

Senator LEE, Senator COTTON, and Senator GRASSLEY support the House version of this bill because it is a conservative bill, a bipartisan bill, and a bill that will help America deal with Big Tech. I hope my colleagues will support H.R. 3843.

Mr. DESAULNIER. Mr. Speaker, I include in the RECORD the names and correspondence of several organizations I will mention just briefly. These are 40 different organizations that have written to Congress in support of H.R. 3843, the Merger Filing Fee Modernization Act.

Amongst them are Accountable Tech, American Trust Institute, American Family Voices, Artist Rights Alliance, Center for Democracy and Technology, Center for Digital Democracy, Common Sense Media, Consumer Action, Consumer Reports, Free Press Action, Open Markets Institute, Our Revolution, the Service Employees International Union, the International Brotherhood of Teamsters, and the Writers Guild of America West, amongst others. We have covered a broad group here.

These organizations include:

Accountable Tech, American Antitrust Institute, American Economic Liberties Project, American Family Voices, Artist Rights Alliance, Asian Pacific American Labor Alliance, AFL-CIO, Athena, Campaign for Family Farms and the Environment, Center for Democracy & Technology, Center for Digital Democracy, Center for Economic and Policy Research, Common Sense Media, Consumer Action.

Consumer Reports, Demand Progress, Demos, Economic Security Project Action, Electronic Privacy Information Center (EPIC), Farm Action Fund, Fight for the Future, Free Press Action, Future of Music Coalition, Institute for Local Self-Reliance, International Brotherhood of Teamsters, National Grocers Association, New York Communities for Change.

Open Markets Institute, Our Revolution, P Street/Progressive Change Campaign Committee, People's Parity Project, Public Citizen, Public Knowledge, Revolving Door Project, Service Employees International Union, The Democratic Coalition, The Tech Oversight Project, UltraViolet Action, Writers Guild of America West (WGAW).

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, if we defeat the previous question, Republicans will offer an amendment to the rule allowing for the immediate consideration of H.R. 6184, the HALT Fentanyl Act.

I ask unanimous consent to insert the text of my amendment into the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mrs. FISCHBACH. Mr. Speaker, over 100,000 people died from fentanyl overdoses in a 1-year span, according to the CDC. That is a 30 percent increase from the year before.

Fentanyl is now the number one cause of death for Americans ages 18 to 45. I think we can all agree that something must be done to put a stop to this heartbreaking epidemic.

□ 1815

Fentanyl has been temporarily classified as a schedule I substance. This classification strengthens law enforcement's ability to prosecute fentanyl traffickers, and DEA reports that it has acted as an effective deterrent.

The HALT Fentanyl Act would make the schedule I classification permanent and would also promote research by removing regulations and streamlining the research process. We should do everything we possibly can to put an end to the devastation caused by fentanyl in this country, and the HALT Fentanyl Act is one piece of the puzzle that could make a real difference.

Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. GRIFFITH) to speak further on the amendment.

Mr. GRIFFITH. Mr. Speaker, I rise to oppose the previous question so that we can immediately consider my bill, H.R. 6184, the Halt All Lethal Trafficking of Fentanyl Act.

Every Member of this body knows someone who has been affected by the drug overdose epidemic plaguing our country.

Recent provisional data from the Centers for Disease Control and Prevention indicates that during 2021 there were more than 107,000 overdose deaths that occurred in the United States, an increase of nearly 15 percent from the previous year.

These record numbers are due in large part to the increasing presence of fentanyl and fentanyl analogues, which are approximately 100 times more potent than morphine and 50 times more potent than heroin.

Because fentanyl has a proven medical use, it is considered a schedule II narcotic. But illicit derivatives of fentanyl, also called fentanyl analogues or fentanyl-related substances, do not often demonstrate a medical value. Right now they are considered schedule I substances, but only because of a temporary scheduling order which expires on December 31.

My bill aims to curb overdose deaths by permanently scheduling fentanyl analogues as schedule I substances. This will strengthen law enforcement's ability to prosecute fentanyl traffickers and act as a deterrent.

The HALT Fentanyl Act also promotes research by removing barriers to that research. In the Energy and Commerce Committee, we heard there are as many as 4,800 analogues. Our experts at the NIH, the FDA, and other agencies have studied roughly 30 of these 4,800 analogues.

By encouraging research of schedule I substances like fentanyl analogues, we can better understand how these substances work and how we can prevent potentially harmful impacts in the future.

The problem is that if this law expires and doesn't become permanent, those 4,800 analogues are arguably legal—I would submit they are legal—and we have to pass a law on each one of them. The HALT Fentanyl Act makes it so we don't have to do that.

Should we discover that one of those 4,800 or maybe two have a legitimate medical purpose, then we can come back in and consider that, but it is a whole lot easier to figure out what we have already done research on when we have done research on 30 of 4,800 analogues than it is to say, wait a minute, we are going to make all of these legal, and then figure out which ones of them are the most dangerous to the American public. I would submit they are all dangerous and that Congress must pass the HALT Fentanyl Act now.

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Speaker, I rise to speak on and urge defeat of the previous question so that we can immediately take up H.R. 6184, the HALT Fentanyl Act.

Mr. Speaker, there is a crisis on our southern border greater than we have ever seen due to the policies put in place by the Biden administration. Almost 2½ million migrants have crossed our southern border in fiscal year 2022. In 2021 alone, border officials encountered nearly 2 million illegal immigrants and seized over 11,000 pounds of fentanyl. This is a public health crisis that demands immediate attention.

H.R. 6184, the HALT Fentanyl Act, places fentanyl-related analogues into schedule I of the Controlled Substances Act and establishes a new registration process for schedule I research funding by the Department of Health and Human Services and the Department of Veterans Affairs.

The move to permanently schedule fentanyl as schedule I is a necessary tool for the Drug Enforcement Administration to work with other agencies and law enforcement officials to address the threat of illicit fentanyl.

According to the Centers for Disease Control and Prevention, fentanyl is now the number one cause of death for Americans 18 to 45, surpassing suicide, COVID-19, and car accidents.

Mr. Speaker, we have all heard stories about how drug dealers are using social media and apps, like Snapchat,

to infiltrate chats with teens or young kids and sell them these illicit drugs. We have no idea what they are selling and whether or not the drug is laced with fentanyl.

Two Congresses ago, the Energy and Commerce Committee worked hard on the SUPPORT Act to deal with what at the time was called an opiate crisis, but we have moved on from that, and now we have a fentanyl crisis.

This is a different disease. It demands attention at the southern border, it demands attention to the analogues being shipped to Mexico from China, and it demands that our Drug Enforcement Administration have the tools it needs to interrupt this deadly epidemic of drug overdose deaths. One death is too many, and we need to equip our communities to address this issue from the source.

If it has changed so much in 4 years, imagine what it will look like in 10 years if nothing is done now. I urge Members to defeat the previous question so we can immediately take up this important bill.

Mr. DESAULNIER. Mr. Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I rise today to oppose the previous question so that we can immediately consider H.R. 6184, the HALT Fentanyl Act, and stop the deadly flow of fentanyl into our communities.

The failure of the Biden administration to control the southern border has resulted in record levels of deadly synthetic drugs, like fentanyl, pouring directly into American communities. So far this fiscal year, over 10,000 pounds of fentanyl have been seized at the southern border, with even more slipping through into our country. That is enough fentanyl to kill every American eight times over.

There is little doubt that the surge of drug seizures at our border is closely connected to the surge of drug overdose deaths in the United States. In fact, every 7½ minutes, someone in the United States dies from fentanyl poisoning. Every 7½ minutes. There is an opportunity here for us to work together to help stem the flow of deadly fentanyl and its analogues into our country.

In my home State of Georgia, fentanyl overdose deaths in teens are up 800 percent. 800 percent. Tragic overdoses like this are happening every day all over the country.

Even the CDC reports that fentanyl is now the leading cause of death in the U.S. for adults ages 18 to 45. How can anyone seriously argue that a drug 50 times more potent than heroin that almost always proves to be fatal when ingested should ever be legal?

Despite this crisis, the President did not request a single additional penny for the border crisis or the fentanyl crisis in the funding request for the CR. That is despicable.

Again, these products are manufactured illegally and are largely brought to the United States through the southern border. To save lives, we must secure the border and halt the flow of fentanyl.

I have visited the border several times to see this crisis firsthand. Unfortunately, our President has never visited our southern border. Never been there. Not even once.

With a record-high number of illegal immigrants, smugglers and cartels are using this as an opportunity to traffic more fentanyl substances.

Unfortunately, President Biden and his administration have elected to leave our border wide open, inviting drug traffickers to bring fentanyl substances into the country and distribute it in our streets.

This should not be a partisan issue. Fentanyl does not discriminate. It doesn't care if you are a Republican or a Democrat.

The individuals manufacturing and distributing fentanyl and its analogues are criminal, and they are killing us. This is not an issue that is going away. It is only getting worse every day.

If the President would visit the border, he would be able to talk to the agents firsthand and see for himself just how serious the issue is. Our communities are at risk, and our loved ones are dying. President Biden has ignored this public health crisis for far too long.

It is past time to make this scheduling classification permanent, and I am proud to support the HALT Fentanyl Act to do just that.

Mr. Speaker, let's pass this bill, secure the border, stem the tide of the growing fentanyl crisis, and save lives.

Mr. DESAULNIER. Mr. Speaker, I include in the RECORD The Washington Post article titled: "U.S. arrests along Mexico border top 2 million a year for first time."

[From the Washington Post, Sept. 19, 2022]

U.S. ARRESTS ALONG MEXICO BORDER TOP 2 MILLION A YEAR FOR FIRST TIME

(By Nick Miroff)

U.S. authorities made more than 2 million immigration arrests along the southern border during the past 11 months, marking the first time annual enforcement statistics have exceeded that threshold, according to figures provided by senior Biden administration officials Monday.

In August, U.S. Customs and Border Protection detained 203,598 migrants crossing from Mexico, the latest figures show, putting authorities on pace to tally more than 2.3 million arrests during the government's 2022 fiscal year, which ends Sept. 30. The total, which includes some people apprehended more than once, far exceeds last year's record of more than 1.7 million arrests.

The historic migration wave this year has been driven by soaring numbers of border-crossers from outside Mexico and Central America, the two largest traditional sources of illegal entries. Migrants from Venezuela, Nicaragua and Cuba accounted for more than one-third of those taken into custody along the southern border last month, according to Customs and Border Protection, a 175 percent increase over August 2021.

Biden administration officials blamed the governments of those countries, whose strained relations with Washington severely limit the ability of authorities to send them deportees. Many of the migrants apply for humanitarian protection in the United States and tend to have strong asylum claims.

"Failing communist regimes in Venezuela, Nicaragua, and Cuba are driving a new wave of migration across the Western Hemisphere, including the recent increase in encounters at the southwest U.S. border," Customs and Border Protection Commissioner Chris Magnus, said in a statement. "Those fleeing repressive regimes pose significant challenges for processing and removal," he said, using the official term for deportations.

Biden administration officials continue to insist they are building a "safe, orderly and humane" immigration system while blaming the Trump administration for "dismantling" channels for legal migration.

Critics say Biden administration officials have fallen far short of meeting their refugee admission goals, and the number of migrants who have died this year attempting to cross into the United States is at an all-time high. Scores have drowned in the Rio Grande in recent months, and 53 were killed in June when smugglers in Texas packed migrants into a sweltering tractor trailer with a failing cooling system.

Republican lawmakers blame the record number of crossings on President Biden's reversal of Trump administration border policies. Over the past several months, the Republican governors of Texas and Arizona have sent more than 10,000 migrants on buses to Washington, New York and other northern destinations to put pressure on Democrats by straining relief services in their jurisdictions.

Last week, Florida Gov. Ron DeSantis (R) shipped a planeload of Venezuelans to Martha's Vineyard in Massachusetts, transporting them to a wealthy island enclave with limited services for migrants.

Biden administration officials also say the high border numbers are distorted by repeat crossing attempts by migrants who have been previously arrested. Last month, 22 percent of those taken into custody had a prior arrest in the previous 12 months, the latest figures show.

One factor Biden administration officials blame for the repeat crossings is the Title 42 emergency public health policy, implemented at the start of the pandemic, that allows U.S. agents to rapidly "expel" some migrants back to Mexico. The Biden administration's attempt to phase out Title 42 was blocked in federal court last spring.

The latest figures show the percentage of border-crossers expelled under Title 42 has been falling and remains far lower under Biden than President Donald Trump. About 36 percent of the 203,598 migrant "encounters" resulted in an expulsion last month, down from 83 percent when Biden took office.

Sen. John Cornyn (R-Tex.), said Monday that the strain on Democratic-run cities will force the administration to see the border surge as a crisis. "Maybe, just maybe, they'll see that what's happening along our border every day is dangerous, unsustainable, and a problem that we need to work on together to address," he said.

Biden officials defending the administration's border record pointed to a decline in the number of Mexican and Central American migrants arrested over the past three months as a sign their enforcement policies are having some success, including efforts to target smuggling organizations in Latin America.

Mr. DESAULNIER. Mr. Speaker, the numbers don't lie. If the annual num-

ber of apprehensions at the border is set to break records, that means fewer migrants are making it into the country. The notion that Biden is doing nothing is just absolutely not true.

Just secondarily, my good friend and co-chair of the Cancer Survivors Caucus from Georgia, we have a wonderful relationship. On this I agree, but I disagree on the process. As somebody who has spent a lot of time on opioid abuse, and we know that in our experience with people like myself who survived cancer, particularly more painful ones, that is a product when used properly that can bring relief to people, but we know about the abuse. As you said, a lot of that led to fentanyl.

We are against illegal drugs hurting Americans. We want to support effective remedies to that. I would say that one of the most effective things we can do—having had a long experience personally and professionally in behavioral health—is to invest in the kind of bill we have in front of us—with all due respect, with my name on it—to get upstream, so we make sure that people have the resources, evidence-based resources. So it is not as subjective to get the services they need to protect themselves in an, unfortunately, far-too-free market when it comes to the abuse of both legal and illegal drugs.

With all due respect, again, I am happy to work with the gentleman, but I really think, from my perspective, it is an argument to engage in the investment in behavioral health and mental health services. I will still work with the gentleman to make sure people aren't bringing these awful products across our border.

Mrs. FISCHBACH. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Mrs. CAMMACK).

Mrs. CAMMACK. Mr. Speaker, I rise today to oppose the previous question so that we can immediately consider H.R. 6184, the HALT Fentanyl Act.

Before I begin, I have to address something that was said just now. I am the wife of a first responder. My husband sees these overdoses every single day.

In my community, in just this year, we have apprehended bricks of fentanyl stamped with border cartels' stamps on them. We know it is coming from the border. We know it is being trafficked across, both in trucks at ports of entry but also illegally. We know this to be a fact, and if we do not secure the border this will continue to happen.

I will say, as the wife of a first responder, someone whose husband has continually responded to these calls and is reviving people who have been poisoned by fentanyl, it is not a matter of if he, himself, overdoses, it is when. And that is going to be a very bad day because I think that Members of this Chamber need to be held responsible for the open border policies that this administration continues to allow. But I digress.

Mr. Speaker, 108,000. That is the number of Americans who died from

drug overdoses last year. Of those, more than 80,000 were connected to opioids. The lion's share of those opioid deaths were linked to fentanyl.

Now, it is important that we remember that these numbers are actually people. They are mothers, fathers, brothers, sisters, sons, daughters, aunts, uncles. They are people. Not statistics. They are humans. They represent millions of families who will never see their son, daughter, husband, wife, brother, sister, father ever again. Millions of people whose families have been shattered and feel helpless, broken, and angry as these horrific substances destroyed their communities and their family.

These thousands of victims represent communities crushed by this epidemic, swept away by the flood of lethal substances that are ripping apart the fabric of our society. These thousands of people lost lay bare the denial, the weakness, and the lack of compassion that this administration and my colleagues across the aisle have shown through their ambivalence toward border security, our Nation's security, as literally tons of fentanyl is trucked and walked across the southern border and into our communities.

A few months ago, a mother from my district cried in my office as she talked about her beautiful daughter, Mackenzie, who died from fentanyl poisoning, not overdosing, poisoning, after taking what she thought was a Xanax. She was 28 years old.

Now, unfortunately, Mackenzie's story is not unique. It is not rare. Her mother, Rebecca, is now dedicating her life to saving mothers across the country from the pain that she has endured from a preventable loss and their daughters from Mackenzie's fate.

□ 1830

To my colleagues on the left, you control this Chamber, so it is up to you to decide. How many more Mackenzies have to die before you will take action?

You can pretend that there is no crisis at the border. We see that. That is evidenced in your remarks. But we know that is a lie. You visit any community in this country, and you will see that it has been ravaged by the death and destruction wrought by fentanyl. You cannot deny it. Your constituents know it. The American people know it.

Mr. Speaker, it is time for our colleagues across the aisle to wake up. So I stand here once again, as I did back in March, fighting against the horrors of the opioid epidemic that have a stranglehold on our communities. We once again have an opportunity to take a stand today, not as Republicans or Democrats but as Americans and concerned citizens, for those that have lost their lives, but also for those potentially in the future. The families of those who lost deserve this.

Today is an opportunity to act. Today is an opportunity to put people above politics. I commend my friend,

the gentleman from Virginia, for his great work and for sticking with this bill and seeing it across the finish line.

I urge my colleagues, please, think with your hearts, perhaps in vain but with hope, to defeat the previous question so that we can immediately consider this bill, the HALT Fentanyl Act.

The SPEAKER pro tempore (Ms. MCCOLLUM). Members are reminded to direct their remarks to the Chair.

Mr. DESAULNIER. Madam Speaker, I yield myself such time as I may consume. I would say in brief response that I have great respect, obviously, for our emergency responders. I appreciate what the gentlewoman's husband does for a living and what they have to go through. We all agree that we have to support thoughtful oversight to stop these drugs from getting into the hands of people who it can do great damage.

I have been to the border multiple times, both as a Member of Congress and as a member of the California State Legislature. We have a problem, and it has been a problem through Republican administrations and Democratic administrations, both in State houses in the border States and here in Washington, D.C.

We are not for open borders. We want to stop people being harmed by illicit drugs. So the idea that we are not, I would respectfully say that is not accurate.

Madam Speaker, I reserve the balance of my time.

Mrs. FISCHBACH. Madam Speaker, I am prepared to close, and I yield myself the balance of my time.

Madam Speaker, while I want to be in favor of these bills, Republicans are in agreement that the underlying problems these bills seek to solve are valid and warrant our attention. There are serious flaws with these bills as written that must be considered first. H.R. 7780 is a one-size-fits-all strategy that will not help the people on the ground. What a school in Minneapolis needs is not likely what a school in my rural district needs. Furthermore, it pushes people in the courts to settle disputes and discourages other methods of resolution.

H.R. 3843 trusts the FTC with no-strings-attached funding, even though the FTC is becoming increasingly partisan and cannot be trusted with more resources.

Madam Speaker, I oppose the rule, and I encourage other Members to do the same.

Madam Speaker, I yield back the balance of my time.

Mr. DESAULNIER. Madam Speaker, I yield myself the balance of my time.

I will read a few numbers, particularly on the part of the rule that is the Mental Health Matters Act, which I am proud to be the author of with Chairman SCOTT.

Suicide is the second leading cause of death for ages of Americans 10 to 24; second for 12 to 18.

For adolescents, depression, substance abuse, and suicide are extremely

important concerns—an epidemic, I would say—among adolescents age 12 to 17.

In 2018 to 2019, 15.1 percent of young Americans had major depressive episodes; 36.7 had persistent feelings of sadness and hopelessness; 4.1 had a substance abuse disorder; 18 percent seriously considered attempting suicide; 16 percent made a suicide plan; and 10 percent attempted suicide.

Madam Speaker, 10 percent of America's young people have attempted suicide; 2.5 percent made suicide attempts requiring medical treatment.

For all those reasons, the part of the rule that is the Mental Health Matters Act is extremely important to this country. Is it perfect? Of course not, from every perspective of 535 Members of Congress and 435 Members of the House. But the need is too urgent, in my view, to wait. That is why it is so important that not just this rule passes but the bill is passed.

We need to put resources in the FTC with the most income inequality and consolidation of wealth through mergers. Not always in our best interest. It is important that the FTC has the resources it needs to actually enforce the statutes as they currently have.

Madam Speaker, we need to help Americans, and specifically teachers and students, get back to doing what they do best, teaching and learning.

The legislation before us on the rule will help provide the resources to improve mental health outcomes and educational attainment.

Madam Speaker, I urge a “yes” vote on the rule and the previous question.

The material previously referred to by Mrs. FISCHBACH is as follows:

AMENDMENT TO HOUSE RESOLUTION 1396

At the end of the resolution, add the following:

SEC. 11. Immediately upon adoption of this resolution, the House shall proceed to the consideration in the House of the bill (H.R. 6184) to amend the Controlled Substances Act with respect to the scheduling of fentanyl-related substances, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit.

SEC. 13. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 6184.

Mr. DESAULNIER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on:

Adoption of the resolution, if ordered; and

The motion to suspend the rules and pass H.R. 3482.

The vote was taken by electronic device, and there were—yeas 220, nays 208, not voting 4, as follows:

[Roll No. 455]

YEAS—220

Adams	Gomez	Omar
Aguilar	Gonzalez,	Pallone
Allred	Vicente	Panetta
Auchincloss	Gottheimer	Pappas
Axne	Green, Al (TX)	Pascarell
Barragan	Grijalva	Payne
Bass	Harder (CA)	Peltola
Beatty	Hayes	Perlmutter
Bera	Higgins (NY)	Peters
Beyer	Himes	Phillips
Bishop (GA)	Horsford	Pingree
Blumenauer	Houlihan	Pocan
Blunt Rochester	Hoyer	Porter
Bonamici	Huffman	Pressley
Bourdeaux	Jackson Lee	Price (NC)
Bowman	Jacobs (CA)	Quigley
Boyle, Brendan	Jayapal	Raskin
F.	Jeffries	Rice (NY)
Brown (MD)	Johnson (GA)	Ross
Brown (OH)	Johnson (TX)	Roybal-Allard
Brownley	Jones	Ruiz
Bush	Kahele	Ruppersberger
Bustos	Kaptur	Rush
Butterfield	Keating	Ryan (NY)
Carbajal	Kelly (IL)	Ryan (OH)
Cardenas	Khanna	Sanchez
Carson	Kildee	Sarbanes
Carter (LA)	Kilmer	Scanlon
Cartwright	Kim (NJ)	Schakowsky
Case	Kind	Schiff
Casten	Kirkpatrick	Schneider
Castor (FL)	Krishnamoorthi	Schrader
Castro (TX)	Kuster	Schrier
Cherfilus-	Lamb	Scott (VA)
McCormick	Langevin	Scott, David
Chu	Larsen (WA)	Sewell
Cicilline	Larson (CT)	Sherman
Clark (MA)	Lawrence	Sherrill
Clarke (NY)	Lawson (FL)	Sires
Cleaver	Lee (CA)	Slotkin
Clyburn	Lee (NV)	Smith (WA)
Cohen	Leger Fernandez	Soto
Connolly	Levin (CA)	Spanberger
Cooper	Levin (MI)	Speier
Correa	Lieu	Stansbury
Costa	Lofgren	Stanton
Courtney	Lowenthal	Stevens
Craig	Luria	Strickland
Crow	Lynch	Suozi
Cuellar	Malinowski	Swalwell
Davids (KS)	Maloney,	Takano
Davis, Danny K.	Carolyn B.	Thompson (CA)
Dean	Maloney, Sean	Thompson (MS)
DeFazio	Manning	Titus
DeGette	Matsui	Tlaib
DeLauro	McBath	Tonko
DelBene	McCollum	Torres (CA)
Demings	McEachin	Torres (NY)
DeSaulnier	McGovern	Trahan
Deutch	McNerney	Trone
Dingell	Meeks	Underwood
Doggett	Meng	Vargas
Doyle, Michael	Mfume	Veasey
F.	Moore (WI)	Velazquez
Escobar	Morelle	Wasserman
Eshoo	Moulton	Schultz
Espallat	Mrvan	Waters
Evans	Murphy (FL)	Watson Coleman
Fletcher	Nadler	Welch
Foster	Napolitano	Wexton
Frankel, Lois	Neal	Wild
Galleo	Neguse	Williams (GA)
Garamendi	Newman	Wilson (FL)
Garcia (IL)	Norcoss	Yarmuth
Garcia (TX)	O'Halleran	
Golden	Ocasio-Cortez	

NAYS—208

Aderholt	Amodei	Arrington
Allen	Armstrong	Babin

Bacon	Gohmert	Miller-Meeks	Fletcher	LaHood	Salazar (Waltz)	Ruppersberger	Slotkin	Trahan
Baird	Gonzales, Tony	Moolenaar	(Pallone)	(Wenstrup)	Sherman	Rush	Smith (WA)	Trone
Balderson	Gonzalez (OH)	Mooney	Gimenez	Lawson (FL)	(Garamendi)	Ryan (NY)	Soto	Underwood
Banks	Good (VA)	Moore (AL)	(Malliotakis)	(Evans)	Soto	Ryan (OH)	Spanberger	Vargas
Barr	Gooden (TX)	Moore (UT)	Gonzalez,	Maloney, Sean	(Wasserman	Sánchez	Speier	Veasey
Bentz	Gosar	Mullin	Vicente	(Jeffries)	Schultz)	Sarbanes	Stansbury	Velázquez
Bergman	Granger	Murphy (NC)	(Garcia (TX))	Mast (Waltz)	Speier (Garcia	Scanlon	Stanton	Wasserman
Bice (OK)	Graves (LA)	Nehls	Gosar (Weber	Mfume (Evans)	(TX))	Schakowsky	Stevens	Schultz
Biggs	Graves (MO)	Newhouse	(TX))	Murphy (FL)	Steel (Obernolte)	Schiff	Strickland	Waters
Bilirakis	Green (TN)	Norman	Herrera Beutler	(Peters)	Steube	Schneider	Suozi	Watson Coleman
Bishop (NC)	Greene (GA)	Obernolte	(Valadao)	Newman (Beyer)	(Reschenthaler)	Schrader	Takano	Welch
Boebert	Griffith	Owens	Jacobs (CA)	Ocasio-Cortez	(Neguse)	Schrier	Thompson (CA)	Wexton
Bost	Grothman	Palazzo	(Garamendi)	(Neguse)	Swalwell	Scott (VA)	Thompson (MS)	Wild
Brady	Guest	Palmer	Jacobs (NY)	Palazzo	(Gomez)	Scott, David	Titus	Williams (GA)
Brooks	Guthrie	Pence	(Sempolinski)	(Fleischmann)	Titus (Pallone)	Sewell	Tlaib	Wilson (FL)
Buchanan	Harris	Perry	Jayapal	Pfuger (Ellzey)	Torres (NY)	Sherman	Tonko	Yarmuth
Buck	Harshbarger	Pfuger	(Cicilline)	Porter (Neguse)	(Correa)	Sherrill	Torres (CA)	
Bucshon	Hartzler	Posey	Johnson (TX)	Rice (NY)	Upton (Meijer)	Sires	Torres (NY)	
Budd	Hern	Reschenthaler	(Stevens)	(Morelle)	Vargas			
Burchett	Herrell	Rice (SC)	Khanna (Garcia	Rice (SC)	(Garamendi)			
Burgess	Herrera Beutler	Rodgers (WA)	(TX))	(Meijer)	Wagner (Barr)			
Calvert	Hice (GA)	Rogers (AL)	Kirkpatrick	Ryan (OH)	Wilson (FL)			
Cammack	Higgins (LA)	Rogers (KY)	(Pallone)	(Dean)	(Cicilline)			
Carey	Hill	Rose						
Carl	Hinson	Rosendale						
Carter (GA)	Hollingsworth	Rouzer						
Carter (TX)	Hudson	Roy						
Cawthorn	Huizenga	Rutherford						
Chabot	Issa	Salazar						
Cheney	Jackson	Scalise						
Cline	Jacobs (NY)	Schweikert						
Cloud	Johnson (LA)	Scott, Austin						
Clyde	Johnson (OH)	Sempolinski						
Cole	Johnson (SD)	Sessions						
Comer	Jordan	Simpson						
Conway	Joyce (OH)	Smith (MO)						
Crawford	Joyce (PA)	Smith (NE)						
Crenshaw	Katko	Smith (NJ)						
Curtis	Keller	Smucker						
Davidson	Kelly (MS)	Spartz						
Davis, Rodney	Kelly (PA)	Stauber						
DesJarlais	Kim (CA)	Steel						
Diaz-Balart	Kustoff	Stefanik						
Duncan	LaHood	Steil						
Dunn	LaMalfa	Steube						
Ellzey	Lamborn	Stewart						
Emmer	Latta	Taylor						
Estes	LaTurner	Tenney						
Fallon	Lesko	Thompson (PA)						
Feenstra	Letlow	Tiffany						
Ferguson	Long	Timmons						
Finstad	Loudermilk	Turner						
Fischbach	Luetkemeyer	Upton						
Fitzgerald	Malliotakis	Van Drew						
Fitzpatrick	Mann	Van Dyne						
Fleischmann	Massie	Wagner						
Flood	Mast	Walberg						
Flores	McCarthy	Waltz						
Foxx	McCaul	Weber (TX)						
Franklin, C.	McClain	Webster (FL)						
Scott	McClintock	Wenstrup						
Fulcher	McHenry	Westerman						
Gaetz	McKinley	Williams (TX)						
Gallagher	Meijer	Wilson (SC)						
Garbarino	Meuser	Wittman						
Garcia (CA)	Miller (IL)	Womack						
Gibbs	Miller (WV)							
Gimenez								

NOT VOTING—4

Donalds Mace
Kinzinger Zeldin

□ 1911

Mr. McHENRY, Ms. CHENEY, and Mr. KATKO changed their votes from “yea” to “nay.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. DONALDS. Madam Speaker, Metal Detectors stopped me. Had I been present, I would have voted “NAY” on rollcall No. 455.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

Bacon (Stauber)	Carter (TX)	DeFazio
Bilirakis (Fleischmann)	(Weber (TX))	(Pallone)
Bowman (Tlaib)	Cawthorn (Nehls)	Demings (Dean)
Brown (MD)	Chu (Beyer)	Deutch
(Trone)	Conway (Wasserman)	(Schultz)
Buchanan	(LaMalfa)	Diaz-Balart
(Bucshon)	Curtis (Moore	(Reschenthaler)
	(UT))	Dunn (Cammack)

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. FISCHBACH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 217, nays 212, not voting 3, as follows:

[Roll No. 456]

YEAS—217

Adams	DeSaulnier	Lee (CA)
Aguilar	Lee (NV)	Lee (NV)
Allred	Dingell	Leger Fernandez
Auchincloss	Doggett	Levin (CA)
Axne	Doyle, Michael	Levin (MI)
Barragán	F.	Lieu
Bass	Escobar	Lowenthal
Beatty	Eshoo	Luria
Bera	Españillat	Lynch
Beyer	Evans	Malinowski
Bishop (GA)	Fletcher	Maloney,
Blumenauer	Foster	Carolyne B.
Blunt Rochester	Frankel, Lois	Maloney, Sean
Bonamici	Gallego	Manning
Bourdeaux	Garamendi	Matsui
Bowman	Garcia (IL)	McBath
Boyle, Brendan	Garcia (TX)	McCollum
F.	Golden	McEachin
Brown (MD)	Gomez	McGovern
Brown (OH)	Gonzalez,	McNerney
Brownley	Vicente	Meeks
Bush	Gottheimer	Meng
Bustos	Green, Al (TX)	Mfume
Butterfield	Grijalva	Moore (WI)
Carbajal	Harder (CA)	Morelle
Cárdenas	Hayes	Moulton
Carson	Higgins (NY)	Mrvan
Carter (LA)	Himes	Murphy (FL)
Cartwright	Horsford	Nadler
Case	Houlahan	Napolitano
Casten	Hoyer	Neal
Castor (FL)	Huffman	Neguse
Castro (TX)	Jackson Lee	Newman
Cherfilus-	Jacobs (CA)	Norcross
McCormick	Jayapal	O'Halleran
Chu	Jeffries	Ocasio-Cortez
Cicilline	Johnson (GA)	Omar
Clark (MA)	Johnson (TX)	Pallone
Clarke (NY)	Jones	Panetta
Cleaver	Kahele	Pappas
Clyburn	Kaptur	Pascarell
Cohen	Keating	Payne
Connolly	Kelly (IL)	Peltola
Cooper	Khanna	Perlmutter
Costa	Kildee	Peters
Courtney	Kilmer	Phillips
Craig	Kim (NJ)	Pingree
Crow	Kind	Pocan
Cuellar	Kirkpatrick	Porter
David (KS)	Krishnamoorthi	Pressley
Davis, Danny K.	Kuster	Price (NC)
Dean	Lamb	Quigley
DeFazio	Langevin	Raskin
DeGette	Larsen (WA)	Rice (NY)
DeLauro	Larson (CT)	Ross
DeBene	Lawrence	Roybal-Allard
Demings	Lawson (FL)	Ruiz

NAYS—212

Aderholt	Gallagher	Meijer
Allen	Garbarino	Meuser
Amodei	Garcia (CA)	Miller (IL)
Armstrong	Gibbs	Miller (WV)
Arrington	Gimenez	Miller-Meeks
Babin	Gohmert	Moolenaar
Bacon	Gonzales, Tony	Mooney
Baird	Gonzalez (OH)	Moore (AL)
Balderson	Good (VA)	Moore (UT)
Banks	Gooden (TX)	Mullin
Barr	Gosar	Murphy (NC)
Bentz	Granger	Nehls
Bergman	Graves (LA)	Newhouse
Bice (OK)	Graves (MO)	Norman
Biggs	Green (TN)	Obernolte
Bilirakis	Greene (GA)	Owens
Bishop (NC)	Griffith	Palazzo
Boebert	Grothman	Palmer
Bost	Guest	Pence
Brady	Guthrie	Perry
Brooks	Harris	Pfuger
Buchanan	Harshbarger	Posey
Buck	Hartzler	Reschenthaler
Bucshon	Hern	Rice (SC)
Budd	Herrell	Rodgers (WA)
Burchett	Herrera Beutler	Rogers (AL)
Burgess	Hice (GA)	Rogers (KY)
Calvert	Higgins (LA)	Rose
Cammack	Hill	Rosendale
Carey	Hinson	Rouzer
Carl	Hollingsworth	Roy
Carter (GA)	Hudson	Rutherford
Carter (TX)	Huizenga	Salazar
Cawthorn	Issa	Scalise
Chabot	Jackson	Schweikert
Cheney	Jacobs (NY)	Scott, Austin
Cline	Johnson (LA)	Sempolinski
Cloud	Johnson (OH)	Sessions
Clyde	Johnson (SD)	Simpson
Cole	Jordan	Smith (MO)
Comer	Joyce (OH)	Smith (NE)
Conway	Joyce (PA)	Smith (NJ)
Correa	Katko	Smucker
Crawford	Keller	Spartz
Crenshaw	Kelly (MS)	Stauber
Curtis	Kelly (PA)	Steel
Davidson	Kim (CA)	Stefanik
Davis, Rodney	Kustoff	Steil
DesJarlais	LaHood	Steube
Diaz-Balart	LaMalfa	Stewart
Donalds	Lamborn	Taylor
Duncan	Latta	Tenney
Dunn	LaTurner	Thompson (PA)
Ellzey	Lesko	Tiffany
Emmer	Letlow	Timmons
Estes	Lofgren	Turner
Fallon	Long	Upton
Feenstra	Loudermilk	Valadao
Ferguson	Lucas	Van Drew
Finstad	Luetkemeyer	Van Dyne
Fischbach	Mace	Wagner
Fitzgerald	Malliotakis	Walberg
Fitzpatrick	Mann	Waltz
Fleischmann	Massie	Weber (TX)
Flood	Mast	Webster (FL)
Flores	McCarthy	Wenstrup
Foxx	McCaul	Westerman
Franklin, C.	McClain	Williams (TX)
Scott	McClintock	Wilson (SC)
Fulcher	McHenry	Wittman
Gaetz	McKinley	Womack

NOT VOTING—3

Kinzinger Swalwell Zeldin

□ 1925

Ms. BARRAGÁN changed her vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE
RESOLUTION 8, 117TH CONGRESS

Bacon (Staubert)	Gosar (Weber (TX))	Palazzo (Fleischmann)
Bilirakis (Fleischmann)	Herrera Beutler (Valadao)	Pfluger (Ellzey)
Bowman (Tlaib)	Porter (Neguse)	
Brown (MD)	Jacobs (CA)	Rice (NY)
(Trone)	(Garamendi)	(Morelle)
Buchanan	Jacobs (NY)	Rice (SC)
(Bucshon)	(Sempolinski)	(Meijer)
Carter (TX)	Jayapal	Ryan (OH)
(Weber (TX))	(Cicilline)	(Dean)
Cawthorn (Nehls)	Johnson (TX)	Salazar (Waltz)
Chu (Beyer)	(Stevens)	Sherman
Conway	Khanna (Garcia (TX))	(Garamendi)
(LaMalfa)		Soto
Curtis (Moore)	Kirkpatrick	(Wasserman)
(UT)	(Pallone)	Schultz
DeFazio	LaHood	Speier (Garcia (TX))
(Pallone)	(Wenstrup)	Steel (Oberholte)
Demings (Dean)	Lawson (FL)	(Evans)
Deutch	(Evans)	Steube
(Wasserman)	Mace (Wilson (SC))	(Reschenthaler)
Schultz		Titus (Pallone)
Diaz-Balart	Maloney, Sean	Torres (NY)
(Reschenthaler)	(Jeffries)	(Correa)
Dunn (Cammack)	Mast (Waltz)	Upton (Meijer)
Fletcher	Mfume (Evans)	Vargas
(Pallone)	Murphy (FL)	(Garamendi)
Gimenez	(Peters)	Wagner (Barr)
(Malliotakis)	Newman (Beyer)	Wilson (FL)
Gonzalez,	Ocasio-Cortez	(Cicilline)
Vicente	(Neguse)	
(Garcia (TX))		

NATIONAL CENTER FOR THE ADVANCEMENT OF AVIATION ACT OF 2022

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3482) to establish the National Center for the Advancement of Aviation, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 56, not voting 7, as follows:

[Roll No. 457]

YEAS—369

Adams	Bonamici	Cartwright
Aderholt	Bost	Case
Aguilar	Bourdeaux	Casten
Allen	Bowman	Castor (FL)
Allred	Boyle, Brendan	Castro (TX)
Amodei	F.	Cawthorn
Armstrong	Brady	Chabot
Auchincloss	Brown (MD)	Cheney
Axne	Brown (OH)	Cherfilus-
Babin	Brownley	McCormick
Bacon	Buchanan	Chu
Baird	Bucshon	Cicilline
Balderson	Budd	Clark (MA)
Barr	Burgess	Clarke (NY)
Barragán	Bush	Cleaver
Bass	Bustos	Clyburn
Beatty	Butterfield	Cole
Bera	Calvert	Connolly
Bergman	Carbajal	Conway
Beyer	Cárdenas	Cooper
Bice (OK)	Carey	Correa
Bilirakis	Carl	Costa
Bishop (GA)	Carson	Courtney
Blumenauer	Carter (GA)	Craig
Blunt Rochester	Carter (LA)	Crawford

Crenshaw	Keller	Pfluger
Crow	Kelly (IL)	Phillips
Cuellar	Kelly (MS)	Pingree
Curtis	Kelly (PA)	Pocan
Davids (KS)	Khanna	Porter
Davis, Danny K.	Kildee	Posey
Davis, Rodney	Kilmer	Pressley
Dean	Kim (CA)	Price (NC)
DeFazio	Kim (NJ)	Quigley
DeGette	Kind	Raskin
DeLauro	Kirkpatrick	Reschenthaler
DelBene	Krishnamoorthi	Rice (NY)
Demings	Kuster	Rodgers (WA)
DeSaulnier	Kustoff	Rogers (AL)
Deutch	LaHood	Rogers (KY)
Diaz-Balart	LaMalfa	Ross
Dingell	Lamb	Rouzer
Doggett	Lamborn	Roybal-Allard
Donalds	Langevin	Ruiz
Doyle, Michael	Larsen (WA)	Ruppersberger
F.	Larson (CT)	Rush
Duncan	Latta	Rutherford
Dunn	LaTurner	Ryan (NY)
Ellzey	Lawrence	Ryan (OH)
Emmer	Lawson (FL)	Salazar
Escobar	Lee (CA)	Sánchez
Eshoo	Lee (NV)	Sarbanes
Espallat	Leger Fernandez	Scanlon
Evans	Lesko	Schakowsky
Feenstra	Letlow	Schiff
Ferguson	Levin (CA)	Schneider
Finstad	Levin (MI)	Schrader
Fischbach	Lieu	Schrier
Fitzgerald	Lofgren	Scott (VA)
Fitzpatrick	Long	Scott, Austin
Fleischmann	Lowenthal	Scott, David
Fletcher	Lucas	Sempolinski
Flood	Luetkemeyer	Sessions
Flores	Luria	Sherman
Foster	Lynch	Sherrill
Frankel, Lois	Mace	Simpson
Franklin, C.	Malinowski	Sires
Scott	Malliotakis	Slotkin
Gallagher	Maloney,	Smith (MO)
Gallego	Carolyn B.	Smith (NE)
Garamendi	Maloney, Sean	Smith (NJ)
Garbarino	Mann	Smith (WA)
Garcia (CA)	Manning	Soto
Garcia (IL)	Mast	Spanberger
Garcia (TX)	Matsumi	Spartz
Gibbs	McBath	Speier
Gimenez	McCarthy	Stansbury
Golden	McCaul	Stanton
Gomez	McCollum	Staubert
Gonzales, Tony	McEachin	Steel
Gonzalez (OH)	McGovern	Stefanik
Gonzalez,	McHenry	Steil
Vicente	McKinley	Stevens
Gottheimer	Meeks	Stewart
Graves (LA)	Meijer	Strickland
Graves (MO)	Meng	Suozzi
Green, Al (TX)	Meuser	Swalwell
Grijalva	Mfume	Takano
Grothman	Miller (WV)	Tenney
Guest	Miller-Meeks	Thompson (CA)
Guthrie	Mooney	Thompson (MS)
Harder (CA)	Moore (AL)	Thompson (PA)
Hartzler	Moore (UT)	Timmons
Hayes	Moore (WI)	Titus
Herrell	Morelle	Tlaib
Herrera Beutler	Moulton	Tonko
Higgins (LA)	Mryan	Torres (CA)
Higgins (NY)	Mullin	Torres (NY)
Himes	Murphy (FL)	Trahan
Hinson	Murphy (NC)	Trone
Hollingsworth	Nadler	Turner
Horsford	Napolitano	Neal
Houlihan	Neal	Underwood
Hoyer	Neguse	Upton
Hudson	Nehls	Valadao
Huffman	Newhouse	Van Drew
Huizenga	Newman	Van Duyne
Issa	Norcross	Vargas
Jackson Lee	O'Halleran	Veasey
Jacobs (CA)	Oberholte	Velazquez
Jacobs (NY)	Ocasio-Cortez	Wagner
Jayapal	Omar	Waltz
Jeffries	Owens	Wasserman
Johnson (GA)	Palazzo	Schultz
Johnson (LA)	Pallone	Waters
Johnson (OH)	Palmer	Watson Coleman
Johnson (SD)	Panetta	Weber (TX)
Johnson (TX)	Pappas	Webster (FL)
Jones	Pascrell	Welch
Joyce (OH)	Payne	Wenstrup
Kahele	Peltola	Westerman
Kaptur	Pence	Wexton
Katko	Perlmutter	Wild
Keating	Peters	

Williams (GA)	Wilson (FL)	Wittman
Williams (TX)	Wilson (SC)	Womack
	NAYS—56	
Arrington	Foxx	Massie
Banks	Fulcher	McClain
Bentz	Gaetz	McClintock
Biggs	Gohmert	Miller (IL)
Bishop (NC)	Good (VA)	Moolenaar
Boebert	Gooden (TX)	Norman
Brooks	Gosar	Perry
Buck	Granger	Rice (SC)
Burchett	Green (TN)	Rose
Cammack	Greene (GA)	Rosendale
Carter (TX)	Griffith	Roy
Cline	Harris	Scalise
Cloud	Harshbarger	Schweikert
Clyde	Hern	Smucker
Comer	Hice (GA)	Steube
Davidson	Jackson	Taylor
DesJarlais	Jordan	Tiffany
Estes	Joyce (PA)	Walberg
Fallon	Loudermilk	
	NOT VOTING—7	
Cohen	McNerney	Zeldin
Hill	Sewell	
Kinzing	Yarmuth	

□ 1936

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MEMBERS RECORDED PURSUANT TO HOUSE
RESOLUTION 8, 117TH CONGRESS

Bacon (Staubert)	Gosar (Weber (TX))	Palazzo (Fleischmann)
Bilirakis	Herrera Beutler	Pfluger (Ellzey)
(Fleischmann)	(Valadao)	Porter (Neguse)
Bowman (Tlaib)	Jacobs (CA)	Rice (NY)
Brown (MD)	(Garamendi)	(Morelle)
(Trone)		
Buchanan	Jacobs (NY)	Rice (SC)
(Bucshon)	(Sempolinski)	(Meijer)
Carter (TX)	Jayapal	Ryan (OH)
(Weber (TX))	(Cicilline)	(Dean)
Cawthorn (Nehls)	Johnson (TX)	Salazar (Waltz)
Chu (Beyer)	(Stevens)	Sherman
Conway	Khanna (Garcia (TX))	(Garamendi)
(LaMalfa)		Soto (Wasserman)
Curtis (Moore)	Kirkpatrick	Schultz
(UT)	(Pallone)	Speier (Garcia (TX))
DeFazio	LaHood	Steel (Oberholte)
(Pallone)	(Wenstrup)	Steube
Demings (Dean)	Lawson (FL)	(Reschenthaler)
Deutch	(Evans)	Swalwell
(Wasserman)	Mace (Wilson (SC))	(Gomez)
Schultz		Titus (Pallone)
Diaz-Balart	Maloney, Sean	Torres (NY)
(Reschenthaler)	(Jeffries)	(Correa)
Dunn (Cammack)	Mast (Waltz)	Upton (Meijer)
Fletcher	Mfume (Evans)	Vargas
(Pallone)	Murphy (FL)	(Garamendi)
Gimenez	(Peters)	Wagner (Barr)
(Malliotakis)	Newman (Beyer)	Wilson (FL)
Gonzalez,	Ocasio-Cortez	(Cicilline)
Vicente	(Neguse)	
(Garcia (TX))		

PERMISSION FOR MEMBER TO BE
CONSIDERED AS FIRST SPONSOR
OF H.R. 8137

Mr. SMITH of Nebraska. Madam Speaker, I ask unanimous consent that I may hereafter be considered to be the first sponsor of H.R. 8137, a bill originally introduced by Representative WALORSKI of Indiana, for the purpose of adding cosponsors and requesting reprintings pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Ms. BOURDEAUX). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

□ 1945

ADVANCING UNIFORM TRANSPORTATION OPPORTUNITIES FOR VETERANS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3304) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Advancing Uniform Transportation Opportunities for Veterans Act" or the "AUTO for Veterans Act".

SEC. 2. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ADDITIONAL AUTOMOBILE OR OTHER ADAPTED EQUIPMENT.

Section 3903(a) of title 38, United States Code, is amended—

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

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

"(3) The Secretary may provide or assist in providing an eligible person with an additional automobile or other conveyance under this chapter—

"(A) if more than 25 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter; or

"(B) beginning on the day that is 10 years after date of the enactment of the AUTO for Veterans Act, if more than 10 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter."

SEC. 3. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF CERTAIN VEHICLE MODIFICATIONS AS MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

"(I) The provision of medically necessary van lifts, raised doors, raised roofs, air-conditioning, and wheelchair tie-downs for passenger use."

SEC. 4. MODIFICATION OF CERTAIN HOUSING LOAN FEE.

(a) EXTENSION.—The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking "January 14, 2031" each place it appears and inserting "May 16, 2031".

SEC. 5. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gen-

tleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3304, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 3304, as amended, the AUTO for Veterans Act.

I was proud to join Representative LIZZIE FLETCHER in introducing H.R. 3304, and I thank her for her tireless work with the veteran community, which has led to this bill being considered on the floor today.

Currently, disabled veterans are only allowed a single grant to modify a vehicle to provide them mobility. This means there are cars that are 25, 30, or even 40 years old on the road because the veteran has no other option.

When you consider that the average life of an automobile is less than 12 years, we are asking veterans to incur additional costs and risks by driving excessively old cars for decades.

The AUTO for Veterans Act finally expands eligibility for disabled veterans to obtain vehicles modified for their disabilities more than once in their lifetime.

Upon passage into law, H.R. 3304 would immediately allow veterans who have waited decades to acquire a new vehicle and, after giving those veterans priority, would eventually expand the benefit to cover those veterans who updated their vehicle 10 years ago.

This legislation also expands the definition of "medical services" to include certain vehicle modifications so that veterans can attend medical appointments.

This legislation has long been a priority for veterans and is supported by DAV, VFW, PVA, and countless other veterans organizations.

This legislation is fully paid for and delivers for disabled veterans who gave us so much.

I thank the ranking member for his support of this legislation. I know we have both wanted to fix this longstanding problem.

Madam Speaker, I wholeheartedly support this bill, and I urge my colleagues to do the same. I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of the AUTO for Veterans Act, as amended.

This bill would help severely disabled service-connected veterans purchase and adapt a vehicle 10 years after they

purchased their first one. Current law only provides veterans with the funds for one vehicle during their lifetime. We all know that the life of a car is not infinite. Maybe my father didn't, but most people do.

For too long, disabled veterans have had to drive vehicles that have logged hundreds of thousands of miles. This bill would help a deserving population with the safe and reliable transportation they need. I am also pleased that this bill is fully offset.

The underlying bill is very similar to H.R. 1361, the AUTO for Veterans Act, which was introduced this Congress and last by our colleague, Congressman MEUSER. While I would have preferred that we consider his version today, this bill will help many disabled veterans, and it has my full support.

I thank the PVA and the DAV for their continued advocacy for this proposal.

Madam Speaker, I encourage all Members to support this bill, and I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Madam Speaker, I thank Ranking Member BOST for his leadership on this important bill.

I rise in support of the AUTO for Veterans Act. This legislation would expand, as stated, access to the Department of Veterans Affairs' automobile grant, which assists severely disabled veterans.

Veterans, especially those in rural communities, Madam Speaker, face transportation challenges, as we all know, that affect their quality of life and independence. Expanding the VA auto grant program is a commonsense step toward improving this program for men and women who made tremendous sacrifices serving our country.

Improving access to safe and reliable transportation for disabled veterans will ensure they can maintain their independence and lead fulfilling, healthy lives.

I introduced the AUTO for Veterans Act, a bill nearly identical to this legislation, in the last Congress, and it did receive support from numerous veterans service organizations and garnered over 70 cosponsors, including Democrats and Republicans. I am glad that my Democrat colleagues were able to see the merit of this legislation, and I do look forward to the Senate taking action on this legislation and providing much-needed support and independence for our wounded veterans.

Madam Speaker, I encourage all of my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all of my colleagues to join me in passing H.R. 3304, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.

TAKANO) that the House suspend the rules and pass the bill, H.R. 3304, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FOOD SECURITY FOR ALL VETERANS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8888) to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Food Security for All Veterans Act”.

SEC. 2. ESTABLISHMENT OF DEPARTMENT OF VETERANS AFFAIRS OFFICE OF FOOD SECURITY.

Chapter 3 of title 38, United States Code, is amended by adding at the end the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

“§ 325. Office of Food Security

“(a) ESTABLISHMENT.—There is in the Department an office to be known as the ‘Office of Food Security’. There is at the head of the Office a Director, which shall be a career position.

“(b) RESPONSIBILITIES.—(1) The Director of the Office of Food Security shall carry out the following responsibilities:

“(A) To provide information to veterans concerning the availability of, and eligibility requirements for Federal nutrition assistance programs.

“(B) To collaborate with other program offices of the Department, including the Homeless Programs Office and the Office of Tribal Government Relations, to develop and implement policies and procedures to identify and treat veterans at-risk or experiencing food insecurity.

“(C) To collaborate with the Secretary of Agriculture and the Secretary of Defense on food insecurity among veterans, including by collaborating with the Secretaries to develop materials related to food insecurity for the Transition Assistance Program curriculum and other transition-related resources.

“(D) To develop and provide training, including training that may count towards continuing education or licensure requirements, for social workers, dietitians, chaplains, and other clinicians on how to assist veterans with enrollment in Federal nutrition assistance programs, including the supplemental nutrition assistance program and the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

“(E) To issue guidance to Department medical centers on how to collaborate with their State and local offices administering the supplemental nutrition assistance program.

“(2) In carrying out the responsibilities under paragraph (1), the Director shall consult with and provide technical assistance to the heads of other Federal departments and agencies, including the Department of Agriculture, Department of Defense, Department of Interior, and Department of Labor.

“(c) ANNUAL REPORT ON FOOD INSECURITY.—The Secretary of Veterans Affairs, in consultation with the Secretary of Agriculture, shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives an annual report on veteran food insecurity. Each such report shall include data on the following:

“(1) The socioeconomic, ethnic, and racial characteristics of veterans experiencing food insecurity, disaggregated by State in which the veteran is located.

“(2) Native American veterans experiencing food insecurity.

“(3) Specific interventions for veterans who screen positive for food insecurity.

“(4) Eligibility screenings for participation in the supplemental nutrition assistance program completed by personnel of the Department of Veterans Affairs.

“(5) The number of applications for participation in the supplemental nutrition assistance program completed with assistance from personnel of the Department.

“(6) Changes, as a result of participation in the supplemental nutrition assistance program, in the number of food insecure veteran households.

“(7) Coordination efforts between State agencies and Department facilities located in that State regarding outreach to veterans to participate in the supplemental nutrition assistance program.

“(d) DEFINITIONS.—In this section:

“(1) The terms ‘Native American’ and ‘Native American veteran’ have the meanings given those terms in section 3765 of this title.

“(2) The terms ‘State agency’ and ‘supplemental nutrition assistance program’ have the meanings given those terms in section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012).”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 8888, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 8888, as amended, the Food Security for All Veterans Act.

This bill establishes an office dedicated to ending veteran hunger at the VA that will collaborate with internal and external groups to develop and implement policies and procedures to identify and treat veterans at risk of or experiencing hunger.

Food insecurity can create or exacerbate other health maladies and is one of many contributing factors that has led to increased suicide rates, diabetes, heart disease, and depression. Addressing veteran hunger is critical to this committee’s suicide prevention efforts.

Madam Speaker, I thank our newest Member from Alaska, Congresswoman PELTOLA, for taking up this important issue and prioritizing veterans.

The VA has made tremendous strides in its work to end veteran hunger. The VA leads an interagency working group and regularly collaborates with its Federal counterparts on this issue. The VA also instituted a clinical reminder that screens every veteran who receives their care at VA for food insecurity and connects those in need with resources.

However, until recently, these tasks were carried out by VA employees as ancillary duties. There was no staff dedicated solely to addressing veteran hunger. The VA has started the process of building a team that works exclusively on this issue, and Congresswoman PELTOLA’s bill gives the VA the infrastructure and resources to ensure those efforts continue for years to come.

Before the pandemic and still now, Black, Latino, Native American, and Alaska Native veteran families experienced disproportionately high rates of hunger. This bill requires the VA to coordinate with the VA Office of Tribal Government Relations and the Department of the Interior to focus on these communities.

A critical issue this bill intends to affect is the disparity between the VA and USDA data on veteran hunger. The USDA reports about an 11 percent rate of food insecurity among veterans versus the VA, which reports a roughly 2 percent rate among veterans using VA healthcare.

The bill requires VA, in consultation with the USDA, to issue an annual report to Congress on the prevalence of veteran hunger. It also requires the VA to track its progress and success in connecting more veterans with resources like the Supplemental Nutrition Assistance Program, or SNAP.

Importantly, the Food Security for All Veterans Act mandates the VA collaborates with the Departments of Agriculture and Defense to develop materials for the Transition Assistance Program to help increase access to food resources for families in need as they navigate the military-to-civilian transition.

September is Hunger Action Month, and today, the White House hosted the Conference on Hunger, Nutrition, and Health that will catalyze the public and private sectors around a coordinated strategy to accelerate progress

and drive transformative change in our country to end hunger.

This legislation is endorsed by numerous veterans service organizations and hunger advocacy organizations, including Student Veterans of America, MAZON: A Jewish Response to Hunger, Food Research & Action Center, Disabled American Veterans, American Federation of Government Employees, National Coalition for Homeless Veterans, Iraq and Afghanistan Veterans of America, and Blue Star Families.

Madam Speaker, I include in the RECORD the following letters from MAZON: A Jewish Response to Hunger and the Food Research & Action Center.

[MAZON, Sept. 23, 2022]

STATEMENT FOR THE RECORD IN SUPPORT OF
H.R. 8888 SUBMITTED BY MAZON: A JEWISH
RESPONSE TO HUNGER

A Jewish Response to Hunger is pleased to share this statement for the record in support of H.R. 8888, the Food Security for All Veterans Act. This bill, which would establish an Office of Food Security at the U.S. Department of Veterans Affairs, represents a helpful step forward in the effort to achieve a more comprehensive and lasting solution to the preventable problem of veteran food insecurity.

Inspired by Jewish values and ideals, MAZON takes to heart our collective responsibility to care for the vulnerable in our midst, without judgement or precondition. In the United States, this responsibility to prevent and respond to hunger lies centrally with our federal government. The charitable food sector is in no way equipped to respond to the scope of food insecurity in America—all of the charitable and faith-based organizations in this country combined contribute less than ten percent of all food assistance in this country and have extremely limited capacity to respond to more than emergency needs. The food insecurity crisis in our country is the purview of the federal government and it is impractical, inefficient, and immoral to abdicate this responsibility and attempt to outsource the response to a charitable sector that is already overburdened.

For over 37 years, MAZON has been fighting to end hunger among all people of all faiths and backgrounds, and for nearly ten years, we have prioritized addressing the long-overlooked issue of food insecurity among veterans and military families. Jewish text and tradition compel us to honor the dignity of every person, especially those who are struggling. No matter a person's circumstance, no one deserves to be hungry. Those who have bravely served to defend our country especially should never have to be subjected to the cruel and painful experience of hunger.

The establishment of the Office of Food Security at the Department of Veterans Affairs that is empowered to coordinate efforts among VA program offices, provide information about and help connect veterans to available nutrition assistance benefits and resources, collaborate with USDA, Department of Defense, and other federal agencies, and develop and provide training for professionals who work with veterans, would be an extremely helpful step forward in the national effort to address the crisis of veteran food insecurity.

MAZON has testified before Congress and shared our insights and recommendations about food insecurity among veteran households numerous times over the years. Unfortunately, too little progress has been made

during the intervening time. There have been some positive steps, both programmatically and through policy change, that have helped; most notably, the recent adoption of the Hunger Vital Signs screening tool at all VA outpatient facilities (MAZON has long advocated for mandatory food insecurity screenings and SNAP eligibility screening, and application assistance across the VA system; much more still remains to be done on this front to connect food insecure veterans with SNAP) and increases to SNAP benefits through the temporary boost included through COVID-19-relief legislation and the recent update to the Thrifty Food Plan by USDA.

It should be noted that, while the temporary boost to SNAP benefits and other COVID-19 assistance provided by the federal government helped to alleviate some material hardship and prevented food insecurity and poverty rates from dramatically spiking due to the pandemic and associated economic downturn, the American population—including veterans—experienced exacerbated challenges that compounded food insecurity rates and more severe impacts.

These challenges include elevated rates of unemployment (particularly within the service sector and disproportionately impacting female employees and people of color), widespread school closures and the loss of subsidized school meals, medical emergencies and the associated financial costs for treatment and lost income from time out of work), and mental health distress.

We are particularly concerned about the impacts of racial inequities on veterans and the ongoing tragedy of heightened suicide rates among veterans. While there is growing public awareness and concern about both issues, there remains a need for viable policy proposals to address them. The disproportionate impact of food insecurity on households of veterans of color highlight racial inequities that are perpetuated through public policies and program implementation. Closing the SNAP participation gap for veterans and improving the program to better reach and serve food insecure veterans of color will not only signal a commitment to meaningful efforts to address racial justice—it will concretely contribute to those efforts to achieve greater racial equity in federal policy.

As noted by Dr. Thomas O'Toole during his testimony before the House Veterans Affairs Committee on January 9, 2020, a growing body of research sheds light on the relationship between food insecurity and risk factors for poor mental health and suicide. A new study on "Association between Food Insecurity, Mental Health, and Intentions to Leave the U.S. Army in a Cross-Sectional Sample of U.S. Soldiers" by researchers at the USDA Economic Research Service and the U.S. Army Public Health Center offers additional insight about linkages between food insecurity, mental health, and military service. Contributing to the VA's stated top clinical priority to end veteran suicide and implement a comprehensive public health approach to reach all veterans, the VA must step up to provide leadership around a robust effort to address veteran food insecurity by proactive SNAP outreach to veterans both within and outside of the VA system.

A recommendation made by Dr. Colleen Heflin during her testimony at the May 27, 2021 House Rules Committee roundtable examination of the hunger crisis among veterans and military families holds great promise to decrease the risk of food insecurity during the transition from military service to civilian life, when many households are more likely at risk of food insecurity. MAZON urges Congress to explore this suggestion for the federal government to provide a targeted transitional benefit to all

families leaving military service below a certain rank. Such a benefit would act as a stabilizing mechanism and provide much-needed additional assistance to veterans and their families during a time when they may experience a greater level of financial need. Such a transitional benefit, especially one that utilizes innovative new technologies for benefit delivery and personalized communications, opens up opportunities to proactively assess and respond to the whole-person needs of veterans by building trust and facilitating connections to other available resources and comprehensive services. In addition, MAZON supports the distinct, yet often related, recommendations by Dr. Heflin to better protect veterans with disabilities from food insecurity.

MAZON was proud to recently sign a Memorandum of Agreement with the Veterans Health Administration to work collaboratively to address veteran food insecurity. While MAZON is excited about this opportunity to provide input, contribute resources, and collaborate on innovative program ideas and solutions, the limited commitments to date by the VA and slow pace of response to a preventable crisis with multiple negative consequences is deeply distressing. Additionally, the sporadic oversight by Congress and the lack of urgency that has been demonstrated in holding federal agencies accountable to a proactive, robust, and measurable solution to ending veteran food insecurity must be rectified. There is great bipartisan concern in Congress about veteran food insecurity, but the commitment to mandate and provide funding for proven solutions has unfortunately not matched the lofty rhetoric.

It is time to recenter the VA's goals and priorities in the effort to provide a comprehensive response to veteran food insecurity. The implicit abdication of responsibility by the federal government to the charitable sector is unsustainable and dangerous as it shifts attention away from the need to strengthen and improve access to SNAP and other federal programs that serve as the frontline response to veteran food insecurity.

Success should be measured not by how many food pantries open at VA centers, but rather by how many food pantries become unnecessary due to veteran households receiving the support they need and are entitled to through programs like SNAP. MAZON urges Congress to step up its leadership as a vital part of this effort by prioritizing the protection and improvement of SNAP, supporting innovative and effective ways to better connect food insecure veterans with federal nutrition assistance programs (including mandating that VA facilities conduct on-site SNAP eligibility screenings and application assistance in addition to the food insecurity screenings currently conducted), bolstering nutrition assistance support during transition from active duty to veteran status, strengthening the supports and removing barriers for food insecure veterans with disabilities, and centering the experiences and perspectives of veterans with lived experiences with food insecurity.

The establishment of the Office of Food Security at the VA as proposed in H.R. 8888 promises to make a substantial contribution to coordinating and improving agency efforts and deepening the impact of the federal response to veteran food insecurity. This progress is long overdue and should represent just the next step forward among additional commitments to come.

Veteran food insecurity—indeed, all food insecurity—is a solvable problem, and the solution lies in mustering the political will to prioritize and address it. MAZON welcomes the opportunity to continue to work with

Congress, with all relevant federal agencies, and with VSOs and other community partners, to build this political will and do right by those who have bravely served our country. No veteran should ever have to worry about being able to feed themselves or those in their family. We owe them much more than the half-measures and broken promises of our policies and programs to date.

Hungry veterans cannot eat another report or hearing transcript. MAZON urges Congress to enact the recommendations included in H.R. 8888 and identify additional concrete steps that Congress and the Administration can take now to end the crisis of veteran food insecurity. We stand ready with suggestions and with resolve to work in partnership.

[From Food Research & Action Center, May 18, 2022]

HOUSE OF REPRESENTATIVES, COMMITTEE ON VETERANS' AFFAIRS, SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

STATEMENT OF SUPPORT FOR THE ESTABLISHMENT OF A DEPARTMENT OF VETERANS AFFAIRS OFFICE OF FOOD SECURITY

The Food Research & Action Center (FRAC) supports the "Discussion Draft, to amend Title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Insecurity, and for other purposes" set for hearing on May 18, 2022, before the House Veterans Affairs Subcommittee on Economic Opportunity. This critical legislation will amplify the Department of Veterans Affairs efforts to address food insecurity among veterans and their families.

FRAC works to improve the nutrition, health, and well-being of tens of millions of people struggling against poverty-related hunger in the United States through advocacy, partnerships, and by advancing bold and equitable policy solutions. FRAC has championed work to address food insecurity among veterans and participates in the Military Family Advisory Network and Veterans Health Administration (VHA) efforts to screen and intervene to address food insecurity among patients.

Food insecurity, even marginal food insecurity (a less severe form), is detrimental to the health, development, and well-being of people and is associated with some of the most common and costly health problems in the U.S. A 2021 Economic Research Service Report, *Food Insecurity Among Working-Age Veterans*, found that 11.1 percent of veterans between the ages of 18 to 64 lived in households reporting food insecurity, while 5.3 lived in households experiencing very low food security. After controlling for demographic characteristics that normally predict food insecurity, such as age, educational attainment, and income, the risk of food insecurity is 7.4 percent higher among veterans than nonveterans ages 18-64.

By creating an Office of Food Security, this legislation represents a critical step to prioritize, accelerate, and sustain the Department of Veterans Affairs' work to address food insecurity among those who have sacrificed so much for our nation. Of note, the Veterans Health Administration has screened millions of patients for food insecurity and connected veterans and their families to crucial federal nutrition programs, like the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), school meals, child care meals, summer meals, and emergency food sites, such as food banks and pantries. By providing funding to build out these efforts to screen and intervene veterans at risk for

food insecurity, this legislation will enshrine the importance of this work, identify gaps in services, and connect veterans to available federal nutrition programs and other resources.

This legislation recognizes the critical role the federal nutrition plays in addressing food insecurity among veterans and their families. The federal nutrition programs are among our nation's most important, proven, and cost-effective public interventions to not only address food insecurity but also to improve health, nutrition, and well-being. A growing body of research links these programs to a wide range of positive outcomes for families and the nation. Federal nutrition programs improve dietary intake and nutrition quality; support healthy growth of children; boost learning and academic achievement; reduce poverty and increase family economic security; and lower health care spending.

Ensuring access to SNAP, in particular, is a critical step in supporting food security among veterans. Nationwide, according to the USDA, 1,174,027 veterans (6.6 percent of all veterans) received SNAP benefits, improving veterans' purchasing power necessary to buy food in a dignified way at military commissaries and other food retail outlets that accept SNAP. A recent survey estimated that only 59 percent of eligible veterans were enrolled in SNAP. The USDA has identified veterans as a priority population for state SNAP outreach plans, including partnership with local VHA facilities. Accessing SNAP not only helps veterans everywhere put food on the table, it reduces poverty, supports economic stability, and improves health outcomes.

FRAC looks forward to supporting the Department of Veterans Affairs work to address food insecurity. Alongside increasing veteran participation in SNAP and other federal nutrition programs, eradicating food insecurity and hunger among veterans and their families will require a national response that addresses underlying causes (e.g., a lack of well-paying jobs and a lack of affordable housing). This draft legislation is an important step in the right direction.

Mr. TAKANO. Madam Speaker, I urge the rest of my colleagues to support this legislation and ensure no veteran goes hungry, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I reluctantly support this bill.

Food insecurity is an issue that impacts thousands of veterans every year. Veterans continue to suffer from skyrocketing food prices caused by the economic mistakes of the Biden administration.

While I support bringing more attention to veteran hunger, I am skeptical that this bill is the correct solution. The bill before us today would try to address these issues by creating a new office of food security at the VA. The VA has also already told us that they were working to set up an office at the VHA dedicated to food insecurity.

I look forward to working with our colleagues in the Senate to modify the language in this bill to match the Department's efforts.

That said, I am pleased by the changes that were made today to improve on the text. All considered, I reluctantly urge all of my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentlewoman from Alaska (Mrs. PELTOLA), my new friend who is a newly elected Member of Congress. I think this is her first piece of legislation to be brought to the floor, and we are proud it is coming out of the Veterans' Affairs Committee.

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Mrs. PELTOLA. Madam Speaker, I thank the chairman for providing consideration of my legislation today. I particularly want to share my appreciation with committee Chair TAKANO and Ranking Member BOST on the Veterans' Affairs Committee for moving quickly on this important issue for the 18 million veterans in our country.

Madam Speaker, I rise today to speak on a topic of vital importance to my State where veterans comprise about 10 percent of the population, and I know many veterans who face food insecurity.

This is my first bill as a Member of the U.S. House of Representatives, which is appropriate. There is nothing more important than ensuring our veterans and their families can enjoy a safe and healthy life after their service for our country.

This bill would create an Office of Food Security within the Department of Veterans Affairs. The office would be charged with providing information to veterans on the availability and eligibility requirements for Federal nutrition assistance programs. The office would work with other government agencies to implement policies to help veterans at risk or experiencing food insecurity.

A report just 4 months ago from the Center for Strategic and International Studies was clear, "Food insecurity among U.S. veterans and military families is a national security concern: it multiplies stress on Active Duty personnel, diminishes well-being among servicemembers and their children—who are more likely to serve in the military as adults—and may hinder recruitment for the armed services."

Madam Speaker, I know this bill will not solve the problem entirely, but I believe it can help in Alaska and throughout the country. I ask my colleagues to support H.R. 8888.

Mr. BOST. Madam Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing H.R. 8888, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8888, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

EXPANDING HOME LOANS FOR GUARD AND RESERVISTS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8875) to amend title 38, United States Code, to expand eligibility of members of the National Guard for housing loans guaranteed by the Secretary of Veterans Affairs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Expanding Home Loans for Guard and Reservists Act”.

SEC. 2. EXPANSION OF ELIGIBILITY OF MEMBERS OF THE NATIONAL GUARD FOR HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Section 3701(b)(7) of title 38, United States Code, is amended by striking “full-time National Guard duty” and inserting “active service”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on H.R. 8875, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 8875, as amended, the Expanding Home Loans for Guard and Reservists Act.

One of the most valuable benefits veterans earn is the VA home loan benefit, which can provide them a head start in their transition to civilian life.

That is why 2 years ago we passed into law an expansion to grant Na-

tional Guard members credit for the days they serve on Active Duty. However, through oversight and case work we have learned how some veterans are missing out on this benefit.

This legislation makes a technical fix, which updates the law to define eligibility by counting Active Duty for training when guard and reservists are training for things like Special Forces, Aviation, or Linguistics.

These servicemembers deserve eligibility because they are going through the same courses and training as their Active Duty counterparts, taking the same risks, and passing the very same requirements.

Guard and reservists are at a greater disadvantage because they are removed from the civilian workforce for extended periods of time. After their training is complete, they transition back to civilian life, move back home from the base where they were training, find employment, and find a place to live.

This technical fix makes sure that guard and reservists don't miss out on using a great benefit from the VA home loan guarantee service.

I thank the gentleman from New York (Mr. RYAN), our newest Member, for taking up this issue and making veterans a priority. As an added bonus, this fix actually saves the Federal Government money by bringing more borrowers into the attractive low rates of the VA home loan program.

Madam Speaker, I wholeheartedly support this bill, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in reluctant support of the Expanding Home Loans for Guard and Reservists Act. Last Congress, my bill, H.R. 7445, proposed expanding VA home loan benefits to members of the National Guard who have served on Active Duty or full-time guard duty.

Congressman RYAN's bill would expand the home loan benefit to members of the National Guard that are on Federal Active Duty orders for training. Unfortunately, this policy is being rushed in an election year gimmick.

Unlike other bills we are considering today, this bill has not had the benefit of legislative hearings, and I would have liked to have heard the views of the VA and other stakeholders. A hearing would have allowed us to understand the impact this legislation could have on the mortgage markets. It would also have provided insight on the effect this bill could have on recruitment of National Guard Active Forces.

That said, I do not want to stand in the way of legislation that can help members of the National Guard, and I reluctantly urge all my colleagues to support this bill.

Madam Speaker, I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask all my colleagues to join

me in passing H.R. 8875, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8875, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

AMENDING TITLE 38, UNITED STATES CODE, TO ENSURE THAT THE SECRETARY OF VETERANS AFFAIRS REPAYS MEMBERS OF THE ARMED FORCES FOR CERTAIN CONTRIBUTIONS MADE BY SUCH MEMBERS TOWARDS POST-9/11 EDUCATIONAL ASSISTANCE

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5918) to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5918

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPAYMENT OF MEMBERS OF THE ARMED FORCES FOR CONTRIBUTIONS TOWARD POST-9/11 EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Section 3327(f)(3) of title 38, United States Code, is amended by striking “together” and all that follows through “(as applicable),”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2023.

SEC. 2. MODIFICATION OF CERTAIN HOUSING LOAN FEES.

The loan fee table in section 3729(b)(2) of title 38, United States Code, is amended by striking “January 14, 2031” each place it appears and inserting “January 28, 2031”.

SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 5918, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5918, as amended, legislation to ensure veterans can recoup the money they paid into the Montgomery GI Bill.

Under current law, veterans who do not fully access their Montgomery GI Bill can lose out on the payments they made into the program, in some cases totaling up to \$1,200.

The Montgomery GI Bill is in the process of being phased out for the more generous Forever GI Bill. Many veterans may not remember the \$1,200 they paid into the program in the early days of their service or even be aware that they are entitled to a refund of the unused funds.

The process to reclaim that \$1,200 can be difficult, and there are times when the veteran can simply lose out on the money because they waited too long. This legislation eliminates that cumbersome process by making it so the veteran is repaid, no questions asked.

The bill is fully offset and supported by the veterans service organization community, including by Student Veterans of America.

Madam Speaker, I thank the gentleman from Indiana (Mr. BANKS) for his work on this legislation and the VSO community for bringing this issue to our committee. I urge the rest of my colleagues to support this legislation to ensure no veteran loses out on what is owed to them.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 5918, as amended. This bill would close a financial loophole affecting many servicemembers.

Last Congress, I was proud to support General Bergman's efforts to responsibly sunset the Montgomery GI Bill, and today I am pleased to support Congressman BANKS' bill to ensure that those servicemembers who paid into the program are repaid.

Under current law, servicemembers who switch from Montgomery to the Post-9/11 GI Bill would lose about \$1,200 they paid into the program, if they exhausted their benefits while still on Active Duty. Veterans who exhaust their benefits already receive the \$1,200 back. This bill would fix this loophole and treat servicemembers and veterans equally.

Servicemembers earned the benefits and should not be shortchanged just

because they are still on Active Duty. This bill would include a short-term extension of the VA home loan funding fees to fully offset the cost of this bill.

Madam Speaker, I thank the American Legion for bringing this problem to our attention, and I also thank Congressman BANKS for introducing this important bill.

Madam Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing H.R. 5918, as amended, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 5918, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, and for other purposes."

A motion to reconsider was laid on the table.

REDUCE AND ELIMINATE MENTAL HEALTH OUTPATIENT VETERAN COPAYS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 7589) to amend title 38, United States Code, to prohibit the imposition or collection of copayments for certain mental health outpatient care visits of veterans, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7589

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reduce and Eliminate Mental Health Outpatient Veteran Copays Act" or the "REMOVE Copays Act".

SEC. 2. PROHIBITION ON COLLECTION OF COPAYMENTS FOR FIRST THREE MENTAL HEALTH CARE OUTPATIENT VISITS OF VETERANS.

(a) PROHIBITION ON COLLECTION.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1722B the following new section (and conforming the table of sections at the beginning of such chapter accordingly):

"§ 1722C. Copayments: prohibition on collection of copayments for first three mental health care outpatient visits of veterans

"(a) PROHIBITION.—Except as provided in subsection (b), notwithstanding section 1710(g) of this title or any other provision of law, the Secretary may not impose or collect a copayment for the first three mental health care outpatient visits of a veteran in a calendar year for which the veteran would otherwise be required to pay a copayment

under the laws administered by the Secretary.

"(b) COPAYMENT FOR MEDICATIONS.—The prohibition under subsection (a) shall not apply with respect to the imposition or collection of copayments for medications pursuant to section 1722A of this title.

"(c) MENTAL HEALTH CARE OUTPATIENT VISIT DEFINED.—In this section, the term 'mental health care outpatient visit' means an outpatient visit with a qualified mental health professional for the primary purpose of seeking mental health care or treatment for substance abuse disorder."

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to mental health care outpatient visits occurring on or after the date that is 180 days after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 7589, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as we all know, September is Suicide Prevention Awareness Month. I hope everyone has the new crisis hotline number, 988, saved on their phones. If you or a veteran you care about is in crisis, please dial 988, and press 1 to reach trained responders at the Veterans Crisis Line. Again, let me repeat the number. Dial 988 and press 1 to reach trained responders at the Veterans Crisis Line.

One component of a public health approach to veteran suicide prevention is ensuring that all of our Nation's heroes have access to timely, high-quality, effective mental health care.

Madam Speaker, I am so pleased to bring up my bill, H.R. 7589, as amended, the Reduce and Eliminate Mental Health Outpatient Veteran Copays or REMOVE Copays Act. We reported this bill favorably out of the Veterans' Affairs Committee last week on a bipartisan voice vote. I thank Ranking Member BOST for his support of this bill.

H.R. 7589 turns a legislative proposal from the Department of Veterans Affairs into a law that will make every enrolled veteran's first three outpatient mental health appointment at VA free every year. We know that what may seem like low copays can, in fact, be significant financial barriers for many veterans. Our goal is to knock down all barriers for veterans seeking and accessing mental health care at the VA.

□ 2015

VA strongly supports this bill, as do veterans service organizations and

mental health groups. If we can enact this into law, VA will be the first of hopefully all Federal healthcare programs to eliminate copays for mental health care every year in this way and get people the help they need.

Madam Speaker, I urge all of my colleagues to vote "yes" on this vital piece of legislation, H.R. 7589, as amended, the REMOVE Copays Act, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 7589, the REMOVE Copays Act. As its name suggests, this bill would remove copayments from every veteran's first three mental health outpatient visits for each calendar year.

I am pleased to support the REMOVE Copays Act today, and I hope it will encourage veterans to take better care of their mental health. September is Suicide Prevention Awareness Month, and according to the most recent data from the VA, the amount of veterans who died by suicide decreased from 2019 to 2020.

That is encouraging news. However, at least one non-VA study suggests that VA is undercounting the number of veterans who die by suicide by as much as 2.4 times. I fear that VA's data still has not accounted for the negative effects of COVID lockdowns, isolation, and illness.

Regardless, as long as veterans continue to take their own lives, we have important work to do. Suicide is not just a mental health issue. Improving mental health has a critical role to play in stopping suicide once and for all.

I am grateful to Chairman TAKANO for his introduction of this bill, and I hope all of my colleagues will join me in supporting it today.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage all of my colleagues to support the bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask all my colleagues to join me in passing H.R. 7589, as amended. I do thank my colleague, the ranking member. It is an example of standing our ground where we must and finding common ground where we can.

Lastly, I close by saying, please dial 988 and press 1 to reach trained responders at the Veterans Crisis Line.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 7589, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOLID START ACT OF 2022

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (S. 1198) to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solid Start Act of 2022".

SEC. 2. SOLID START PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 63 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—OTHER OUTREACH PROGRAMS AND ACTIVITIES

"§ 6320. Solid Start program

"(a) IN GENERAL.—The Secretary shall carry out a program, to be known as the 'Solid Start program', under which the Secretary shall—

"(1) build the capacity of the Department to efficiently and effectively respond to the queries and needs of veterans who have recently separated from the Armed Forces; and

"(2) systemically integrate and coordinate efforts to assist veterans, including efforts—

"(A) to proactively reach out to newly separated veterans to inform them of their eligibility for programs and benefits provided by the Department; and

"(B) to connect veterans in crisis to resources that address their immediate needs.

"(b) ACTIVITIES OF THE SOLID START PROGRAM.—(1) The Secretary, in coordination with the Secretary of Defense, shall carry out the Solid Start program of the Department by—

"(A) collecting up-to-date contact information during transition classes or separation counseling for all members of the Armed Forces who are separating from the Armed Forces, while explaining the existence and purpose of the Solid Start program;

"(B) calling each veteran, regardless of separation type or characterization of service, three times within the first year after separation of the veteran from the Armed Forces;

"(C) providing information about the Solid Start program on the website of the Department and in materials of the Department, especially transition booklets and other resources;

"(D) ensuring calls are truly tailored to the needs of each veteran's unique situation by conducting quality assurance tests;

"(E) prioritizing outreach to veterans who have accessed mental health resources prior to separation from the Armed Forces;

"(F) providing women veterans with information that is tailored to their specific health care and benefit needs;

"(G) as feasible, providing information on access to State and local resources, including Vet Centers and veterans service organizations; and

"(H) gathering and analyzing data assessing the effectiveness of the Solid Start program.

"(2) The Secretary, in coordination with the Secretary of Defense, may carry out the Solid Start program by—

"(A) encouraging members of the Armed Forces who are transitioning to civilian life to authorize alternate points of contact who can be reached should the member be unavailable during the first year following the separation of the member from the Armed Forces; and

"(B) following up missed phone calls with tailored mailings to ensure the veteran still receives similar information.

"(3) In this subsection:

"(A) The term 'Vet Center' has the meaning given that term in section 1712A(h) of this title.

"(B) The term 'veterans service organization' means an organization recognized by the Secretary for the representation of veterans under section 5902 of this title."

(b) CONFORMING AMENDMENTS.—Chapter 63 of such title, as amended by subsection (a), is further amended—

(1) by inserting before section 6301 the following:

"Subchapter I—Outreach Services Program";

and

(2) in sections 6301, 6303, 6304, 6305, 6306, and 6307, by striking "this chapter" each place it appears and inserting "this subchapter".

(c) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 63 of such title is amended—

(1) by inserting before the item relating to section 6301 the following new item:

"SUBCHAPTER I—OUTREACH SERVICES PROGRAM";

and

(2) by adding at the end the following new items:

"SUBCHAPTER II—OTHER OUTREACH PROGRAMS AND ACTIVITIES

"6320. Solid Start program."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on S. 1198.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support S. 1198, the bipartisan, bicameral, Solid Start Act.

This bill is led by Senator HASSAN, and in the House, this legislative effort is led by my Veterans Affairs' Committee colleague, Representative SLOTKIN.

Now, we know that the transition from Active-Duty service to veteran status can bring not only new opportunities, but also substantial adjustment and stress. For some veterans, it can pose serious mental health challenges. In fact, the first year of transitioning out of military service is a very high-risk period for veteran suicide.

VA initiated its Solid Start program to address the challenges new veterans may face during this period. VA now

contacts veterans at three different periods in that first year to check in, remind veterans of benefits and services for which they are eligible, and connect them to resources.

Women veterans, like all veterans, deserve to know about all of the benefits and services they have earned with no exceptions. I have heard today that some Republican Members of this House are suddenly looking to oppose this veteran suicide prevention bill, and all because it has 16 words that simply ensure women veterans are told about the range of benefits and services for which they are eligible; 16 words, when we are talking about 16 veteran suicide deaths a day.

We are talking about benefits like the GI bill, and compensation for toxic exposure presumptions, breast cancer screening, treatment for military sexual trauma, and, yes, the freedom to discuss their options around pregnancy.

All benefits they have earned through their service because they chose to serve our Nation. Well, I would say to my colleagues on the other side of the aisle to take your fight against women veterans elsewhere.

Criminalizing, infantilizing, and denying women veterans—take your fight elsewhere.

There is no bar that prevents VA providers from discussing a single benefit with male veterans, but my colleagues want a double standard for women veterans. This is about two lines in an entire bill meant to help veterans who have recently left Active Duty. All veterans.

Republicans won't pass this bill unless we delete women from it. I refuse to do that. Women veterans are veterans.

A conversation with a woman veteran about coming to the VA could prevent her death from suicide. It could also prevent needless suffering and possible death from health conditions, including pregnancy.

Republicans have gotten so extreme with their fear of women having autonomy over their own bodies and lives that they are willing to play political games with veterans' lives and tank a veteran suicide prevention bill.

I would also remind those considering blocking this bill that this very same language has already passed in the House. Back on June 23 of this year, this Chamber passed the STRONG Veterans Act of 2022. It passed under a simple voice vote.

The Senate unanimously passed the Solid Start Act after VA's new rule on abortion counseling and services had been announced.

September is National Suicide Prevention Awareness Month, and this legislation would help us better connect veterans with the resources needed to save lives. Sadly, each day, we are losing roughly 16 veterans to suicide.

I am not willing to let 16 words about women's freedom to discuss their own

benefits contained in this legislation prevent us from saving the lives of 16 veterans who die by suicide each day. I thank Senator HASSAN and Representative SLOTKIN for their work on this important issue, and I am pleased we could take up this bill during Suicide Prevention Month.

Madam Speaker, I strongly urge my colleagues to vote "yes" on S. 1198, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in reluctant opposition to S. 1198, the Solid Start Act of 2021. The Solid Start program was created by President Trump in 2019 to better support veterans as they transition out of the military.

I know firsthand that leaving the military can be tough. When I left the military as a young marine, the only TAP program that I got was a tap on the back and a "see ya later."

I am glad that things have improved a lot since then. The Solid Start program has helped improve servicemembers' transitions even more.

I am a real big fan of the Solid Start program. The STRONG Act, my bill with Chairman TAKANO, includes identical language to this bill and would permanently authorize the Solid Start Program. The STRONG Act passed the House in June with my full support.

However, earlier this month, Secretary McDonough announced that VA would begin providing abortions. I believe it is not only immoral, but it is also illegal. Congress prohibited VA providing abortions in 1992. Congress has never repealed that prohibition. Just so you know, it has never been superseded.

Secretary McDonough has claimed that he is taking this action in defense of women's health, setting aside the fact that abortion is not healthcare. By making that claim, the Secretary has made it clear that he views women's health as one and the same with abortion.

Madam Speaker, this bill would require VA to provide women veterans with, "information that is tailored to their specific healthcare and benefit needs."

We have offered if they would remove that language to just say "veterans," that would not include information about abortion, given the Secretary's views, that is unacceptable to me and to many others.

Our democracy is based on the rule of law, and I wish the Secretary would follow the law, especially when it is a matter of life and death. If he did, I would fully support this bill just like I did in June, before the VA's new illegal rule.

Instead, I regret that I must oppose it today, and I urge my colleagues to oppose the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Let me just respond, that every day my colleagues are making threats to file a lawsuit to stop the interim final rule. Like the ranking member believes, as do many on his side of the aisle, that the interim final rule is illegal based on the 1992 law. I will remind him that in 1996, Congress authorized the VA Secretary to define the medical benefits package. So I disagree with his interpretation of this interim final rule as being illegal.

Let me mention one thing further, that I have not seen any lawsuit yet filed, even though he asserted that he would seek to have this rule stayed. I am assuming that the delay in filing, since the hearing that we had, is because he is still looking for a perfect judge to hear it.

In the meantime, they are highjacking this opportunity to once again blind and gag women veterans under the premise that veterans should not be allowed to know the healthcare options and benefits that are available to them.

This is not only an insult to veterans but to the veterans service organizations that have endorsed and supported this bill.

Madam Speaker, I yield 5 minutes to the gentlewoman from Michigan (Ms. SLOTKIN), my good friend who serves on the Disability Assistance and Memorial Affairs Subcommittee.

Ms. SLOTKIN. Madam Speaker, I rise today in support of the Solid Start Act, a truly bipartisan bill that I originally introduced on Veterans Day in 2020.

This bill requires the VA to connect with veterans during their first year when they transition out of service to ensure they are aware of the benefits and resources that they have earned.

I was thrilled to see this bipartisan legislation pass the Senate twice, both times by unanimous consent. It passed the House as part of the STRONG Veterans Act with overwhelming support by voice vote.

□ 2030

First, I would like to thank my Veterans Advisory Board back in Michigan and the other stakeholders in my district who have helped to craft this bill. I would like to thank The American Legion, Disabled American Veterans, and the VFW for their support, and the countless veterans and veteran families in the district who gave me their feedback to help us craft this bill.

It comes directly from their experience where, overwhelmingly, the sentiment was in that first year of separation, veterans do not understand all of the resources from education to healthcare that they are eligible for.

Madam Speaker, 40 percent of the veterans in Michigan are unconnected totally from the VA and the resources they are entitled to. This statistic, coupled with the experience of navigating those challenges in the VA, are unacceptable. Every veteran I know has their own story as they transition out of the military, whether it has been 3 years or three decades.

I watched this up close with my husband after 30 years of Active Duty in the Army. Newly separated veterans encounter changes in job status, lifestyle, housing, healthcare, and education. It is a period of enormous change, and also a period of vulnerability. Tragically, rates of veteran suicide are higher in those tumultuous first years than later after separation.

Veterans are entitled to a variety of resources, but they only can access them if they know about them. That is why I introduced the Solid Start Act with my Republican friend, Congressman JOYCE.

This bipartisan bill codifies a pilot program, as Mr. BOST said, that was initiated under President Trump, and it shows great promise. But as we stand here tonight, this bill has now been unexpectedly thrown into jeopardy, and it is entirely because of political gamesmanship. Right now, at the last minute, before we vote on this bill, the Pro-Life Caucus from the other side of the aisle has acted to stop the bill from moving to prevent the 16 words that are on this page. This language has been in the bill since its inception when we created this: "Providing women veterans with information that is tailored to their specific healthcare and benefit needs."

To be clear, if we pass this bill, then it goes to the President's desk to be signed into law.

But just so we understand what was meant with the idea of providing women and veterans with information tailored to them, it is pregnancy and mental health care, maternity care, mammogram, breast health, breastfeeding and lactation, menopause, gynecological cancer, pre-pregnancy health, chronic pelvic pain, birth control, osteoporosis, prosthetics for women, intimate partner violence, disordered eating, and sexual assault. I can go on. There is a very long list of specific health issues that are specific to women.

Instead, my colleagues on the other side of the aisle are holding this bill hostage. The 16 words that they apparently now object to are essential for women's healthcare and are already covered by the VA. None of this is controversial. None of this is objectionable. It doesn't change one thing about veterans' benefits or services. It makes no changes to what they are entitled to. All it does is require the VA to reach out to servicemembers three times in their first year from separation. It increases outreach to veterans.

So let's talk about what this is really about.

Earlier today, a letter went out from Ranking Member BOST and the Pro-Life Caucus saying that Members, while they supported it previously, should now turn against it. After publicly supporting this, they are now leaving it.

And why?

Because they are concerned about VA policy. They are concerned about the

VA's decision to provide veteran women with access to abortion when they have been raped, when they are the victims of family incest, or when a doctor confirms that the pregnancy is a risk to the health or the life of the mother.

It is not abortion on demand and not extreme policies. These are very basic, commonly accepted instances when a woman veteran has gone through hell and has no other option.

The other side of the aisle, to be clear, is objecting to this bill because they object to any exceptions whatsoever on abortion. It is a political game. It is literally putting politics ahead of the 18 million veterans and 200,000 each year who separate.

It is our responsibility to honor the veterans, male and female. I find it disturbing that you would play politics in this way. I ask the other side of the aisle to reconsider and support this bill.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume because I would like to take this time to respond to a few things that were not said correctly.

One, no one has said anything about a lawsuit, especially from the ranking member.

Two, the Hyde amendment says: rape, incest, life of the mother. When you put life and health of the mother, then it expands what can be distorted and where we are at, and it opens to the point of long-term abortion, and that has actually been verified by the VA.

There is not a whole list there that we want to remove. We want it to say: If we believe that men and women are all veterans and should be considered, then they should be advised as veterans.

But by putting that particular language in at this time after the administration has violated the law of 1962—now the chairman said there is another law, but if you look at that law, that law never goes directly to abortion. And if it was directed towards abortion, then they would have put it in the law. They would have put it in the law. They wouldn't have made that broad statement. That is why it is a misinterpretation of the VA.

Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding.

Madam Speaker, as the former chairman of the House Committee on Veterans' Affairs and the prime author of 14 major laws to assist veterans, including the Homeless Veterans Comprehensive Assistance Act and several healthcare laws as well, I have always deeply respected and strongly supported the unique mission of VA healthcare.

Comprised of 172 medical centers and over 1,100 outpatient clinics, the VA

operates the largest integrated healthcare network in the entire world. VA medical personnel—371,000 professionals and support staff—are absolutely committed to healing, nurturing, and rehabilitating.

So it is beyond disappointing that President Biden issued an illegal rule—I was here when section 106 of the Veterans Healthcare Act of 1992 was enacted, and it couldn't have been clearer—to turn the lifesaving, life-enhancing mission of the VA into new venues for abortion on demand.

And the word health—*Roe v. Wade* and *Doe v. Bolton* couldn't have made it more clear, and *Doe v. Bolton* with the companion opinion issued by the Supreme Court, they defined health. They used the World Health Organization's definition, and it is everything including any kind of mental stress. So it is completely wide-open, abortion-on-demand language. It is not rape, incest, and life of the mother. Health is included in Biden's rule.

The new Biden VA abortion rule authorizes and forces taxpayers to fund the violent death of unborn baby girls and baby boys by what?

By beheading, dismemberment, forced expulsion from the womb, deadly poisons, and other methods at any time until birth.

Abortion, Madam Speaker, is not healthcare unless one construes the precious life of an unborn child to be analogous to a tumor to be excised or a disease to be vanquished.

For decades, Madam Speaker, abortion advocates have gone to extraordinary lengths to ignore, trivialize, and cover up the battered baby victim. But today, thanks to ultrasound, unborn babies are more visible than ever before. Today, science informs us that birth is an event—albeit an important one—but it is not the beginning of life. Modern science and medicine today treats unborn children with disability or disease as a patient in need of diagnosis and treatment, not death by abortion.

Unborn babies are society's youngest patients and deserve benign, life-affirming medical interventions and not medicines that kill. The weakest and most vulnerable unborn babies deserve our respect, empathy, protection, and love.

The legislation before us today will be used to promote the VA's new abortion-on-demand mission.

Madam Speaker, I urge my colleagues to oppose it, and, hopefully, we will see a change in the policy sometime in the near future that President Biden has issued.

Mr. BOST. Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, may I inquire as to how much time remains.

The SPEAKER pro tempore. The gentleman from California has 9½ minutes remaining.

Mr. TAKANO. Madam Speaker, before I yield an additional 3 minutes to the gentlewoman from Michigan, let

me just say that if the minority is so insistent and is fervent in their belief that this interim final rule is illegal, I do not understand why there has been no lawsuit filed to enjoin the rule.

This is very peculiar that with such passion and with such fervor they argue that this rule is illegal.

Madam Speaker, I yield 3 minutes to the gentlewoman from Michigan (Ms. SLOTKIN).

Ms. SLOTKIN. Madam Speaker, there has been a lot of talk on the other side of the aisle, and I just want to be clear. No one in this room is in the judicial branch, and no one in this room that I am aware of is a medical doctor.

If you believe that the provisions that the VA has put forward have a legal problem, then you have the right to take up that case and put it through the courts. We are the legislative branch. We make laws, and we pass laws. We are not judge and jury. Take it to a court if you are concerned. That is your right.

In terms of making decisions on behalf of women, if you want to take a veterans' bill and make it about abortion, then let's do it. What you are saying, and you are saying it in front of the American people, is that you believe a veteran who has been raped, who is the victim of incest, or who is having a dangerous miscarriage does not deserve access to abortion.

You are saying—unless you correct me and tell me what you believe a woman deserves to have when she has been raped, the victim of incest, or is in the middle of a dangerous miscarriage, if you can't state it then be clear you believe in no exceptions for women—a cold, heartless, and violent approach to women's health.

You want to ban all abortions. That is your goal. Many of you have been open about that, and if you flip the House, we know that you will put forward a full ban on all abortions for all States. You have been clear about it.

If you want to turn a veterans' bill into an abortion bill, then let's do it. Not one of you are a medical doctor. Not one of you.

What the VA guidelines say is that if you have been raped or are the victim of incest or a medical professional deems that your pregnancy is a risk to your health. The one in four women in this country who has had a miscarriage, probably many women in this room, that you are a better judge of who gets to decide the future of their life and not a medical doctor? Who do you think you are?

You are politicians. We are all on this floor elected officials and not medical professionals. If it were your wife or your daughter who is suffering through a miscarriage, are you going to tell her she can't until her fever gets high enough or until she is bleeding harder?

That is what is happening in the State of Texas right now. If that is what you want for veterans, shame on you. Shame on you.

I am sorry we built this bill to be bipartisan. I sought your support par-

ticularly, sir, and you are making it a political issue.

Shame on you. You all have pictures of veterans in your office. You are proud to show your pride in our veterans. It should be the most bipartisan issue in the world, and you are making it political. Shame on you.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Let me tell you, Madam Speaker, if I may, the question is not on rape, incest, or life of the mother. It is on health, which could then go to mental health which could spin off to late-term abortions.

This is a very personal issue to a lot of people, and I am sure it is to everyone on both sides of the aisle. But I have to question who in this room has ever held a child who has been born after 25 weeks in the womb? I have. I held one granddaughter who died in the womb and one who died in my arms after she was out of the womb.

What the VA has done with this rule by tweaking it, they think it is for the right reasons—right or wrong—which you consider, rape, incest, life of the mother, it is not. It is rape, incest, life and health of the mother, which will allow for those late-term abortions.

Madam Speaker, that is life. Our Constitution is very clear. It is very clear: life, liberty, and the pursuit of happiness, the first being life.

□ 2045

You can't, if you have ever held a child like that when they died in your arms, say that is not life.

Unfortunately, it is not us that is making the decision. It is political. It is the Biden administration, Madam Speaker, and they have done it through taking the VA.

Anybody that can question me on my support of veterans is out of their mind. I have served. My father served. My grandfather served. My son served. My grandson served. And guess what? As of last week, my granddaughter is now in Navy boot camp.

I will stand for the veterans, but I will not stand for the death of children regardless of who this administration is or what they believe is a good political move.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY), my good friend.

Mr. ROY. Madam Speaker, I appreciate his friend's service, and I appreciate his passion on this issue.

I listened here as my colleagues want to lecture us about making decisions about life. Who are my colleagues to decide when life begins? Talking about where the doctors are in the room, who are my colleagues, where is God in the room about determining when life begins?

It is my colleagues on the other side of the aisle who have out-of-step views about the extent of abortion in this country to terminate life right up to the point of birth. It is out of step with

the entirety of the world. It is a radical position, and the entirety of this country knows it.

What we are talking about right now, when we used to be able to have some peaceful debates in this body, we had the Hyde amendment recognizing our differences on the issue and trying to pull it out of the debate of funding, but my colleagues on the other side of the aisle refuse to respect the Hyde amendment.

Now, you have an administration making up law. My colleague on the other side of the aisle wants to lecture about where you go to have a dispute about law. Oh, run to the courts, they say. Run to Article III.

Well, we are Article I, dadgummit, and we make decisions about the law every single day. As a Member of this body, I introduced the ARTICLE ONE Act under President Trump, questioning executive authority.

I subpoenaed records from the White House, questioning unaccompanied alien children data because I believe in the primacy of Article I.

But we should, dadgummit, on a bipartisan basis believe that we need to make these decisions, and you don't have the VA arbitrarily making law and stepping over the 1992 law, which has never been repealed. It has never been set aside, and to suggest that it has makes a mockery of the laws that we pass. We should agree on that on a bipartisan basis.

The ranking member is speaking for all of us when he says we are trying to stand up in support of the Solid Start program, but it has now been turned on its head by a radical decision by the executive branch, so now we are no longer going to support this program as it exists.

As the chairman said, 16 words are the hang-up. Then change the 16 words, and let's fix what needs to be fixed to honor what we know is the law from the 1992 law.

Mr. TAKANO. Madam Speaker, what the gentleman from Texas is suggesting that we do is delete women from S. 1198. That, I will not do.

Yes, I strongly believe in Article I. The accusation that Secretary McDonough issued a radical rule, well, what is this so-called radical rule he is mentioning that he has issued? The rule that Secretary McDonough issued, the interim final rule, says that abortion is available based on the 1996 law, which gave him the authority to define medical benefits available at the VA. That is very clear what Congress did.

It is under that authority that this Secretary has made not a radical rule but simply a rule which allows veteran women to enjoy the same rights that they had when they were serving in the military as Active-Duty servicemembers. Women serving in the military have access to abortions when they have been raped, when they are victims of incest, and, yes, when their pregnancies pose a danger to their life.

Who is trying to play God here are the Members on the other side of the aisle who wish to deny women who have worn the cloth of this country, who have served our country, who fought for all of our freedoms, to deny them the freedom to be able to consider the full range of medical procedures that they need in order to preserve their own life.

What is extreme here is that they want to deny women to even be able to access abortion counseling, counseling which may save their lives.

Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I think it is important to realize that DOD actually follows the Hyde amendment, which is rape, incest, and the life of the mother, which is exactly what the chairman just quoted.

What the VA does is rape, incest, and life and health, including mental health, of the mother, which can be a claim that maybe I am under stress, all of these things. That is why we need clarification. Not only do we need clarification, but we need to follow the law.

The argument that the other law allows the VA Secretary to make these decisions, it never mentioned abortion in there. I think that would have done that.

Madam Speaker, I am encouraging my Members to vote “no” on this bill. I would love to be able to vote on this bill when we get this problem straightened out. I believe our veterans deserve to have the other benefits that are here and available in the bill.

As everybody knows, I did vote for it in the other form before the VA stepped down this path.

Madam Speaker, I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, again, I ask for my colleagues to join me in passing S. 1198.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, S. 1198.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BOST. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

STRENGTHENING WHISTLEBLOWER PROTECTIONS AT THE DEPARTMENT OF VETERANS AFFAIRS ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the

bill (H.R. 8510) to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Whistleblower Protections at the Department of Veterans Affairs Act”.

SEC. 2. COUNSEL OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (e) of section 323 of title 38, United States Code, is amended—

(1) by inserting “(1)” before “The Office”; and

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

“(2) The Assistant Secretary shall appoint a Counsel of the Office, who shall be a career appointee in the Senior Executive Service and shall report to the Assistant Secretary. The Counsel shall provide the Assistant Secretary with legal advice on all matters relating to the Office. In accordance with subsection (e), the Assistant Secretary may hire the appropriate staff for the Counsel to provide such legal advice.”.

SEC. 3. MODIFICATIONS TO FUNCTIONS OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

Subsection (c)(1) of such section is amended—

(1) by striking subparagraphs (A) and (B);

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (A) through (E), respectively;

(3) in subparagraph (A), as so redesignated, by inserting “and allegations of whistleblower retaliation” after “disclosures”; and

(4) by striking subparagraph (B), as so redesignated, and inserting the following new subparagraph:

“(B) Referring employees of the Department to the Office of Special Counsel so the Office of Special Counsel may receive whistleblower disclosures and allegations of whistleblower retaliation.”; and

(5) by striking subparagraphs (H) and (I).

SEC. 4. EXPANSION OF WHISTLEBLOWER PROTECTIONS.

(a) CLARIFICATION OF PROHIBITED PERSONNEL ACTION.—Section 731(c) of such title is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting “, or threatening to take or fail to take,” after “failing to take”; and

(B) in subparagraph (A), by inserting “, or with respect to an allegation of such a disclosure” before the semicolon;

(2) in paragraph (3), by inserting “, making a referral to boards of licensure,” after “negative peer review”.

(b) FUNCTION OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.—Section 323(g) of such title is amended by adding at the end the following new paragraph:

“(4) The term ‘prohibited personnel action’ has the meaning given such term in section 731(c) of this title.”.

SEC. 5. TRACKING AND ENFORCEMENT OF RECOMMENDATIONS AND SETTLEMENT AGREEMENTS REGARDING WHISTLEBLOWERS.

Subsection (c) of section 323 of such title, as amended by section 4, is further amended—

(1) in paragraph (1), by adding at the end the following new subparagraphs:

“(I) Tracking the negotiation, implementation, and enforcement of settlement agreements entered into by the Secretary regarding claims of whistleblower retaliation, including with respect to the work of the General Counsel of the Department regarding such settlements.

“(J) Tracking the determinations made by the Special Counsel regarding claims of whistleblower retaliation, including—

“(i) any disciplinary action for the individual who engaged in whistleblower retaliation; and

“(ii) determinations regarding the need for settlement as identified by the Special Counsel, and any settlement resolving claims of whistleblower retaliation entered into by the Secretary with the whistleblower.”; and

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

“(4)(A) In carrying out subparagraph (I) of paragraph (1), the Assistant Secretary shall, in consultation with the General Counsel, establish metrics and standards regarding—

“(i) the timely implementation of settlement agreements entered into by the Secretary regarding whistleblower retaliation; and

“(ii) reasonable restitution and restoration of employment, and other relief for whistleblowers; and

“(B) The Assistant Secretary shall establish a secure electronic system to carry out subparagraphs (I) and (J) of paragraph (1) in a manner that ensures the confidentiality of the identity of a whistleblower.”.

SEC. 6. TRAINING AND INFORMATION.

Section 323 of such title is further amended—

(1) in subsection (c)(2), by striking “receive anonymous whistleblower disclosures” and inserting “provide information to employees of the Department regarding the rights of and procedures for whistleblowers”; and

(2) by redesignating subsection (g) as subsection (i); and

(3) by inserting after subsection (f) the following new subsections:

“(g) TRAINING.—The Assistant Secretary shall—

“(1) develop, in consultation with the Special Counsel, annual training on whistleblower protection and related issues;

“(2) provide and make such training available to employees of the Department; and

“(3) disseminate training materials and information to employees on whistleblower rights, whistleblower disclosures, and allegations of whistleblower retaliation, including any materials created pursuant to section 733 of this title.”.

SEC. 7. IMPROVEMENTS TO ANNUAL REPORTS.

Subsection (f) of section 323 of such title is amended—

(1) in paragraph (1)(B)(ii), by striking “subsection (C)(1)(G)” and inserting “subsection (c)(1)(E)”; and

(2) in paragraph (2)—

(A) by striking “under subsection (c)(1)(I)” and inserting “by the Special Counsel”; and

(B) by inserting “not later than 60 days after such date” before “the Secretary shall”; and

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

“(3) Not later than June 30, 2023, and semi-annually thereafter, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report on settlements described in paragraph (1)(I) of subsection (c), including, with respect to the period covered by the report—

“(A) the number of settlements under negotiation or executed, and the number of executed settlements that have not been fully implemented;

“(B) the explanation as to why any such executed settlement has not been fully implemented;

“(C) a description of the metrics described in paragraph (4)(A) of such subsection; and

“(D) identification of settlement agreements that are not meeting such metrics and standards, or for which the Assistant Secretary is aware of a determination that a breach of agreement has been found.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8510, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, is an important bill that will protect and support VA employees who report wrongdoing within the Department.

I commend Representatives CHRIS PAPPAS and TRACEY MANN, the chairman and ranking member of our Subcommittee on Oversight and Investigations, for their work over the past few years on this issue.

The subcommittee has been tireless in its examination of VA policies and procedures for protecting whistleblowers and disciplining those who retaliate against them. When retaliation occurs, VA must make whole a whistleblower who was unfairly punished for speaking truth to power. This is not only the right thing to do; it is the law.

During the subcommittee's hearings on this issue, we heard firsthand accounts from several individuals who experienced long waits for justice despite confirmed findings of retaliation. VA can and must do more to protect whistleblowers.

I support Chairman PAPPAS and Ranking Member MANN's bipartisan legislation. It would promote independence and strengthen the mission of VA's Office of Accountability and Whistleblower Protection.

It would also streamline duplicative investigations and send a clear message that retaliation against those who report wrongdoing will not be tolerated.

This bill has the support of several national organizations that advocate on behalf of government whistleblowers and was favorably reported by the full Veterans' Affairs Committee last week.

Madam Speaker, I urge all of my colleagues to support this legislation, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 8510, as amended.

Following the access scandal of 2014, Congress enacted the VA Accountability Act. The Accountability Act is meant to make it easier for VA to hold bad employees responsible for their actions. The law also created a new VA office intended to protect whistleblowers and conduct investigations.

Unfortunately, this office has never lived up to the standard that whistleblowers deserve. In 2021, 80 percent of the OAWP recommendations for discipline were ignored by the VA. It is time to refocus their mission.

H.R. 8510, as amended, would require VA employees with complaints to be referred to the Office of Special Counsel. The OSC is an independent office which has the authority to receive, manage, and investigate allegations of whistleblower retaliation at the VA.

The OSC has a respected history of conducting objective investigations. As such, I am convinced that the OSC will do a better job of holding senior VA employees accountable than the OAWP.

This bill was drafted with valuable input from stakeholders and enjoys broad support.

Madam Speaker, I am pleased that Congressman PAPPAS and Congressman MANN have come together to author this important bipartisan proposal, and I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. PAPPAS), the chairman of the Subcommittee on Oversight and Investigations for the Veterans' Affairs Committee.

Mr. PAPPAS. Madam Speaker, I rise in support of my bipartisan legislation, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

It is a bill that improves policies and procedures to better protect VA whistleblowers. It also promotes independence and removes conflicts of interest at VA's Office of Accountability and Whistleblower Protection.

Whistleblowers play a critical role in holding the Federal Government and its agencies accountable for waste, fraud, abuse, and mismanagement. When employees of the Department of Veterans Affairs witness issues that put the health, safety, and well-being of veterans at risk, VA staff should feel encouraged to speak out without fear of retaliation. This would encourage corrective action to be taken and no harm to the whistleblower.

In reality, however, too often the messenger is punished. The Subcommittee on Oversight and Investigations that I chair has done years of work on this issue.

Alongside Ranking Member TRACEY MANN, we have conducted multiple

hearings looking into this problem. Our efforts have highlighted the individual stories of whistleblowers who have lost their jobs or faced other retaliatory actions as a result of their disclosures.

Further, whistleblowers often wait years to be made whole after experiencing retaliation under current Department policies and procedures.

The testimony from three previous VA employees disclosed VA whistleblowers are likely to face retaliation, including the loss of their position, and are forced to wait years for justice.

This bipartisan bill will make major changes to how whistleblower claims are handled, strengthening accountability through the process. The bill ends VA's authority to investigate whistleblower retaliation complaints and, instead, relies on the independent U.S. Office of Special Counsel to ensure objectivity over the process.

OSC is an independent Federal investigative agency that has high trust within the whistleblower community. They have the resources and autonomy needed to do this work.

It will also require VA's Office of Accountability and Whistleblower Protection to strengthen accountability over settlement agreements for VA employees who suffered retaliation which provide financial restitution and guarantees of reemployment.

Further, the bill will reaffirm OAWP's responsibility to provide resources to VA employees on whistleblower rights, including training. These reforms will ensure whistleblowers feel safe reporting issues within the Department.

We can't continue to allow whistleblowers to be punished for speaking out, and we have to make sure we are doing all we can to protect VA whistleblowers. It is not only the law; it is also the right thing to do to protect whistleblowers from retaliation.

My colleague and ranking member of the Subcommittee on Oversight and Investigations, Congressman TRACEY MANN, co-led this bill with me to promote independence and strengthen the mission of VA's whistleblowers office. I thank Congressman MANN and his staff for their dedication and hard work on this issue.

I thank all the members of the Veterans' Affairs Committee for their support of this bill last week, and I appreciate the support from the whistleblower advocacy groups, including the Project on Government Oversight, the Whistleblowers of America, and the Government Accountability Project, as well as VA's labor union, AFGE.

□ 2100

So once this is enacted, this bill will ensure that the protections are on the books at the Department of Veterans Affairs that will strengthen independence and the mission of VA's whistleblower office.

Madam Speaker, I urge the full House to support passage.

Mr. BOST. Madam Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. MANN), my good friend, who has worked so hard on this issue.

Mr. MANN. Madam Speaker, I rise today in support of legislation that I co-introduced with Congressman PAPPAS, H.R. 8510, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act.

Holding government accountable requires reasonable whistleblower protection. VA employees take a risk when exposing fraud, corruption, or any wrongdoing of any kind, and they deserve to have their claims investigated, and to have protection from retaliation.

The VA's Office of Accountability and Whistleblower Protection was created with good intentions but has never lived up to the expectations of whistleblowers or of this Congress. In 2021, 80 percent of all the disciplinary recommendations that OAWP made were either changed or simply ignored. Here are just two examples of the many troubling stories that my colleagues and I have heard during our hearings.

At one facility, OAWP recommended a range of discipline from 12-day suspension to removal for three supervisors who engaged in whistleblower retaliation. VA officials disagreed, however, and the individuals received no disciplinary action.

At another facility, OAWP recommended a range of discipline from demotion to removal for an individual who retaliated against and harassed an employee. VA officials believed the file lacked certain testimony and evidence and the individual received no disciplinary action.

Despite the efforts of many dedicated VA staff, these cases, and others like them, highlight the need for a change in OAWP's roles and responsibilities. Veterans, whistleblowers, and taxpayers deserve better. H.R. 8510 would remove OAWP's investigative authority, and instead, direct OAWP to refer whistleblowers to the Office of Special Counsel, an independent agency, which has a much better track record for whistleblower investigations. This bill would also require OAWP to track settlement negotiations and agreements between VA employees and the Department and refocus the office on providing training to employees on whistleblower rights.

This legislation is an example of the good that Congress can do when we work together. I look forward to its swift passage through the House, and I urge my colleagues to support this important bill.

Mr. TAKANO. Madam Speaker, I have no further speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage all my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I ask all my colleagues to join me in passing

H.R. 8510, as amended, the Strengthening Whistleblower Protections at the Department of Veterans Affairs Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, H.R. 8510, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

SUPPORTING FAMILIES OF THE FALLEN ACT

Mr. TAKANO. Madam Speaker, I move to suspend the rules and pass the bill (S. 2794) to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supporting Families of the Fallen Act".

SEC. 2. INCREASE IN AUTOMATIC MAXIMUM COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1967(a)(3)(A)(i) of title 38, United States Code, is amended by striking "\$400,000" and inserting "\$500,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the later of—

(1) the date that is 60 days after the date of the enactment of this Act; or

(2) the date on which the Secretary of Veterans Affairs determines that—

(A) the amount for which a member will be insured pursuant to the amendment made by subsection (a) and the premiums for such amount are administratively and actuarially sound for the Servicemembers' Group Life Insurance program under subchapter III of chapter 19 of title 38, United States Code, and the Veterans' Group Life Insurance program under section 1977 of such title; and

(B) the increase in such amount carried out pursuant to the amendment will not result in such programs operating at a loss.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. TAKANO) and the gentleman from Illinois (Mr. BOST) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. TAKANO. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 2794.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. TAKANO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, life insurance is designed to offer protection from loss and serves as a death benefit. For a veteran or servicemember, VA's Veterans' Group Life Insurance offers security and confidence that loved ones will be covered and made financially whole in the event a source of income is lost.

While no amount of money can replace the life of a beloved family member, VA's Servicemembers' and Veterans' Group Life Insurance exists to provide an affordable option to provide a fiscal shield for survivors.

Neither insurance program has experienced a coverage limit increase since 2005. This bill increases the maximum amount of coverage for Servicemembers' and Veterans' Group Life Insurance by \$100,000, which means expanded coverage of up to \$500,000 for each option.

Madam Speaker, I support this bill, I urge all of my colleagues to do the same, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of S. 2794, the Supporting Families of the Fallen Act.

I thank Senator TUBERVILLE and Congressman ROY for leading this effort in the Senate and the House, respectively.

This bill makes much-needed updates to the coverage amounts for the Servicemembers' Group Life Insurance and the Veterans' Group Life Insurance program.

Specifically, this bill would allow VA to raise the max payment for both programs from \$400,000 to \$500,000. An additional \$100,000 would make it easier for surviving spouses to keep a roof over their family's head and food on the table following the loss of their loved one.

As many of you know, VA's life insurance programs may be the only affordable option available to servicemembers and veterans. This is because some veterans may not be eligible for private life insurance due to the added risk of military service or because they have a service-connected disability, like PTSD or cancer.

When we send our military into harm's way, VA insurance programs provide them and their families with financial security. However, the max rate of \$400,000, which was established in 2005, does not meet the needs of today's survivors.

Since 2005, American families have seen the cost of living continuously rise. This is especially true right now due to historic inflation under the Biden administration.

This bill would provide families with insurance coverage that will better meet their needs. S. 2794 builds on our Nation's promises to care for the families of those lost in service to our country.

Madam Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. TAKANO. Madam Speaker, I have no further speakers, I am prepared to close, and I reserve the balance of my time.

Mr. BOST. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY), my good friend.

Mr. ROY. Madam Speaker, I am pleased to rise in support of my bill, which in this case is the S version—the Senate version—that was introduced by Senator TUBERVILLE from Alabama, S. 2794, the Supporting Families of the Fallen Act.

The ranking member just articulated why this legislation is important. I think one of the things that we have to remember is the extent to which our men and women in uniform have to keep up and keep pace with inflation, and we thought this was important.

I had a constituent in my district who raised this issue. I sat down with that constituent and then met with a bunch of other constituents who were running into the same problem. I talked to a number of my veteran colleagues, and we believed that this was an important solution.

As many know, I am not one to want to put forward legislation that isn't paid for. This bill, for the most part, pays for itself with the slight exception of Active Duty combat individuals. I believe that is an exception worth making when we talk about things that are not paid for.

It is straightforward. It simply increases the SGLI and VGLI maximum coverage from \$400,000 to \$500,000 so that servicemembers and veterans can customize the coverage amount that they need. I think it is a commonsense solution. It is bipartisan and it is bicameral.

Madam Speaker, I appreciate the chairman and the ranking member for their support.

Mr. TAKANO. Madam Speaker, I reserve the balance of my time.

Mr. BOST. Madam Speaker, I encourage my colleagues to support this bill, and I yield back the balance of my time.

Mr. TAKANO. Madam Speaker, I thank all the folks that came together for this bill, and I ask all my colleagues to join me in passing S. 2794, which upon passage today will be sent on to the President's desk for signature.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, S. 2794.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 2110

JOHN LEWIS CIVIL RIGHTS FELLOWSHIP ACT OF 2022

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8681) to establish the John Lewis Civil Rights Fellowship to fund international internships and research placements for early- to mid-career professionals to study non-violent movements to establish and protect civil rights around the world, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John Lewis Civil Rights Fellowship Act of 2022".

SEC. 2. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by adding at the end the following:

"SEC. 115. JOHN LEWIS CIVIL RIGHTS FELLOWSHIP PROGRAM.

"(a) ESTABLISHMENT.—There is established the John Lewis Civil Rights Fellowship Program (referred to in this section as the 'Fellowship Program') within the J. William Fulbright Educational Exchange Program.

"(b) PURPOSES.—The purposes of the Fellowship Program are—

"(1) to honor the legacy of Representative John Lewis by promoting a greater understanding of the history and tenets of non-violent civil rights movements; and

"(2) to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.

"(c) ADMINISTRATION.—The Bureau of Educational and Cultural Affairs (referred to in this section as the 'Bureau') shall administer the Fellowship Program in accordance with policy guidelines established by the Fulbright Foreign Scholarship Board, in consultation with the binational Fulbright Commissions and United States Embassies.

"(d) SELECTION OF FELLOWS.—

"(1) IN GENERAL.—The Board shall annually select qualified individuals to participate in the Fellowship Program. The Bureau may determine the number of fellows selected each year, which, whenever feasible, shall be not fewer than 25.

"(2) OUTREACH.—To the extent practicable, the Bureau shall conduct outreach at institutions the Bureau determines are likely to produce a range of qualified applicants.

"(e) FELLOWSHIP ORIENTATION.—The Bureau shall organize and administer a fellowship orientation that shall—

"(1) be held in Washington, DC, or at another location selected by the Bureau;

"(2) include programming to honor the legacy of Representative John Lewis; and

"(3) be held on an annual basis.

"(f) STRUCTURE.—

"(1) WORK PLAN.—To carry out the purposes described in subsection (b)(2)—

"(A) each fellow selected pursuant to subsection (d) shall arrange an internship or research placement—

"(i) with a nongovernmental organization, academic institution, or other organization approved by the Bureau; and

"(ii) in a country with an operational Fulbright U.S. Student Program; and

"(B) the Bureau shall, for each fellow, approve a work plan that identifies the target objectives for the fellow, including specific duties and responsibilities relating to those objectives.

"(2) CONFERENCES; PRESENTATIONS.—Each fellow shall—

"(A) attend the fellowship orientation described in subsection (e);

"(B) not later than the date that is 1 year after the end of the fellowship period, attend a fellowship summit organized and administered by the Bureau, which, whenever feasible, shall be held in a location of importance to the civil rights movement in the United States and may coincide with other events facilitated by the Bureau; and

"(C) at such summit, give a presentation on lessons learned during the period of fellowship.

"(3) FELLOWSHIP PERIOD.—Each fellowship under this section shall continue for a period determined by the Bureau, which, whenever feasible, shall be not shorter than 10 months.

"(g) FELLOWSHIP AWARD.—The Bureau shall provide each fellow under this section with an allowance that is equal to the amount needed for—

"(1) the fellow's reasonable costs during the fellowship period; and

"(2) travel and lodging expenses related to attending the orientation and summit required under subsection (e)(2).

"(h) REPORTS.—Not later than 1 year after the date of completion of the Fellowship Program by the initial cohort of fellows selected under subsection (d), and on an annual basis thereafter, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report providing information on the implementation of the Fellowship Program, including on—

"(1) the demographics of the cohort of fellows who completed a fellowship during the preceding 1-year period;

"(2) a description of internship and research placements, and research projects selected, under the Fellowship Program, including participant feedback on program implementation and feedback of the Department on lessons learned;

"(3) a plan for factoring such lessons learned into future programming; and

"(4) an analysis of trends relating to the diversity of the cohorts of fellows and the topics of projects completed over the course of the Fellowship Program."

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961A.

Section 112(a) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2460(a)) is amended—

(1) in paragraph (8), by striking ";" and inserting a semicolon;

(2) in paragraph (9), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(10) the John Lewis Civil Rights Fellowship Program established under section 115, which provides funding for international internships and research placements for early-

to mid-career individuals from the United States to study nonviolent civil rights movements in self-arranged placements with universities or nongovernmental organizations in foreign countries.”.

SEC. 4. SUNSET.

The authority to carry out the John Lewis Civil Rights Fellowship Program established under section 115 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), as added by section 2, shall expire on the date that is 7 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8681, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

I rise today in strong support of H.R. 8681, the John Lewis Civil Rights Fellowship Act of 2022, and I thank Ms. WILLIAMS for authoring this important bill.

I want to begin with a passage from an essay written by Representative John Lewis before his death, which was published on the day of his funeral.

Representative John Lewis, in reflecting on the past and looking to the future said: “You must also study and learn the lessons of history because basic humanity has been involved in this soul-wrenching, existential struggle for a very long time. People on every continent have stood in your shoes, through decades and centuries before you. The truth does not change, and that is why the answers worked out long ago can help you find solutions to the challenges of our time. Continue to build union between movements stretching across the globe because we must put away our willingness to profit from the exploitation of others.”

These words are a call to action and H.R. 8681, the John Lewis Civil Rights Fellowship Act, seeks to meet that call, to learn from history and find solutions to the challenges of our time.

The John Lewis Fellowship will be part of the Fulbright Scholarship Program administered by the State Department and will advance the teaching of the history of nonviolent movements around the world by fostering research and international exchange.

The fellowship supports 25 young scholars in studying the history of nonviolent civil rights movements around the world and improving the understanding of nonviolence as a critical tool for change.

Fostering constructive methods of civic expression is vital for a healthy, flourishing society. Thanks to John’s leadership by example, thousands of people around the world over have learned how to confront the injustices of their own societies through nonviolent means. Now, the duty of honoring his legacy and shepherding a new generation of leaders falls on our shoulders.

I can think of no better time than now to pass this bill that honors the legacy of the great John Lewis. I strongly urge all Members to vote in support of this important legislation, and I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the John Lewis Civil Rights Fellowship Act. John Lewis was a powerful, tireless advocate for equality and justice all his life.

Along with his mentor and friend, Dr. Martin Luther King, Jr., he put his life and personal safety on the line as a leader in the nonviolent civil rights movement that profoundly changed our Nation for the better.

His boldness in pursuit of justice was powerfully rooted in faith and love. As he himself described it: “At a very early stage of the movement, I accepted the teaching of Jesus, the way of love, the way of nonviolence, the spirit of forgiveness and reconciliation. The idea of hate is too heavy a burden to bear. It is better to love.”

To help pass these values on to future generations, this bill establishes the John Lewis Civil Rights Fellowship within the Fulbright Program at the Department of State.

The Fulbright educational exchange program has enjoyed bipartisan support for over 75 years. As part of Fulbright, the stated purpose of the John Lewis Fellowship is “to advance foreign policy priorities of the United States by promoting studies, research, and international exchange in the subject of nonviolent movements that established and protected civil rights around the world.”

This bill is a worthy way of honoring a great man who sacrificed so much to make America and the world a better place. I support the bill, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, it is my honor to yield 3 minutes to the gentlewoman from Georgia (Ms. WILLIAMS).

Ms. WILLIAMS of Georgia. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of H.R. 8681, the John Lewis Civil Rights Fellowship Act of 2022.

Following in the footsteps of Congressman John Lewis is no easy feat. He was a friend and a mentor to many of us. He was known as the conscience of this body. I often tell people that while I will never fill his shoes, I strive daily to carry out his legacy.

It is my honor to ensure that my friend and my mentor and my predecessor’s legacy lives on through the John Lewis Civil Rights Fellowship within the Fulbright program, which will give scholars an opportunity to study both the inspiration and the impacts of the civil rights movement internationally.

The John and Lilian Miles Lewis Foundation has been working hard to launch this program as a tribute to Congressman Lewis’ impact on social and political change around the world.

Congressman Lewis himself was shaped by his study of nonviolent civil rights movements from around the world, most notably, the philosophy and tactics of Mahatma Gandhi, whose very words were “it is either non-violence or nonexistence.”

Of course, people across the globe have been inspired by the tactics of the United States’ civil rights movement, many led by Congressman John Lewis himself. From the lunch counter sit-ins of the early 1960s, to the 1961 Freedom Rides, to the 1965 march across the Edmund Pettus bridge, Mr. Lewis taught the world that the most powerful way to bend the moral arc toward justice is rooted in the discipline of nonviolence.

But for all of his experiences and impact at home, Congressman Lewis always wished that he would have had the opportunity to study abroad.

Creating the John Lewis Civil Rights Fellowship is a full-circle tribute: sending scholars to study Congressman Lewis’ inspirations and impacts around the world in his name. We hope this program will unlock a powerful opportunity for students who, like Congressman Lewis, would not otherwise have an opportunity to do research across the globe.

The John Lewis Civil Rights Fellowship will be a beacon for the importance of nonviolence, and I look forward to the incredible academic work and exchange this fellowship will support.

Mrs. KIM of California. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, John Lewis lived a life profoundly dedicated to pursuing equality and justice for all, rooted in love and nonviolence. The part he played in the brave struggle against racial injustice changed the course of American history and inspired many around the world.

This bill to create a Fulbright fellowship program in his name is a fitting tribute to his legacy. I support this bill, and I yield back the balance of my time.

□ 2120

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, I want to reiterate my staunch support for the John Lewis Civil Rights Fellowship Act of 2022.

This legislation encourages the values of peaceful expression and invigorates a new generation of leaders with

the same spirit that drove John in his lifelong advocacy for civil rights. His leadership during the civil rights movement was pivotal for extending the American promises of life, liberty, and the pursuit of happiness to all Americans. Many of us may not be standing here before this Chamber but for his contributions to racial equality.

This legislation seeks to instill that very same drive and purpose in the leaders of tomorrow, promoting the use of nonviolent civil rights as a tool for change around the world.

Madam Speaker, I hope my colleagues will join me and support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8681, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

GLOBAL FOOD SECURITY REAUTHORIZATION ACT OF 2022

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8446) to modify and extend the Global Food Security Act of 2016, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8446

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

The Act may be cited as the “Global Food Security Reauthorization Act of 2022”.

SEC. 2. FINDINGS.

Section 2 of the Global Food Security Act of 2016 (22 U.S.C. 9301) is amended by striking “Congress makes” and all that follows through “(3) A comprehensive” and inserting “Congress finds that a comprehensive”.

SEC. 3. STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.

Section 3(a) of the Global Food Security Act of 2016 (22 U.S.C. 9302(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “programs, activities, and initiatives that” and inserting “comprehensive, multi-sectoral programs, activities, and initiatives that consider agriculture and food systems in their totality and that”.

(2) in paragraph (1), by striking “and economic freedom through the coordination” and inserting “, economic freedom, and security through the phasing, sequencing, and coordination”;

(3) by striking paragraphs (3) and (4) and inserting the following:

“(3) increase the productivity, incomes, and livelihoods of small-scale producers and artisanal fishing communities, especially women in these communities, by working across terrestrial and aquatic food systems and agricultural value chains, including by—

“(A) enhancing local capacity to manage agricultural resources and food systems effectively and expanding producer access to, and participation in, local, regional, and international markets;

“(B) increasing the availability and affordability of high quality nutritious and safe foods and clean water;

“(C) creating entrepreneurship opportunities and improving access to business development related to agriculture and food systems, including among youth populations, linked to local, regional, and international markets; and

“(D) enabling partnerships to facilitate the development of and investment in new agricultural technologies to support more resilient and productive agricultural practices;

“(4) build resilience to agriculture and food systems shocks and stresses, including global food catastrophes in which conventional methods of agriculture are unable to provide sufficient food and nutrition to sustain the global population, among vulnerable populations and households through inclusive growth, while reducing reliance upon emergency food and economic assistance;”;

(4) in paragraph (6)—

(A) by inserting “, adolescent girls,” after “women”;

(B) by inserting “and incidence of wasting” after “child stunting”;

(C) by inserting “large-scale food fortification,” after “diet diversification,”; and

(D) by inserting before the semicolon at the end the following: “and nutrition, especially during the first 1,000-day window until a child reaches 2 years of age”; and

(5) in paragraph (7)—

(A) by inserting “combating fragility, resilience,” after “national security,”;

(B) by inserting “natural resource management,” after “science and technology,”; and

(C) by striking “nutrition,” and inserting “nutrition, including deworming,”.

SEC. 4. DEFINITIONS.

Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by inserting “, including in response to shocks and stresses to food and nutrition security” before the period at the end;

(2) in paragraph (5)(H)—

(A) by inserting “local” before “agricultural”;

(B) by inserting “and fisher” after “farmer”; and

(C) by inserting “youth,” after “small-scale producers,”;

(3) in paragraph (7), by inserting “the Inter-American Foundation,” after “United States African Development Foundation,”;

(4) in paragraph (8)—

(A) by inserting “agriculture and food” before “systems”; and

(B) by inserting “, including global food catastrophes,” after “food security”;

(5) in paragraph (9), by striking “fishers” and inserting “artisanal fishing communities”;

(6) in paragraph (10), by amending subparagraphs (D) and (E) to read as follows:

“(D) is a marker of an environment deficient in the various needs that allow for a child’s healthy growth, including nutrition; and

“(E) is associated with long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity.”;

(7) in paragraph (12), by striking “agriculture and nutrition security” and inserting “food and nutrition security and agriculture-led economic growth”;

(8) by redesignating paragraphs (4) through (12), as amended, as paragraphs (5) through (13), respectively;

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

“(4) FOOD SYSTEM.—The term ‘food system’ means the intact or whole unit made up of interrelated components of people, behaviors, relationships, and material goods that interact in the production, processing, packaging, transporting, trade, marketing, consumption, and use of food, feed, and fiber through aquaculture, farming, wild fisheries, forestry, and pastoralism that operates within and is influenced by social, political, economic, and environmental contexts.”; and

(10) by adding at the end the following:

“(14) WASTING.—The term ‘wasting’ means—

“(A) a life-threatening condition attributable to poor nutrient intake or disease that is characterized by a rapid deterioration in nutritional status over a short period of time; and

“(B) in the case of children, is characterized by low weight for height and weakened immunity, increasing their risk of death due to greater frequency and severity of common infection, particularly when severe.”.

SEC. 5. COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.

(a) STRATEGY.—Section 5(a) of the Global Food Security Act of 2016 (22 U.S.C. 9304) is amended—

(1) in paragraph (4)—

(A) by striking “country-owned agriculture, nutrition, and food security policy” and inserting “partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy”; and

(B) by inserting after “investment plans” the following: “and governance systems”;

(2) by amending paragraph (5) to read as follows:

“(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity;”;

(3) in paragraph (6)—

(A) by inserting “, adolescent girls,” after “women”; and

(B) by inserting “and preventing incidence of wasting” after “reducing child stunting”;

(4) in paragraph (7), by inserting “poor water resource management and” after “including”;

(5) in paragraph (8)—

(A) by striking “the long-term success of programs” and inserting “long-term impact”; and

(B) by inserting “, including agricultural research capacity,” after “institutions”;

(6) in paragraph (9)—

(A) by striking “integrate resilience and nutrition strategies into food security programs, such that” and inserting “coordinate with and complement relevant strategies to ensure”; and

(B) by inserting “adapt and” before “build safety nets”;

(7) in paragraph (13), by inserting “non-governmental organizations, including” after “civil society,”;

(8) in paragraph (14), by inserting “and coordination, as appropriate,” after “collaboration”;

(9) in paragraph (16)—

(A) by striking “section 8(b)(4)” and inserting “section 8(a)(4)”;

(B) by striking “; and” at the end and inserting a semicolon;

(10) by redesignating paragraph (17) as paragraph (22);

(11) by redesignating paragraphs (12) through (16), as amended, as paragraphs (14) through (18), respectively;

(12) by striking paragraphs (10) and (11) and inserting the following:

“(10) develop community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;

“(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal Departments and agencies, Feed the Future Innovation Labs or any successor entities, and international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;

“(12) use evidenced-based best practices, including scientific and forecasting data, and improved planning and coordination by, with, and among key partners and relevant Federal Departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen resilience capacities;

“(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among local stakeholders in support of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;” and

(13) by inserting after paragraph (18), as redesignated, the following:

“(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

“(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

“(21) be periodically updated in a manner that reflects learning and best practices; and”.

(b) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (a), is further amended by adding at the end the following:

“(d) PERIODIC UPDATES.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).”.

SEC. 6. ASSISTANCE TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY; AUTHORIZATION OF APPROPRIATIONS.

Section 6(b) of the Global Food Security Act of 2016 (22 U.S.C. 9305(b)) is amended—

(1) by striking “\$1,000,600,000” and inserting “\$1,200,000,000”;

(2) by striking “fiscal years 2017 through 2023” and inserting “fiscal years 2024 through 2028”; and

(3) by adding at the end the following: “Amounts authorized to be appropriated by this subsection should be prioritized to carry out programs and activities in target countries.”.

SEC. 7. EMERGENCY FOOD SECURITY PROGRAM.

(a) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended—

(1) by striking “(a) Sense of Congress” and all that follows through “It shall be” and inserting the following:

“(a) STATEMENT OF POLICY.—It shall be”; and

(2) by redesignating subsection (c) as subsection (b).

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking “\$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to \$1,257,382,000” and inserting “\$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to \$1,757,457,000”.

SEC. 8. REPORTS.

Section 8 of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by striking “During each of the first 7 years after the date of the submission of the strategy required under section 5(c)” and inserting “For each of fiscal years 2024 through 2028”; and

(B) by striking “reports that describe” and inserting “a report that describes”; and

(C) by striking “at the end of the reporting period” and inserting “during the preceding year”;

(2) in paragraph (2), by inserting “, including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes” before the semicolon at the end;

(3) in paragraph (3), by inserting “identify and” before “describe”; and

(4) in paragraph (5), by striking “agriculture” and inserting “food”;

(5) in paragraph (6)—

(A) by inserting “quantitative and qualitative” after “how”; and

(B) by inserting “at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties” before the semicolon at the end;

(6) in paragraph (7), by inserting “within target countries, amounts and justification for any spending outside of target countries” after “amounts spent”; and

(7) in paragraph (11), by striking “and the impact of private sector investment” and inserting “and efforts to encourage financial donor burden sharing and the impact of such investment and efforts”; and

(8) in paragraph (13), by striking “and” at the end;

(9) in paragraph (14)—

(A) by inserting “, including key challenges or missteps,” after “lessons learned”; and

(B) by striking the period at the end and inserting “; and”;

(10) by redesignating paragraphs (12) through (14), as amended, as paragraphs (15) through (17), respectively;

(11) by redesignating paragraphs (5) through (11), as amended, as paragraphs (7) through (13), respectively;

(12) by striking paragraph (4) and inserting the following:

“(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the initiative, country, and zone of influence levels;

“(5) identify such established baselines and performance targets at the country, and zone of influence levels;

“(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the annual measurement of results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, in an open and transparent man-

ner that is accessible to the American people;”;

(13) by inserting after paragraph (13), as redesignated, the following:

“(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and eventual self-sufficiency and assess efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;” and

(14) by adding at the end the following:

“(18) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 8446, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of this bill that reauthorizes the Global Food Security Act. I thank my colleagues, Ms. MCCOLLUM, Mr. SMITH, Chairman MEEKS, and Ranking Member MCCAUL, for leading this bill.

Today, as the world grapples with a rapidly changing climate, the ongoing impacts of the COVID-19 pandemic, and the global consequences of Russia's war of choice in Ukraine, the U.S. must step up to support the hundreds of millions of hungry and food insecure people in all corners of the world. More importantly, perhaps, we need to give these communities the tools they need to feed themselves.

The Global Food Security Act was passed with strong bipartisan support in 2016 and reauthorized in 2018. It is critical that Congress once again acts to reauthorize this important piece of legislation.

Not only does this reauthorization increase annual funding for the Feed the Future initiative; it also requires an additional focus on building resilience, strengthening food systems, and forming more local partnerships to advance agriculture-led economic growth. This will play a critical role in delivering food to those in need today while creating more durable and sustainable food systems for tomorrow.

Food insecurity is a key driver of instability and violent extremism throughout the world. Investing in combating global hunger not only reflects U.S. values; it is also in our national security interest.

By passing this legislation, along with President Biden's announcement last week that the United States will provide over \$2.9 billion in new assistance to address food insecurity, we will make important strides toward achieving our goal of creating lasting food security.

This important bipartisan legislation will continue support for the Feed the Future initiative that has already lifted millions out of poverty.

Madam Speaker, I am proud to support this bipartisan legislation, and I urge my colleagues to do the same. I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume, and I rise in support of this bill.

Madam Speaker, today, 50 million people in 45 countries are living on the brink of famine, and more than 350 million people around the world are facing emergency food insecurity. This is a staggering increase from record-breaking levels of hunger last year.

Russia's unprovoked and full-scale invasion of Ukraine, previously known as the breadbasket of Europe, has worsened an already overwhelming global food crisis and is destabilizing fragile states.

Global food prices are expected to increase by 20 percent and could be even higher in developing countries that are highly dependent on imported commodities from Ukraine and Russia.

These shocks are creating shortages and instability that affect the entire world, including our constituents.

First enacted in 2016, and amended in 2018, the Global Food Security Act provides critical authorities to respond to immediate global food needs and to advance longer term agricultural-led economic growth.

I am a cosponsor of today's bipartisan legislation to refine and extend those authorities for another 5 years, through 2028. Madam Speaker, I thank my colleagues, Congresswoman MCCOLLUM, Congressman CHRIS SMITH, Chairman MEEKS, and Ranking Member MCCAUL, for their leadership in this effort.

In order to prevent the next food crisis, we must increase the resiliency of communities around the world to shocks like natural disasters, supply chain disruptions, and fertilizer shortages. This is why the U.S. is working with partner countries to advance targeted efforts to increase agricultural productivity, invest in food systems and market-based approaches to agricultural-led economic growth, and, ultimately, support communities' abilities to provide for themselves.

These strategic agricultural development activities are a critical investment in preventing future humanitarian emergencies and dependency on foreign aid.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield 3 minutes to the gen-

tlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Madam Speaker, today, I rise in support of my bill, the Global Food Security Reauthorization Act of 2022, a bipartisan bill, which I worked on with Mr. SMITH to reaffirm the United States' commitment to fighting hunger and poverty worldwide. It truly has been a bipartisan effort.

This bill builds upon the landmark Global Food Security Act of 2016. It reauthorizes the incredibly successful Feed the Future initiative, which has carried out lifesaving programs and helped millions of people break the cycle of poverty and hunger.

This legislation reauthorizes GFSA to 2028 and makes commonsense updates to reflect the changing landscape of global hunger. Specifically, this bill emphasizes agriculture-led economic growth and strengthening resilience against climate change and the global COVID-19 pandemic. This will help reduce malnutrition in women and children.

By supporting small farmers and women farmers, in particular, we can increase food production and incomes so that families and communities around the world may improve their way of life.

This legislation will also help to create a more stable world, as has been mentioned, by helping millions of people in the world's poorest countries become self-sufficient in feeding themselves.

As chair of the Appropriations Subcommittee on Defense, I know all too well the human, economic, and national security costs of global food insecurity, and it is just too high for Congress to ignore. The passage and enactment of this bill today truly cannot come soon enough for our national security.

I am proud to have worked on this legislation. I have worked on this legislation for over 14 years, starting with Senator Lugar, after being in Africa and watching how lack of food and clean water affected our ability to really make the HIV/AIDS program move forward. From that, the more I learned about malnutrition, the more passionate I became.

I am proud to have worked on this with experts in the field of global food and nutrition security, such as InterAction, Bread for the World, 1,000 Days, CARE, Save the Children, The Alliance to End Hunger, and so many more. Madam Speaker, I thank them for their expertise, for helping to lift up this legislation.

Madam Speaker, I also thank our co-leads, Chair MEEKS and Ranking Member MCCAUL, and a special thank-you to Representative SMITH, for their work on this legislation. Their enduring commitment to end global hunger is important work that we do together.

Madam Speaker, I urge the passage of this bill.

□ 2130

Mrs. KIM of California. Madam Speaker, I yield such time as he may

consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I rise in strong support of the bicameral, bipartisan Global Food Security Reauthorization Act of 2022. I especially want to thank my good friend and colleague, BETTY MCCOLLUM, for her authorship of this important legislation that will help so many.

Today's vote on global food security will show that we can come together to advance the good. For the Global Food Security Act is a model of cooperation, from the collaboration between Congresswoman MCCOLLUM and I on previous iterations, which began back in 2014 when I first introduced it, and the House passed the legislation.

Madam Speaker, like PEPFAR, the President's Emergency Plan for AIDS Relief, our food security policy is a remarkably effective, relatively low-cost lifesaving, life-enhancing initiative, championed by both Republican and Democrat administrations.

Indeed, we are fortunate that President Bush, beginning in 2002, had the initial foresight to elevate the important role of food security in U.S. foreign policy, especially in Africa, via the Initiative to End Hunger in Africa, or the IEHA, which was funded through development assistance and implemented through USAID. The objective was to help meet the nutritional needs of millions and to elevate self-sufficiency over dependency.

At the same time, the Millennium Challenge Corporation began making substantial investments in ag-led economic growth programs, particularly in Africa. The food price crisis of 2007-2008 accelerated and underscored the need for robust food security policy.

President Obama, in 2009, announced further enhancements to our food security strategy at the G8 summit in Italy, and this became known as the Feed the Future initiative.

Our emphasis on ag-led economic development and food security self-sufficiency continued through the Trump administration and now into the Biden administration.

Madam Speaker, last week a World Food Programme and Food and Agriculture Organization, WFP and FAO, report said the world faces its "largest food crisis in modern history."

The report sounds the alarm: 2022, as they put it, is a "year of unprecedented hunger."

"As many as 828 million people go to bed hungry every night, the number of those facing acute food insecurity has soared from 135 million to 345 million since 2019. A total of 50 million people in 45 countries are teetering on the edge of famine."

"Conflict," they point out, "is still the biggest driver of hunger, with 60 percent of the world's hungry living in areas afflicted by war and violence. Events unfolding in Ukraine are further proof of how conflict feeds hunger, forcing people out of their homes, and wiping out their sources of income."

As we all know, the weakest and most vulnerable are dying, and many, many more are at risk of death while millions more are made susceptible to opportunistic diseases while many children continue to suffer from stunting. Many, however, are rallying to mitigate this suffering.

As my good friend and colleague from Minnesota pointed out, many of the organizations that have done so much for so long are doing even more now to make sure that we get to the point where people are food secure. And, of course, that includes the secular groups and the faith-based groups all working in tandem for this noble goal.

One of the objectives of the Global Food Security Act was to take a whole-of-government approach, led by USAID, in promoting food security. In conducting oversight hearings with regard to its implementation, however, we found that there were several places where a whole-of-agency approach, let alone a whole-of-government approach was lacking.

One area that needed attention was to make sure that our nutrition efforts were firing on all cylinders. While the original bill, law, and subsequent reauthorization placed great emphasis on reducing stunting—and I have seen it all over Africa, as have Betty and many others. You go to Nigeria, and stunting is endemic to this moment. That can all be alleviated through the right kind of nutritional interventions, including the first 1,000 days of life, from conception to the second birthday, with nutrition that helps both mother and baby.

We have seen pictures of children with distended bellies caused by worms that rob them of needed nutrients. I chaired several hearings on worms, horrible things to see, growing in little kids, causing them to die, but certainly to be very sick in most cases.

USAID, when it came to deworming, often had a more stovepiped approach to it, while this legislation integrates the whole idea of deworming with the food security so that we don't feed the worms, we feed the future, and we feed these wonderful children and all those who are at risk.

We also have put in and continue the integration of water, sanitation, and hygiene, or WASH programming, which is also extraordinarily effective.

This is a great bill. I hope it gets total support of this body. Again, I thank Betty. I look forward to this vote and enactment into law.

Mr. CASTRO of Texas. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE.)

Ms. JACKSON LEE. Madam Speaker, I thank the gentleman from Texas for participating in the Congressional Children's Caucus hearing this past Monday on the Uvalde murder of children.

I rise to join my colleagues in supporting the Global Food Security Reauthorization Act of 2022 and compliment Representative MCCOLLUM and

others who have strongly supported this legislation over the years.

It is particularly timely because I have just finished meeting with the Foreign Minister of Pakistan and was able to visit in Pakistan in early September after the catastrophic and momentous floods of biblical proportion that went on.

What we saw was the potential of extreme starvation of families and children. Thirty-three million people were displaced. The families in the region had lost their wheat, their cotton, and their livestock.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CASTRO of Texas. Madam Speaker, I yield an additional 1 minute to the gentlewoman.

Ms. JACKSON LEE. Madam Speaker, the idea of the emphasis on the issue of food security is so crucial, both in terms of the climate change such that is impacted in Eritrea and Ethiopia, and the issues of catastrophic flood conditions, so I rise to support this with the idea that we have right in our midst conditions that would suggest food insecurity.

This legislation that focuses on ensuring that people of the world can eat, and the children of the world will not starve is a crucial and needed legislation, which I support, and which emphasizes, again, the important element in foreign affairs of food. Food helps save the world.

I support this legislation, and I commend my colleagues to continue to work, with devastating conditions around the world, to ensure the safety and security of children and particularly food security.

Mrs. KIM of California. Madam Speaker, I yield myself the balance of my time to close.

Madam Speaker, I am proud to support this bipartisan bill to refine and extend statutory authorities needed to respond to the global food crisis and prevent future aid dependency. It updates the policy, definitions, and the strategy requirements of the current law. It also strengthens oversight and accountability and ensures continued focus on core programs that have strong bipartisan support.

At its core, the bill embodies the saying, "Give a man a fish, and you feed him for a day. Teach him how to fish, and you feed him for a lifetime."

These are effective, strategic investments in agriculture and agricultural development to help ensure that communities and families are able to provide for themselves.

Madam Speaker, I urge support for this bill, and I hope that our Senate colleagues will take it up promptly.

Madam Speaker, I yield back the balance of my time.

□ 2140

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, as the world continues to experience climate-related devastation, downstream effects of COVID-19 on global supply chains, and the crippling effects of the Russian invasion of Ukraine on food delivery and production, the United States must continue to support those vulnerable to food insecurity.

Now is not the time to continue business as usual. The United States must step up to meet the moment and adapt our policy tools and foreign assistance to do the same. H.R. 8446 ensures that the United States maintains global leadership in combating the global hunger crisis by sowing the seeds of food security for the future.

Madam Speaker, I hope my colleagues will join me in supporting this important piece of legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8446, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MILLENNIUM CHALLENGE CORPORATION ELIGIBILITY EXPANSION ACT

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 8463) to modify the requirements under the Millennium Challenge Act of 2003 for candidate countries, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 8463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Millennium Challenge Corporation Eligibility Expansion Act".

SEC. 2. MODIFICATIONS OF REQUIREMENTS TO BECOME A CANDIDATE COUNTRY.

Section 606 of the Millennium Challenge Act of 2003 (22 U.S.C. 7705) is amended to read as follows:

"SEC. 606. CANDIDATE COUNTRIES.

"(a) IN GENERAL.—A country shall be a candidate country for purposes of eligibility for receiving assistance under section 605 if—

"(1) the per capita income of the country is equal to or less than the gross national income per capita of the 125th poorest country as identified by the World Bank for the fiscal year; and

"(2) subject to subsection (b), the country is not ineligible to receive United States economic assistance under part I of the Foreign Assistance Act of 1961 by reason of the application of any provision of the Foreign Assistance Act of 1961 or any other provision of law.

“(b) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 605 pursuant to subsection (a)(2), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph, and notification to the appropriate congressional committees in accordance with such provision of law, shall be construed as satisfying the requirements of such subsection.

“(c) IDENTIFICATION BY THE BOARD.—The Board shall identify whether a country is a candidate country for purposes of this section.”.

SEC. 3. CONFORMING AMENDMENTS.

(a) AMENDMENT TO MILLENNIUM CHALLENGE COMPACT AUTHORITY.—Section 609(b)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7708(b)(2)) is amended—

(1) by striking the heading and inserting “COUNTRY CONTRIBUTIONS”; and

(2) by striking “with respect to a lower middle income country described in section 606(b),”.

(b) AMENDMENT TO REPORT IDENTIFYING CANDIDATE COUNTRIES.—Section 608(a)(1) of the Millennium Challenge Act of 2003 (22 U.S.C. 7707(a)(1)) is amended by striking “section 606(a)(1)(B)” and inserting “section 606(a)(2)”.

(c) AMENDMENT TO AUTHORIZATION TO PROVIDE ASSISTANCE FOR CANDIDATE COUNTRIES.—Section 616(b)(1) of the Millennium Challenge Act of 2003 (22 U.S.C. 7715(b)(1)) is amended by striking “subsection (a) or (b) of section 606” and inserting “section 606(a)”.

SEC. 4. MODIFICATION TO FACTORS IN DETERMINING ELIGIBILITY.

Section 607(c)(2) of the Millennium Challenge Act of 2003 (22 U.S.C. 7706(c)(2)) is amended in the matter preceding subparagraph (A) by striking “consider” and inserting “prioritize need and impact by considering”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 8463.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am glad to bring this bipartisan legislation, which I authored together with my colleague, Representative YOUNG KIM of California to the House floor.

It will allow the Millennium Challenge Corporation, or MCC, to continue to work where it can do the most to foster development and reduce poverty.

When Congress established the MCC almost 20 years ago, it was envisioned as a selective agency that would work collaboratively with the best-governed developing countries.

Perhaps the most visible part of MCC's rigorous selection process is its scorecard, which evaluates more than 20 different policy indicators of good governance. But Congress also set an income-based threshold for nations where MCC could work. It was intended to make sure MCC focused on developing countries and on helping the people who need it most. I strongly support that focus and nothing in this bill is intended to alter that core part of MCC's mission and mandate.

But the way we define that threshold, based on who falls within two categories in the World Bank's estimates of per capita gross national income, has led to several issues this legislation seeks to address.

In the decades since the original standard was defined, the number of potential countries eligible for MCC's compacts has shrunk by almost a third. These compacts, which need to be ratified by both the United States and the partner country, can take years to negotiate, ratify, and implement.

Under the income threshold's current structure, countries can suddenly become ineligible for assistance in the middle of a multi-year negotiation. Global disruptions like a pandemic or major conflict can also lead to changes in a country's eligibility.

Under my legislation, the MCC would continue to use World Bank measures of GNI per capita as the basis to calculate eligibility, while expanding consideration for potential compacts to the world's 125 poorest countries. This change will ensure that MCC has a stable number of potential candidates, even as we continue to make progress in the fight against global poverty.

The new pool of potentially eligible countries would cover 98 percent of the world's poor and 90 percent of the countries MCC has identified as facing substantial vulnerability, including to pandemics, natural disasters, migration, and food insecurity.

It is important to note that this is potential eligibility.

This bill does not change any of MCC's scorecard criteria. To qualify for a potential compact, countries must also be generally eligible to receive American foreign assistance under the Foreign Assistance Act and other provisions of United States law.

The MCC Eligibility Expansion Act also includes protections to ensure that newly eligible countries do not crowd out support for low and lower-middle-income countries that qualify under the existing income threshold.

For example, it includes language that would strengthen statutory direction to the MCC's board to prioritize development need and impact. The legislation would also require all potential candidate countries to identify appropriate national contributions during compact negotiations, meaning wealthier countries would pitch in more.

In implementing this legislation, I also expect the MCC to compare this

small pool of newly eligible upper-middle-income countries against their peers in determining eligibility through the scorecard.

This bill would provide the MCC with more certainty and stability when it chooses to pursue a compact.

Madam Speaker, with the support of my colleagues today, we can ensure that the MCC will continue its important work and maximize its impact fighting poverty and promoting development.

Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I rise in support of this bill, and I yield myself such time as I may consume.

Madam Speaker, I was proud to introduce the Millennium Challenge Corporation Eligibility Expansion Act along with my Democratic colleague from Texas, Mr. CASTRO.

In the nearly 20 years since its founding under President Bush, the Millennium Challenge Corporation has demonstrated a strong track record of success in its mission of combating poverty through economic growth.

The agency has enjoyed broad bipartisan support, earned through strict project selection criteria and the ability to hold partner countries to a high standard of accountability. But the agency and its partners are facing new challenges. The Chinese Communist Party is increasing its malign influence in the developing world, often disguised as development assistance. The world is facing a food security crisis and other effects of Russia's unprovoked war in Ukraine.

Many countries risk losing progress on development and poverty reduction made over previous decades. This bill will ensure that the world's 125 poorest countries are eligible for potential consideration as candidate countries in the MCC's rigorous selection process. It adds stability to MCC's partnerships, and it ensures its ability to focus on the world's poorest populations, who are often the most vulnerable to debt traps and other forms of outside manipulation.

This bill is an important step towards equipping MCC to operate in today's environment so, that it can continue to use its proven, evidence-based model to build sustainable economic growth, transparency, and stability in partner countries around the world.

Madam Speaker, I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I am prepared to close, and I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, the Millennium Challenge Corporation has done important work on behalf of the American people to promote economic growth and transparency around the world. But we must make sure that the agency is equipped to address the challenges and threats of today, including those posed by our strategic rivals who are attempting to increase their global influence.

Madam Speaker, I, again, thank the gentleman from Texas (Mr. CASTRO), my colleague, our bipartisan cosponsors, and Chairman MEKES and Ranking Member MCCAUL of the Committee on Foreign Affairs for moving this bill forward.

Madam Speaker, I urge support for the bill, and I yield back the balance of my time.

□ 2150

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, the Millennium Challenge Corporation Eligibility Expansion Act will improve the MCC's ability to form stable, long-term compacts in the well-governed countries that will benefit most from United States' development assistance.

I thank my colleagues, particularly my co-lead on this bill, Representative YOUNG KIM, for the bipartisan work that has brought this legislation forward today.

Madam Speaker, I urge the House to pass this legislation. I hope the Senate will take it up swiftly so that it can become law this year, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 8463.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

COMBATING THE PERSECUTION OF RELIGIOUS GROUPS IN CHINA ACT

Mr. CASTRO of Texas. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4821) to hold accountable senior officials of the Government of the People's Republic of China who are responsible for, complicit in, or have directly persecuted Christians in China, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4821

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combating the Persecution of Religious Groups in China Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Department of State's International Religious Freedom (IRF) report estimates, Buddhists comprise 18.2 percent of the country's total population, Christians, 5.1 percent, Muslims, 1.8 percent, fol-

lowers of folk religions, 21.9 percent, and atheists or unaffiliated persons, 52.2 percent, with Hindus, Jews, and Taoists comprising less than one percent.

(2) The Government of the People's Republic of China (PRC) recognizes five official religions, Buddhism, Taoism, Islam, Protestantism, and Catholicism (according to the State Department's IRF report) and only religious groups belonging to one of the five sanctioned "patriotic religious associations" representing these religions are permitted to register with the government and hold worship service, excluding all other faiths and denying the ability to worship without being registered with the government.

(3) The activities of state-sanctioned religious organizations are regulated by the Chinese Communist Party, which manages all aspects of religious life.

(4) The Chinese Communist Party is actively seeking to control, govern, and manipulate all aspects of faith through the "Sinicization of Religion", a process intended to shape religious traditions and doctrines so they conform with the objectives of the Chinese Communist Party.

(5) On February 1, 2018, the PRC Government implemented new religious regulations that imposed restrictions on Chinese contacts with overseas religious organizations, required government approval for religious schools, websites, and any online religious service, and effectively banned unauthorized religious gatherings and teachings.

(6) There are numerous reports that authorities forced closures of Buddhist, Christian, Islamic, and Taoist houses of worship and destroyed public displays of religious symbols throughout the country.

(7) Authorities arrested and detained religious leaders trying to hold services online.

(8) There are credible reports of Chinese authorities raiding house churches and other places of religious worship, removing and confiscating religious paraphernalia, installing surveillance cameras on religious property, pressuring congregations to sing songs of the Chinese Communist Party and display the national flag during worship, forcing churches to replace images of Jesus Christ or the Virgin Mary with pictures of General Secretary Xi Jinping, and banning children and students from attending religious services.

(9) It has been reported that the PRC is rewriting and will issue a version of the Bible with the "correct understanding" of the text according to the Chinese Communist Party. Authorities continued to restrict the printing and distribution of the Bible, Quran, and other religious literature, and penalized publishing and copying businesses that handled religious materials.

(10) According to the Department of State's IRF reports, the PRC Government has imprisoned thousands of individuals of all faiths for practicing their religious beliefs and often labels them as "cults".

(11) The Political Prisoner Database maintained by the human rights NGO Dui Hua Foundation counted 3,492 individuals imprisoned for "organizing or using a 'cult' to undermine implementation of the law." Prisoners include—

(A) the 11th Panchen Lama, Gedun Choekyi Nyima, who has been held captive along with his parents since May 17, 1995;

(B) Pastor Zhang Shaojie, a Three-Self church pastor from Nanle County in central Henan was sentenced in July 2014 to 12 years in prison for "gathering a crowd to disrupt the public order";

(C) Pastor John Cao, a United States permanent resident from Greensboro, North Carolina, who was sentenced for 7 years in prison in March 2018 under contrived charges of organizing illegal border crossings; and

(D) Pastor Wang Yi of the Early Rain Covenant Church who was arrested and sentenced to 9 years in prison for "inciting to subvert state power" and "illegal business operations".

(12) Authorities continue to detain Falun Gong practitioners and subject them to harsh and inhumane treatment.

(13) Since 1999, the Department of State has designated the PRC as a country of particular concern under the International Religious Freedom Act of 1998.

(14) The National Security Strategy of the United States, issued in 2017, 2015, 2006, 2002, 1999, 1998, and 1997, committed the United States to promoting international religious freedom to advance the security, economic, and other national interests of the United States.

SEC. 3. STATEMENT OF POLICY.

(a) HOLDING PRC OFFICIALS RESPONSIBLE FOR RELIGIOUS FREEDOM ABUSES TARGETING CHINESE CHRISTIANS OR OTHER RELIGIOUS MINORITIES.—It is the policy of the United States to consider senior officials of the Government of the People's Republic of China (PRC) who are responsible for or have directly carried out, at any time, persecution of Christians or other religious minorities in the PRC to have committed—

(1) a gross violation of internationally recognized human rights for purposes of imposing sanctions with respect to such officials under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 2656 note); and

(2) a particularly severe violation of religious freedom for purposes of applying section 212(a)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(G)) with respect to such officials.

(b) DEPARTMENT OF STATE PROGRAMMING TO PROMOTE RELIGIOUS FREEDOM IN THE PEOPLE'S REPUBLIC OF CHINA.—The Ambassador-at-Large for International Religious Freedom should support efforts to protect and promote international religious freedom in the PRC and for programs to protect Christians and other religious minorities in the PRC.

(c) DESIGNATION OF THE PEOPLE'S REPUBLIC OF CHINA AS A COUNTRY OF PARTICULAR CONCERN.—It is the policy of the United States to continue to designate the PRC as a "country of particular concern", as long as the PRC continues to engage in systematic and egregious religious freedom violations, as defined by the International Religious Freedom Act of 1998 (Public Law 105-292).

SEC. 4. SENSE OF CONGRESS.

It is the sense of Congress that the United States should promote religious freedom in the PRC by—

(1) strengthening religious freedom diplomacy on behalf of Christians and other religious minorities facing restrictions in the PRC;

(2) raising cases relating to religious or political prisoners at the highest levels with PRC officials because experience demonstrates that consistently raising prisoner cases can result in improved treatment, reduced sentences, or in some cases, release from custody, detention, or imprisonment;

(3) encouraging Members of Congress to "adopt" a prisoner of conscience in the PRC through the Tom Lantos Human Rights Commission's "Defending Freedom Project", raise the case with PRC officials, and work publicly for their release;

(4) calling on the PRC Government to unconditionally release religious and political prisoners or, at the very least, ensure that detainees are treated humanely with access to family, the lawyer of their choice, independent medical care, and the ability to practice their faith while in detention;

(5) encouraging the global faith community to speak in solidarity with the persecuted religious groups in the PRC; and

(6) hosting, once every two years, the Ministerial to Advance Religious Freedom organized by the Department of State in order to bring together leaders from around the world to discuss the challenges facing religious freedom, identify means to address religious persecution and discrimination worldwide, and promote great respect for and preservation of religious liberty.

SEC. 5. SENSE OF CONGRESS REGARDING ACTIONS AT UNITED NATIONS.

It is the sense of Congress that the United Nations Human Rights Council should issue a formal condemnation of the People's Republic of China for the ongoing genocide against Uyghurs and other religious and ethnic minority groups, as well as for its persecution of Christians, Falun Gong, and other religious groups.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. CASTRO) and the gentlewoman from California (Mrs. KIM) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE.

Mr. CASTRO of Texas. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 4821, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4821, the Combating the Persecution of Religious Groups in China Act, introduced by my colleague, Representative VICKY HARTZLER.

The state of religious freedom in China has been alarming for several years now. Despite religious freedom being guaranteed in its constitution, the PRC actively suppresses this fundamental right.

While this government's systemic orchestration of genocide and crimes against humanity against the Uyghur people and other ethnic and religious minorities in the Uyghur region has been widely broadcasted across international media, followers of a variety of religious faiths and traditions have long experienced religious persecution in China.

The ability to freely practice one's religion or engage in worship has continued to deteriorate. Those who bravely speak out against the infringement of religious freedom or refuse to join state-sanctioned religious organizations face the PRC Government's inhumane repression and human rights abuses.

Thousands of religious leaders and worshippers have been harassed, detained, disappeared, tortured, physically abused, sentenced to prison, or subjected to forced labor and indoctrination due to their religious affiliation or the practice of their religious

beliefs. Some have even been pressured to renounce their religious beliefs.

In addition to these atrocities, the People's Republic of China officials have removed or replaced religious images, iconography, and symbols; have desecrated or demolished places of worship; and have rewritten religious text in an effort to align with Communist Party ideology.

This is unacceptable, but infringement on personal rights has become business as usual in China. Nobody should be forced to endure discrimination because of their religion anywhere in the world.

Congress must act now to support efforts to protect and promote religious freedom in China and to protect adherents of all religious faiths in China. We must continue to call out the PRC Government for these atrocities and take actions to prevent the stifling of religious freedom in China.

By passing this important, bipartisan legislation, this body sends a clear message to the PRC Government that it will be held accountable for its pattern of gross human rights abuses and severe violations of religious freedoms.

Madam Speaker, I thank Representative HARTZLER for authoring this important, bipartisan legislation which I was proud to move through the Foreign Affairs Committee, I urge my colleagues to join me in supporting it, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, September 23, 2022.

Hon. GREGORY MEEKS,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR CHAIRMAN MEEKS: This letter is to advise you that the Committee on the Judiciary has now had an opportunity to review the provisions in H.R. 4821, the "Combating the Persecution of Christians in China Act," that fall within our Rule X jurisdiction. I appreciate your consulting with us on those provisions. The Judiciary Committee has no objection to your including them in the bill for consideration on the House floor, and to expedite that consideration is willing to forgo action on H.R. 4821, with the understanding that we do not thereby waive any future jurisdictional claim over those provisions or their subject matters.

In the event a House-Senate conference on this or similar legislation is convened, the Judiciary Committee reserves the right to request an appropriate number of conferees to address any concerns with these or similar provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

JERROLD NADLER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, September 26, 2022.

Hon. JERROLD NADLER,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN NADLER: I am writing to you concerning H.R. 4821, the "Combating the Persecution of Religious Groups in China

Act." I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on the Judiciary under House Rule X, and that your Committee will forgo action on H.R. 4821 to expedite floor consideration. I further acknowledge that the inaction of your Committee with respect to the bill does not waive any future jurisdictional claim over the matters contained in the bill that fall within your jurisdiction.

I also acknowledge that your Committee will be appropriately consulted and involved as this, or similar legislation moves forward and will support the appointment of Committee on the Judiciary conferees during any House-Senate conference convened on this legislation.

Lastly, I will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

GREGORY W. MEEKS,
Chairman.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this bill. The Chinese Communist Party is at war with religious freedom. The CCP treats as threats those organizations and allegiances that it does not control. Members of the CCP and the PLA are required to be atheists and are prohibited from practicing a religion. National law effectively prohibits young people in China from receiving any religious education.

Xi Jinping is ramping up his so-called Sinicization of religion and is expressly demanding that religious groups support the control and ideology of the Chinese Communist Party. The consequences for those who refuse to submit are brutal.

House-church Protestant Christians, underground Catholics, Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners, and other people who seek to worship freely are repressed.

The State Department's annual religious freedom reports note deaths in police custody. They also state that the PRC "tortured, physically abused, arrested, disappeared, detained, sentenced to prison, subjected to forced labor and . . . harassed adherents of both registered and unregistered religious groups for activities related to their religious beliefs and practices."

Both the Trump and Biden administrations have correctly recognized the PRC's brutal crackdown and forced encampment of Uyghur Muslims and other minorities in Xinjiang as a genocide, involving crimes against humanity.

According to credible reports, more than 800,000 Muslim children have been separated from their families.

Just this week, 90-year-old Catholic Cardinal Joseph Zen is on trial in Hong Kong, one of several Catholic bishops imprisoned and actively persecuted by the CCP. Numerous Protestant pastors remain in detention, and the government continues to demolish church buildings and crosses.

Religious believers in China deserve our prayers, our respect, and our support.

This bill before us today will help ensure that CCP officials responsible for this persecution are identified, sanctioned, and denied visas into the United States.

It also states that the People's Republic of China has continued to earn designation as a "country of particular concern" under the International Religious Freedom Act. It calls for efforts by the United States, including diplomacy at the highest levels, to promote the protection of Christians and other religious minorities inside China. It expresses the sense of Congress that the U.N. Human Rights Council should formally condemn the PRC for its ongoing genocide in Xinjiang as well as its persecution of Christians and other religious groups. The inability of that Council to condemn such massive human rights abuses is an indictment of its effectiveness.

Madam Speaker, I thank the gentleman from Missouri (Mrs. HARTZLER) for introducing this important bill of which I am a proud cosponsor. It deserves our unanimous support, and I reserve the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield 3 minutes to the gentleman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise today to advocate for the passage of my bill, H.R. 4821, the Combating the Persecution of Religious Groups in China Act. This urgently needed legislation will hold senior officials of the Chinese Communist Party accountable for the human rights violations and persecution of Christians and other religious groups in China.

The Chinese Communist Party believes any religion threatens its control over society. As a result, the CCP is carrying out a systemic crackdown on all religions to control and manipulate every aspect of faith. This includes the closing and destruction of churches, installing surveillance equipment on church property, forcing the modification of religious teachings to conform with the objectives of the government, and the wrongful imprisonment of thousands of individuals.

□ 2200

Through the Defending Freedoms Project, I am a congressional advocate for three of these religious prisoners: Pastor John Cao, Pastor Zhang Shaojie, and Pastor Wang Yi. Each were sentenced to several years in Chinese prisons on illegitimate charges for practicing their faith. This is unacceptable, and it must end.

As a Nation built on the fundamental principle of the freedom of religion, we have a responsibility to shed light on this persecution and speak for those in China who have no voice.

By passing this legislation, the House of Representatives will be sending a clear message to China that we will not stand by as they brutally abuse their own citizens. No one should live in fear for practicing their faith, and China must be held accountable for their criminal human rights violations.

Madam Speaker, I thank the Foreign Affairs Committee members and their staff for their hard work in bringing this important legislation to the floor, and I call on my colleagues to support its passage.

Mr. CASTRO of Texas. Madam Speaker, I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank VICKY HARTZLER for authoring this very important and extraordinarily timely resolution.

Under Xi Jinping, the Chinese Communist Party is waging war against all faiths: Christians, Falun Gong, Tibetan Buddhists, Muslims, Uyghurs. He is actually committing genocide against the Uyghurs and has been doing it for some time now.

Thankfully, this Congress has spoken out before, particularly on the Uyghurs, but we need to speak out again on the Christians who are suffering, the most persecuted group in all of China.

Let me say, too, that in calling for sanctions, we have sanctions, Madam Speaker. The Global Magnitsky Act and other sanctions are in place for the violation of the Religious Freedom Act of 1998, and the sanctioning could occur there as a CPC country, a country of particular concern.

I believe we need to do more to hold individuals and, collectively, the Chinese Communist Party to account. That goes for all. That goes for Trump when he was in office. It goes for President Biden now.

We should have done more. We need to do more now because it is all-out war on religion.

I wrote an op-ed in The Washington Post in 1998. I titled it "The world must stand against China's war on religion" and noted that the sinicization, making all faiths comport to Xi Jinping's horrible, nightmarish vision for that country, needs to be incorporated. Whole texts, the Bible texts and sacred scriptures of all faiths, are being rewritten in order to comport, again, with his socialist ideology.

In 1994, after Tiananmen Square, I went to China. I went there many times—barred from going now. I know Bishop Shu of Baoding Province. Here was a man who spent years being tortured, being deprived of food, but especially being tortured because there were terrible usages of cattle prods and all the other terrible things that they do in Chinese prisons, Laogai.

I couldn't believe when he looked me in the eyes and said: I pray for my persecutors.

I mean, we all get a little mad when we get a bad editorial or something politically. Here is a man saying he has endured all this, and he prays for the people of China and for his persecutors.

I held a hearing as co-chairman of the Tom Lantos Human Rights Commission, asking Xi Jinping, just this Congress: Where is Bishop Shu?

He disappeared. He may have passed away due to the mistreatment, but that is what they do, as well. People all of a sudden just disappear. Numbers of Christians and other believers just go off the face of the Earth.

This resolution couldn't be more timely. The Chinese Communist Party is getting worse by the hour. Xi Jinping may get reelected by his peers to a third term as dictator. Our hope is that the Chinese Communist Party will realize they bring gross dishonor to China by their gross misbehavior.

Thankfully, the U.N. High Commissioner, as we all know, just released a report calling out China for its genocide. They called it crimes against humanity. That is good. Hopefully, the U.N. Human Rights Council will take this up, as well.

We need to do sanctioning, and we need to do it now.

Mr. CASTRO of Texas. Madam Speaker, I have no more speakers, and I am ready to close. I reserve the balance of my time.

Mrs. KIM of California. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, the Chinese Communist Party persecutes religious believers who will not submit their religious convictions to CCP control. It reacts with brutality against any attempted religious practice outside of the five religious patriotic associations allowed and controlled by the regime.

This bill tells the truth about the dangers faced by Christians, Uyghur Muslims, Tibetan Buddhists, and other religious minorities in China and takes steps to sanction their CCP persecutors.

I am an enthusiastic cosponsor of this bill by my colleague from Missouri, and I urge its unanimous passage.

Madam Speaker, I yield back the balance of my time.

Mr. CASTRO of Texas. Madam Speaker, I yield myself such time as I may consume for the purpose of closing.

Madam Speaker, H.R. 4821 sends a strong and unequivocal message that the United States stands firmly in support of worshippers of all religious traditions and faiths and their ability to freely practice their religion or engage in worship without fear of discrimination or persecution.

This legislation signals strong bipartisan House support for the administration to hold accountable all those responsible for the severe violations of religious freedom and persecution of religious groups in China.

Madam Speaker, I hope my colleagues will join me in supporting this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. CASTRO) that the House suspend the rules and pass the bill, H.R. 4821, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. CLYDE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PRESS CORPS SHOULD RESEARCH SOUTHERN BORDER CRISIS

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Madam Speaker, over the last couple of weeks, there have been stories again about our southern border, which I think is the biggest crisis facing America today.

We will refresh the American public and remind them that whereas 2 years ago, 5,000 to 10,000 people were crossing our border and being let in the country, we have now, in an average month, over 150,000 entering the country.

In any event, there are rumors that, right now, Venezuela is—as there were rumors about Cuba about 40 years ago—letting people who are prisoners out of Venezuela to come to the United States.

Given that Venezuela considers the United States an enemy, a country that they are hostile to, why wouldn't they? The question is, where is the press corps? And why isn't the press corps demanding more information about the type of people that are crossing our southern border and particularly about Venezuelans who are coming in the country and whether there are any particular traits that these people have?

I beg the press corps to wake up a little bit and do a little research here.

THANKING STAFF

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Madam Speaker, I rise to compliment Speaker pro tempore BOURDEAUX on her service to this great Nation of ours. I have very much enjoyed the privilege and honor of serving with the gentlewoman.

I also rise to thank and compliment the Clerk's Office for all the work that they do; the long days and hours that they put in, extending well into the evening. Yet, on both sides of the aisle,

the staff work so hard, but day in and day out, it is the Clerk's Office here that carries out the work in governance of this great country of ours. I thank them for their service. God bless them. God bless America.

SENATE ENROLLED BILL SIGNED

The Speaker pro tempore, Mr. RASKIN, on Tuesday, September 27, 2022, announced his signature to an enrolled bill of the Senate of the following title:

S. 2293.—An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 1 of House Resolution 1230, the House stands adjourned until 10 a.m. tomorrow.

Thereupon (at 10 o'clock and 9 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, September 29, 2022, at 10 a.m.

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,
Washington, DC., September 28, 2022.

HON. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The OCWR Board has adopted the proposed regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval that accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed Regulations, as further specified in the accompanying Notice.

Any inquiries regarding the accompanying Notice should be addressed to Teresa James, Acting Executive Director of the Office of Congressional Workplace Rights, 110 Second Street, SE, Room LA-200, Washington, DC 20540-1099; telephone: 202-724-9250; email: OCWRinfo@ocwr.gov.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors.

Attachment.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Procedural Summary:

Issuance of the Board's Initial Notice of Proposed Rulemaking.

On or about April 26, 2022, the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) issued a Notice of Proposed Rulemaking in the Congressional Record at 168 Cong. Rec. S2157-S2169 (daily ed.), and at 168 Cong. Rec. H4498-H4508 (daily ed.). The Notice of Proposed Rulemaking was prompted by the promulgation by the Secretary of Labor in 2004, 2016, 2019, and 2020, of amended regulations regarding the overtime pay requirements of the FLSA.

Why did the Board propose these new Regulations?

Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for the implementation of the rights and protections under this section."

What procedure followed the Board's initial Notice of Proposed Rulemaking?

The April 26, 2022 Notice of Proposed Rulemaking included a thirty day comment period, which began on April 26, 2022. The OCWR received four comments to the proposed substantive regulations from stakeholders. The Board of Directors has reviewed these comments, made a number of changes to the proposed substantive regulations in response to the comments, and has adopted the amended regulations.

What is the effect of the Board's "adoption" of these substantive regulations?

Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the April 26, 2022 Notice); (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to "include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by

joint resolution.” The Board of Directors recommends that the procedure used by Congress to approve these overtime exemption regulations: that the House of Representatives approve the “H” version of the regulations by resolution; that the Senate approve the “S” version of the regulations by resolution; and that the House and Senate approve the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering overtime exemptions currently in force under the CAA?

Yes, however, they are woefully outdated. Unless and until the House of Representatives and the Senate approve the regulations adopted by the OCFR Board, all employing offices and covered employees continue to be required to follow the existing Part 541 Regulations, which were adopted by the Board of Directors and approved by the House of Representatives and the Senate in 1996.

If approved by Congress, will these regulations completely replace the existing Part 541 overtime exemption regulations applicable under the CAA?

Yes, and they will provide the modernization necessary to properly remunerate Legislative Branch employees for overtime consistent with the Executive Branch and the private sector.

The Board's Responses to Comments

As the result of the April 26, 2022 Notice of Proposed Regulations, and the ensuing 30 day comment period, the Office received four comments from interested parties. Not surprisingly, a common theme among the comments was the difficulty in applying the Fair Labor Standards Act to real-life occupations within the legislative branch. Commenters requested that the Board add descriptive examples that discuss specific positions and opine on whether those positions should or should not be classified as exempt or non-exempt. Commenters recognized that these exempt status determinations are fact specific and often require complex analysis. For this reason, the Board remains unconvinced that including specific position titles plucked from Congressional employment would serve the legislative branch community. Many legislative branch employees share common job titles but nevertheless have different duties in actuality. These employees, and their employing offices, would not benefit from improper classification through rulemaking.

There exists a body of law which addresses the application of these exceptions in the context of government employees. See e.g., Wage and Hour Division (WHD) Opinion Letter FLSA2020-9, <https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/2020-06-25-09-FLSA.pdf> (last viewed on 8/29/22). For example, the Department of Labor has applied the exemption as it relates to a government press officer. *Id.*

One commenter notified the Board that the U.S. Supreme Court granted certiorari in *Helix Energy Solutions Group v. Hewitt*, ___ S.Ct. ___, 2022 WL 1295708 (May 2, 2022) to address “highly compensated employee” regulations. The commenter suggests that any decision rendered by the Supreme Court could impact the application of the proposed regulations. The Board acknowledges that a decision in *Helix Energy Solutions Group v. Hewitt* may impact the application of 541.601 and 541.604. Nevertheless, a decision is likely more than a year away and the Board does not wish to further delay the adoption of these regulations. The Board will revisit these regulations consistent with any relevant U.S. Supreme Court decision and future Department of Labor amendments.

The Board has reviewed all comments, and has deliberated regarding the question

whether comments establish “good cause” pursuant to section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), for varying the Office of Congressional Workplace Rights proposed regulations from the Department of Labor regulations. The following discussion outlines the comments, and the Board's response to them.

What changes to the regulations as proposed on April 26, 2022 have been made by the Board in response to comments received from interested parties?

The Board has made many changes in response to comments received from interested parties. First, the Board agrees that good cause exists to modify these regulations in several respects to further reflect the legislative branch's unique workplace. Several commenters applauded this Board's decision to eliminate references that have no application to Congressional employees. However, they requested that the Board tailor the Proposed Regulations even further. The Board has heeded this request and in large part removed additional private sector terminology and replaced it with language specific to legislative branch employees and employing offices. Second, a commenter recommended departing from the effective date maintained within the Department of Labor regulations so that the regulations, once applied to the legislative branch, are not deemed retroactive. The Board agrees that good cause exists to modify these regulations so that they are not deemed retroactive. Third, a commenter asked that the Board include in deleted sections the words “Intentionally Left Blank” or renumber those sections that remain so that they are consecutively numbered for typographical clarity. The Board agrees with this suggestion and has included the word “Reserved” for Department of Labor sections and subsections that are being eliminated. Additional changes are explained below by section.

Sec. 541.0: Commenters correctly pointed out that a principal statutory authority for adoption of these regulations was not included in the language of the proposed regulation itself. Therefore, one commenter proposed to add the words “and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1)” before the end of each sentence. The Board concurs with this recommendation; therefore, the proposed language was added as authority for the promulgation of these overtime exemption rules.

Sec. 541.3: At least one commenter requested the removal of “deputy sheriffs, state troopers, highway patrol officers . . . correctional officers, parole or probation officers, park rangers, fire fighters” and “or fight fires” to further tailor the regulations to reflect legislative branch terminology. Police officers, detectives and investigators are already referenced in the regulation. Thus, the Board agrees that the example of deputy sheriffs, state troopers, highway patrol officers, correctional officers, and parole and probation officers—positions that are not present within the legislative branch—are additional law enforcement positions that are unhelpful by analogy. However, the Board does not find good cause to remove “park rangers,” “fire fighters,” or individuals who “fight fires.” The park rangers' functions may serve employing offices by analogy. With respect to fire fighters and fighting fires, although the legislative branch presently relies on the District of Columbia's fire department, it is reasonably foreseeable that fire fighters or individuals whose main duty is to prevent fires may be employed by the legislative branch. Therefore, the Board finds good cause to remove the examples of deputy sheriffs, state troop-

ers, highway patrol officers, correctional officers, and parole or probation officers, but not park rangers, fire fighters, and individuals who fight fires. Similarly, the commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”. Another commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Section 541.4: Several commenters pointed out that the proposed section maintained an erroneous requirement that employing offices must comply with “. . . State or municipal laws, regulations, or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA” as applied via the CAA. The Board concurs with the comment. That requirement has been deleted from the proposed regulation.

Sec. 541.100: At least one commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.101: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.103: At least one commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation. Similarly, the commenter requested that “establishment” be modified to “location” to further tailor the regulations to reflect the legislative branch terminology. The Board concurs with this recommendation as well.

Sec. 541.200: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.201: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations. Similarly, one commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.202: At least one commenter requested that “business”, when used as a noun and not an adjective, “company”,

“credit manager”, “large corporation”, “management consultant”, “large company”, and “client” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations.

Sec. 541.203: Multiple commenters questioned whether Congress had insurance adjusters (541.203(a)) and comparison shoppers (541.203(i)), or whether Congressional employees could be deemed “[e]mployees in the financial services industry generally” (541.203(b)). The Board agrees that the example of insurance adjusters is not applicable directly to any employing office. However, insurance adjusters’ investigative functions may serve employing offices by analogy to evaluate the administrative exemption. Similarly the Board believes that employees in financial services generally, as opposed to the financial services industry, is a function that may be applicable directly or by analogy for employing offices to analyze whether employees are covered by the administrative exemption. Lastly, the Board agrees that the comparison shoppers example is neither applicable directly or by analogy to any employing office. Therefore, the Board finds good cause to modify 541.203(a) to “employees who investigate claims”, remove the word “industry” in 541.203(b), and reserve all of 541.203(i). In addition, at least one commenter asked that certain words or phrases, such as but not limited to “business owner,” “purchasing and selling”, “executive of a large business,” and “company,” be modified to legislative branch terminology in all of the remaining subsections. The Board agrees with these modifications generally, if not verbatim.

Sec. 541.303: One commenter recommends omitting “teachers of kindergarten or nursery school pupils” because, in the legislative branch, the daycare providers are not required to hold advanced degrees or required to graduate from a prolonged course of specialized instruction. In addition, the commenter recommends including salary requirements when evaluating whether a teacher should be included in the professional exemption. The Board does not believe good cause has been established for such a substantial departure from the Department of Labor regulations. Department of Labor Fact Sheet #46, “Daycare Centers and Preschools Under the Fair Labor Standards Act (revised July 2009), explains that nursery school teachers are exempt if their primary duty is “teaching, tutoring, instructing or lecturing”. However, “preschool employees whose primary duty is to care for the physical needs of the facility’s children would ordinarily not meet the requirement for exemption as teachers”. <https://www.dol.gov/agencies/whd/fact-sheets/46-flsa-daycare>. Whether an exemption applies is fact specific and should be decided through adjudication and not through rulemaking.

Sec. 541.402: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Subpart F: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.601: A commenter recommended departing from the Department of Labor’s ef-

fective dates in Section 541.601(a)(1), 541.601(a)(2), and 541.601(b)(2) so that the regulations are not deemed retroactive. The Board finds good cause to amend this language so that there is no ambiguity regarding retroactivity. In addition, the Board agrees that good cause exists to further modify 541.601(b)(2) by eliminating references to commissioned sales to further reflect the legislative branch’s unique workplace.

Sec. 541.602: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” to mean “employing office,” the Board concurs with this recommendation. Similarly, a commenter pointed out that the proposed section maintained an erroneous requirement that employing offices may deduct for benefits received under State laws. The Board concurs with the comment.

Sec. 541.603: At least one commenter requested that “company” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “company” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.606: Commenters recommended maintaining the original language. The Board agrees with the concern that incorporating by reference all of Part 531’s interpretation of “board, lodging, or other facilities” is overbroad and cumbersome. One commenter recommended creating a definition specific to legislative branch employees, including transit benefits in the definition of board, lodging or other facilities. The Board notes that private sector employees are also eligible for transit benefits but the Department of Labor did not include it in its regulation. The Board does not find good cause to stray from the original regulation.

Sec. 541.607: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.702: Raising the same concern as addressed in Sec. 541.202, at least one commenter requested that “credit manager”, “employer”, and “customers” be modified to further tailor the regulations to reflect legislative branch terminology. Although “employing office” can be readily understood from the term “employer,” the Board concurs with all of these recommendations since the example of “credit manager” is not applicable directly to any employing office.

Sec. 541.706: At least one commenter requested that the example of a “mine superintendent” be eliminated, and the terms “establishment” and “industry” be modified to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that there is no position of “mine superintendent” in the legislative branch and that this example will not be applicable directly or by analogy for employing offices to analyze whether employees are covered by any exemption. Therefore, the Board finds good cause to both eliminate and modify said language.

Sec. 541.709: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.710: Commenters correctly observed that all legislative employees are essentially “Employees of public agencies.” The commenters thus requested that the language be modified to further tailor the regulations to reflect legislative branch terminology. The Board concurred with this recommendation.

What changes to the proposed substantive regulations suggested by commenters were not made by the Board of Directors?

The Board of Directors reviewed all suggestions included in comments pursuant to the statutory requirement that the regulations “shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.” (section 203(c)(2) of the CAA, 2 USC 1313(c)(2)). If the Board declined to adopt a suggestion, it determined that there was not good cause for such a change in implementing the FLSA.

One commenter was critical of the Board’s approach and questioned why the Board incorporated some of its suggestions in response to the proposed 2004 Substantive Regulations but not others. The April 2022 proposed regulations were created to mirror current Department of Labor regulations. This, in addition to the almost 20 year lapse of time since 2004, is why the Board diverged from the adopted 2005 Substantive Regulations.

As discussed previously, several commenters requested the Board to further amend the Proposed Rule to remove positions not presently found in the legislative branch and include examples of positions specific to the legislative branch employees. While the Board agreed with this suggestion in large part, the Board did not find good cause for all of the requested changes. First, as explained in 2005, the Board is aware that many of the job classifications and types of work processes treated in Part 541 are probably not found within the Legislative Branch of the Federal Government, that there may be job categories in the Legislative Branch not directly reflected in Part 541, and that there are differences among the work forces in the several employing offices covered by the CAA. However, the Board has concluded that adding or removing all exemplary and descriptive provisions from the regulations as applied to all employing offices could result in a basic misunderstanding of the purpose and goal of the new Part 541 of 29 CFR, and of the Congressional mandate in the CAA that the Board issue regulations based upon the Secretary of Labor’s regulations promulgated for the private sector. Second, the Board did not remove positions which do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future. The Board recognizes that this Proposed Rule, when adopted and issued, may be effective for many years to come. For example, although the legislative branch does not presently employ a chef, it may in the future for one of the multiple dining locations within the Capitol complex. Thus, descriptions of positions or functions that are not currently held by Congressional employees but could reasonably be foreseen to exist in the future were maintained. Third, the Board did not include position titles that are currently held by many legislative branch employees where the employees may have the same title but whose actual job duties may differ. The Board believes that such determinations should not be made through rulemaking but rather through adjudication.

Sec. 541.0: One commenter suggested the removal of the words “elementary or secondary schools” and in its stead the inclusion of “nursery school programs” as exempt from minimum wage and overtime requirements. The Board does not believe that good cause exists to make this change. The inclusion of “elementary or secondary schools”

and the exclusion of “nursery schools” provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim of interpretation, *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program employees should be made through adjudication and not through rulemaking. Commenters also noted that the reference in the proposed regulation to “enforcement” by the Office of Congressional Workplace Rights of the equal pay provision found at section 6(d) of the FLSA reflected an authority not given to the Office under the CAA. The Office of Congressional Workplace Rights is authorized to administer the dispute resolution process for employee claims of a violation of the equal pay requirement at section 6(d) of the FLSA. Although the Office of Congressional Workplace Rights does not initiate enforcement, this remains a method of enforcement. Therefore, the reference to “enforcement” of section 6(d) was maintained.

Sec. 541.1: One commenter expressed concern that by defining the terms “employee”, “intern”, and “employing office” by reference to statutory citations, this causes confusion. It recommended, therefore, that the terms be defined pursuant to definitions already extant in the Substantive Regulations for the FLSA at Section 501.102. The Board does not believe that citation to the Congressional Accountability Act causes confusion. Therefore, the statutory citations will remain.

Sec. 541.100: One commenter requested this section be revised to clarify that an executive must regularly direct the work of two or more full time employees or their equivalent. The Board does not find good cause to modify this subsection as section 541.104(a)(3) provides this exact clarification.

Sec. 541.104: One commenter suggested that the Board re-evaluate its 2005 determination declining to include interns as employees for the purpose of section 54.104 to the extent that they are now paid staff. In 2005, then Office of Compliance submitted an inquiry with the Department of Labor as to whether the Department interprets the term “employee” in regulation 541.104 to include individual workers who are not “employees” as defined under the balance of Part 541. The Department of Labor responded informally that such workers are not counted as “employees” for purposes of the application of section 541.104 of the regulations. The Board has concluded that there is no good cause to modify section 541.104 to expressly include interns. The Board has defined “interns” in this regulation pursuant to the Congressional Accountability Act’s definition, i.e., an individual who performs work but is uncompensated. To the extent that an employee holds the position of “intern” but is nevertheless compensated, the employee may, in certain circumstances, be considered a full time employee or the equivalent. The Board believes that determinations regarding paid interns should be made through adjudication and not through rulemaking.

Sec. 541.202: One commenter requested that “segment” be modified to “department or division” to further tailor the regulations to reflect the legislative branch terminology. Because segment is a generic description for the words “department” and “division”, and since “segment” would also capture other partitions within the employ-

ing office that are not called a department or division, the Board does not find good cause to modify this language.

Sec. 541.203: Multiple commenters requested that additional position titles and descriptions be included as examples of employees who are exempt based on the administrative exemption. For example, one commenter proposed to include the following examples of employees whose primary duty is to perform office or non-manual work directly related to the management or general business operations of the employer or the employer’s stakeholders:

(k) “Employees who perform public relations work for an employing office, such as developing and implementing a media strategy or managing and coordinating media contacts and activities for the office, generally meet the duties requirements for the administrative exemption.”

(l) “Employees who perform research and government relations functions for an employing office, such as devising and formulating legislative initiatives, serving as a Senator’s principal advisor on legislative matters, and working with governmental and non-governmental offices to gather support for particular legislative proposals, generally meet the duties requirements for the administrative exemption.”

(m) “Employees who act as a Senator’s liaison to government, community and constituent groups and leaders in assigned geographic or issue areas and who research and advise the Senator on community, legislative or other developments in the assigned area, generally meet the duties requirements for the administrative exemption.”

However, among other potential issues, it is unclear from these examples whether the employees exercise discretion and independent judgment with respect to matters of significance and whether the employee is paid the equivalent of at least \$684 per week on a salary basis. The Department of Labor’s Wage and Hour Division has opined that for a government employee to qualify for the administrative exemption, the employee’s primary duty should involve its management policies or the management policies of the government entity or political subdivision, i.e., “directly related to assisting with the ‘running or servicing’ of the . . . government itself.” WHD Opinion Letter FLSA2020-9. Therefore, the Board cannot find good cause to include the commenter’s language as the determination whether these employment positions and functions would qualify for the administrative exemption should be made on a case by case basis.

Sec. 541.204: One commenter suggested the substitution of “nursery school programs” for “elementary or secondary schools.” As explained in Sec. 541.0 above, the Board does not believe that good cause exists to make this change. The inclusion of “elementary or secondary schools” and the exclusion of “nursery schools” in the original regulation provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program management employees should be made through adjudication and not through rulemaking.

Sec. 541.301: Commenters broadly suggested that portions of the proposed regulations that arguably do not directly concern

types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. Thus, they recommend deleting Section 541.301(e)(1), pertaining to registered or certified technologists; Section 541.301(e)(2), pertaining to nurses; Section 541.301(e)(3), relating to dental hygienists; Section 541.301(e)(4), pertaining to physicians assistants; Section 541.301(e)(6), relating to chefs; and Section 541.301(e)(8), relating to athletic trainers. The Board does not find good cause to remove these positions and descriptions. Some of these functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.304: Commenters broadly suggested that portions of the proposed regulations which arguably do not directly concern types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. For example, one commenter recommends deleting all references to the practice of medicine in 541.304. The Board does not find good cause to remove these positions and descriptions. These functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.605: One commenter suggested that this section in its entirety, and the many references to this section, should be eliminated since Congressional employees are paid on a salary basis. The Board does not find good cause to remove the “fee basis” section. Although most, if not all, positions are paid on a salary basis, it is reasonably foreseeable that an employee could be hired on a fee basis in the future.

HOW TO READ THE ADOPTED AMENDMENTS

The text of the amendments adopted by the OCWR Board reproduces the text of the current regulations promulgated by the Secretary of Labor at 29 CFR Part 541, and shows changes adopted by the OCWR Board for the CAA version of these same regulations. Changes adopted by the Board are shown as follows: deletions are marked with a [bracket] and added text is within angled <<brackets>>. Therefore, if these regulations are adopted as proposed, the deletion within bracketed text will disappear from the regulations and the added text within angled brackets will remain. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix “H” appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix “S” appearing before each regulation’s section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix “C” appearing before each regulation’s section number.

OVERTIME EXEMPTION REGULATIONS

PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER [AND OUTSIDE SALES] EMPLOYEES**SUBPART A—GENERAL REGULATIONS****Sec.****541.0 Introductory statement.****541.1 Terms used in regulations.****541.2 Job titles insufficient.****541.3 Scope of the section 13(a)(1) exemptions.****541.4 Other laws and collective bargaining agreements.****SUBPART B—EXECUTIVE EMPLOYEES****541.100 General rule for executive employees.****[541.101 Business owner.]<<541.101 Reserved.>>****541.102 Management.****541.103 Department or subdivision.****541.104 Two or more other employees.****541.105 Particular weight.****541.106 Concurrent duties.****SUBPART C—ADMINISTRATIVE EMPLOYEES****541.200 General rule for administrative employees.****541.201 Directly related to management or general business operations.****541.202 Discretion and independent judgment.****541.203 Administrative exemption examples.****541.204 Educational establishments.****SUBPART D—PROFESSIONAL EMPLOYEES****541.300 General rule for professional employees.****541.301 Learned professionals.****541.302 Creative professionals.****541.303 Teachers.****541.304 Practice of law or medicine.****SUBPART E—COMPUTER EMPLOYEES****541.400 General rule for computer employees.****541.401 Computer manufacture and repair.****541.402 Executive and administrative computer employees.****[SUBPART F—OUTSIDE SALES EMPLOYEES] <<SUBPART F—Reserved.>>****[541.500 General rule for outside sales employees.]****[541.501 Making sales or obtaining orders.]****[541.502 Away from employer's place of business.]****[541.503 Promotion work.]****[541.504 Drivers who sell.]****SUBPART G—SALARY REQUIREMENTS****541.600 Amount of salary required.****541.601 Highly compensated employees.****541.602 Salary basis.****541.603 Effect of improper deductions from salary.****541.604 Minimum guarantee plus extras.****541.605 Fee basis.****541.606 Board, lodging or other facilities.****<<541.607—Reserved.>>****SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS****541.700 Primary duty.****541.701 Customarily and regularly.****541.702 Exempt and nonexempt work.****541.703 Directly and closely related.****541.704 Use of manuals.****541.705 Trainees.****541.706 Emergencies.****541.707 Occasional tasks.****541.708 Combination exemptions.****[541.709 Motion picture producing industry.]<<541.709 Reserved.>>****541.710 Employees of public agencies.****SUBPART A—GENERAL REGULATIONS (§§ 541.0–541.4)****§ 541.0 Introductory statement.**

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, provides an ex-

emption from the Act's minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee, as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.]<< and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>> Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees << and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>>.

(b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E; outside sales employees, subpart F. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions.

(c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee under section 13(a)(1) of the Act]. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are administered and enforced by the [United States Equal Employment Opportunity Commission] <<Office of Congressional Workplace Rights>>.

§ 541.1 Terms used in regulations.

Act means the Fair Labor Standards Act of 1938, as amended. [Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor Standards Act.] <<CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Congressional Workplace Rights. Employee means a "covered employee" as defined in section 101(a)(3) through (a)(8) of the CAA, 2 U.S.C. 1301(a)(3) through (a)(8), but not an "intern" as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an "employing office" as defined in section 101(a)(9) of the CAA, 2 U.S.C. 1301(a)(9).>>

§ 541.2 Job titles insufficient.

A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee's salary and duties meet the requirements of the regulations in this part.

§ 541.3 Scope of the section 13(a)(1) exemptions.

(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to man-

ual laborers or other "blue collar" workers who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt "blue collar" employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, [deputy sheriffs, state troopers, highway patrol officers,] investigators, inspectors, [correctional officers, parole or probation officers,] park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] <<employing office>> in which the employee is employed or a customarily recognized department or subdivision thereof as required under § 541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>> as required under § 541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under § 541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

§ 541.4 Other laws and collective bargaining agreements.

The Fair Labor Standards Act provides minimum standards that may be exceeded,

but cannot be waived or reduced. Employers must comply, for example, with any Federal[, State or municipal] laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

SUBPART B—EXECUTIVE EMPLOYEES (§§ 541.100-541.106)

§ 541.100 General rule for executive employees.

(a) The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

(2) Whose primary duty is management of the [enterprise] <<employing office>> in which the employee is employed or of a customarily recognized department or subdivision thereof;

(3) Who customarily and regularly directs the work of two or more other employees; and

(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase "salary basis" is defined at § 541.602; "board, lodging or other facilities" is defined at § 541.606; "primary duty" is defined at § 541.700; and "customarily and regularly" is defined at § 541.701.

§ 541.101 Business owner.

The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term "management" is defined in § 541.102. The requirements of Subpart G (salary requirements) of this part do not apply to the business owners described in this section.]

§ 541.102 Management.

Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies,

machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

§ 541.103 Department or subdivision.

(a) The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

(b) When an [enterprise] <<employing office>> has more than one [establishment] <<location>>, the employee in charge of each [establishment] <<location>> may be considered in charge of a recognized subdivision of the [enterprise] <<employing office>>.

(c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization.

(d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

§ 541.104 Two or more other employees.

(a) To qualify as an exempt executive under § 541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase "two or more other employees" means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent.

(b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers.

(c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement.

(d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

§ 541.105 Particular weight.

To determine whether an employee's suggestions and recommendations are given "particular weight," factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have "particular weight" even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

§ 541.106 Concurrent duties.

(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of § 541.100 are otherwise met. Whether an employee meets the requirements of § 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in § 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

SUBPART C—ADMINISTRATIVE EMPLOYEES (§§ 541.200-541.204)

§ 541.200 General rule for administrative employees.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S.

Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>; and

(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§ 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [business] <<employing office>>, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations; government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers<<, constituents and/or stakeholders>>. Thus, for example, employees acting as advisers or consultants to their employer's [clients or] customer<<, constituents or stakeholders>> (as tax experts or financial consultants, for example) may be exempt.

§ 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.

(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to matters of significance include, but are not

limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [business] <<employing office>>; whether the employee performs work that affects business operations <<of the employing office>> to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the [business] <<employing office>>; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the [company] <<employing office>> on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning longer short-term [business] <<employing office>> objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the [company] <<employing office>> in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the [credit] manager of a <<n>> [large corporation] <<employing office>> may be subject to review by higher [company] <<employing office>> officials who may approve or disapprove these policies. The [management consultant] <<department director>> who has made a study of the operations of a [business] <<department>> and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is [submitted to the client] <<approved>>.

(d) An employer's volume of [business] <<work>> may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also § 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

§ 541.203 Administrative exemption examples.

(a) [Insurance claims adjusters] <<Employees who investigate claims>> generally meet the duties requirements for the administrative exemption[, whether they work for an insurance company or other type of company,] if their duties include activities such as interviewing [insureds,] witnesses [and physicians]; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in [the] financial services [industry] generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as [purchasing, selling or closing all or part of the business,] negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a [business owner or senior executive of a large business] <<senior management official of an employing office>> generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a [business] <<employing office>> and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the [company] <<employing office>>. The minimum standards are usually set by the exempt human resources manager or other [company]

<<employing office>> officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other [company] <<employing office>> officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the [company] <<employing office>> on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for [raw] materials in excess of the contemplated [plant] needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) [Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.] <<Reserved.>>

(j) [Public sector i]<<I>>nspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

§ 541.204 Educational establishments.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act also includes employees:

(1) Compensated on a salary or fee basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth

of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and

(2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term "educational establishment" means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term "other educational establishment" includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase "performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although such work is not considered academic admin-

istration, such employees may qualify for exemption under 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

SUBPART D—PROFESSIONAL EMPLOYEES (§§ 541.300–541.304)

§ 541.300 General rule for professional employees.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities; and

(2) Whose primary duty is the performance of work:

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(b) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§§ 541.301 Learned professionals.

(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements:

(1) The employee must perform work requiring advanced knowledge;

(2) The advanced knowledge must be in a field of science or learning; and

(3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

(b) The phrase "work requiring advanced knowledge" means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

(c) The phrase "field of science or learning" includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

(d) The phrase "customarily acquired by a prolonged course of specialized intellectual instruction" restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word "customarily" means that the exemption is also available

to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

(e)(1) *Registered or certified medical technologists.* Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption.

(2) *Nurses.* Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

(3) *Dental hygienists.* Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption.

(4) *Physician assistants.* Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption.

(5) *Accountants.* Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals.

(6) *Chefs.* Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work.

(7) *Paralegals.* Paralegals and legal assistants generally do not qualify as exempt

learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption.

(8) *Athletic trainers.* Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption.

(9) *Funeral directors or embalmers.* Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.]

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4) and (e)(8) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

§ 541.302 Creative professionals.

(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

(b) To qualify for exemption as a creative professional, the work performed must be "in a recognized field of artistic or creative endeavor." This includes such fields as music, writing, acting and the graphic arts.

(c) The requirement of "invention, imagination, originality or talent" distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, mu-

sicians, composers, conductors, and soloists; painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an "animator" of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

§ 541.303 Teachers.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in § 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or

unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of §541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

§541.304 Practice of law or medicine.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also shall mean:

(1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and

(2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term "physicians" includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of §541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

SUBPART E—COMPUTER EMPLOYEES (§§ 541.400–541.402)

§541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee who is compensated on a salary or fee basis at a rate of not less than \$684 per week [or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government], exclusive of board, lodging, or other facilities.

The section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate of not less than \$27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the ex-

emptions apply only to computer employees whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term "salary basis" is defined at §541.602; "fee basis" is defined at §541.605; "board, lodging or other facilities" is defined at §541.606; and "primary duty" is defined at §541.700.

§541.401 Computer manufacture and repair.

The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in §541.400(b), are also not exempt computer professionals.

§541.402 Executive and administrative computer employees.

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers<<, constituents or stakeholders>>. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

<<SUBPART F—Reserved>>[SUBPART F—OUTSIDE SALES EMPLOYEES (§§ 541.500–541.504)]

§541.500 General rule for outside sales employees.

(a) The term "employee employed in the capacity of outside salesman" in section 13(a)(1) of the Act shall mean any employee:

(1) Whose primary duty is:

(i) making sales within the meaning of section 3(k) of the Act, or

(ii) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term "primary duty" is defined at §541.700. In determining the primary duty of

an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.

(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

§541.501 Making sales or obtaining orders.

(a) Section 541.500 requires that the employee be engaged in:

(1) Making sales within the meaning of section 3(k) of the Act, or

(2) Obtaining orders or contracts for services or for the use of facilities.

(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(c) Exempt outside sales work includes not only the sales of commodities, but also "obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer." Obtaining orders for "the use of facilities" includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.

(d) The word "services" extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

§541.502 Away from employer's place of business.

An outside sales employee must be customarily and regularly engaged "away from the employer's place or places of business." The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

§541.503 Promotion work.

(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is

exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.

(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotional activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

§ 541.504 Drivers who sell.

(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include:

(1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold.

(2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases.

(3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods.

(4) A driver who calls on established customers along the route and persuades reg-

ular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include:

(1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations.

(2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery.

(3) A driver primarily engaged in making deliveries to customers and performing activities intended to promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.]

SUBPART G—SALARY REQUIREMENTS (§§ 541.600–541.607)

§ 541.600 Amount of salary required.

(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal Government, or \$380 per week if employed in American Samoa by employers other than the Federal Government)], exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in § 541.605.

(b) The required amount of compensation per week may be translated into equivalent amounts for periods longer than one week. For example, the \$684-per-week requirement will be met if the employee is compensated biweekly on a salary basis of not less than \$1,368, semimonthly on a salary basis of not less than \$1,482, or monthly on a salary basis of not less than \$2,964. However, the shortest period of payment that will meet this compensation requirement is one week.

(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in § 541.204(a)(1).

(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than \$27.63 an hour, as provided in § 541.400(b).

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see § 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see § 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see § 541.304). In the case of medical occupations, the exception from the salary or fee

requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.601 Highly compensated employees.

(a)(1) Beginning on [January 1, 2020]<<the effective date of these Substantive Regulations>>, an employee with total annual compensation of at least \$107,432 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee as identified in subparts B, C or D of this part.

(2) Where the annual period covers periods both prior to and after [January 1, 2020]<<the effective date of these Substantive Regulations>>, the amount of total annual compensation due will be determined on a proportional basis.

(b)(1) "Total annual compensation" must include at least \$684 per week paid on a salary or fee basis as set forth in §§ 541.602 and 541.605, except that 541.602(a)(3) shall not apply to highly compensated employees. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in § 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits.

(2) If an employee's total annual compensation does not total at least the amount specified in the applicable subsection of paragraph (a) by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, for a 52-week period [beginning January 1, 2020], an employee may earn \$90,000 in base salary, and the employer may anticipate [based upon past sales] that the employee also will earn \$17,432 in [commissions]<<other payments>>. However, [due to poor sales] in the final quarter of the year, the employee actually only earns \$12,000 in [commissions]<<other payments>>. In this situation, the employer may within one month after the end of the year make a payment of at least \$5,432 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C, or D of this part.

(3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment.

(4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under §541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

§ 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a "salary basis" within the meaning of this part if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed.

(1) Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

(2) An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the [business] <<employing office>>. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(3) Up to ten percent of the salary amount required by §541.600(a) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions, that are paid annually or more frequently. The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. This provision does not apply to highly compensated employees under §541.601.

(i) If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive, and commission payments received is less than 52 times the weekly salary amount required by §541.600(a), the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

(ii) An employee who does not work a full 52-week period for the employer, either because the employee is newly hired after the

beginning of this period or ends the employment before the end of this period, may qualify for exemption if the employee receives a pro rata portion of the minimum amount established in paragraph (a)(3) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (a)(3)(i) of this section within one pay period after the end of employment.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

(1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence.

(2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. [Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law.]

(3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

(4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines.

(5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a generally applicable written policy prohib-

iting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

(6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed.

(7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

§ 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager [at a company facility] routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of

the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in § 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

§ 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least \$684 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least \$684 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least \$684 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least \$725 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid \$210 per shift without violating the \$684-per-week salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed on an hourly, daily or shift basis. It does not apply, for example, to an exempt store man-

ager paid a guaranteed salary per week that exceeds the current salary level who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

§ 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a "fee basis" within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a "fee" is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least the minimum salary per week, as required by §§ 541.600(a) and 541.602(a), if the employee worked 40 hours. Thus, an artist paid \$350 for a picture that took 20 hours to complete meets the \$684 minimum salary requirement for exemption since earnings at this rate would yield the artist \$700 if 40 hours were worked.

§ 541.606 Board, lodging or other facilities.

(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in § 541.600, "exclusive of board, lodging or other facilities." The phrase "exclusive of board, lodging or other facilities" means "free and clear" or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes "board, lodging, or other facilities" are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term "other facilities" refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work.

[§ 541.607] [Reserved by 85 FR 34970 Effective: June 8, 2020] <<541.607—Reserved.>>

SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS (§§ 541.700–541.710)

§ 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's "primary duty" must be

the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

§ 541.701 Customarily and regularly.

The phrase "customarily and regularly" means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed "customarily and regularly" includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

§ 541.702 Exempt and nonexempt work.

The term "exempt work" means all work described in §§ 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, <<and>> 541.400 [and 541.500], and the activities directly and closely related to such work. All other work is considered "nonexempt."

§ 541.703 Directly and closely related.

(a) Work that is "directly and closely related" to the performance of exempt work is also considered exempt work. The phrase "directly and closely related" means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, "directly and closely related" work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work "directly and closely related" to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not "directly and closely related" if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work:

(1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees.

(2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties.

(3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector.

(4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work.

(5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions.

(6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption.

(7) A [credit] manager who makes and administers the [credit]<<budget>> policy of the [employer]<<employing office>>, establishes [credit]<<spending>> limits for [customers]<<the employing office>>, <<and>> authorizes [the shipment of orders on credit, and makes decisions on whether to exceed credit limits]<<expenditures>> would be performing work exempt under §541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies.

(8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work.

(9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants.

(10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

§ 541.704 Use of manuals.

The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

§ 541.705 Trainees.

The executive, administrative, professional, [outside sales] and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, [outside sales] or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, [outside sales] or computer employee.

§ 541.706 Emergencies.

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work:

(1) [A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive.] <<Reserved.>>

(2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work.

(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the [establishment]<<location>> and of the executive's department, the nature of the [industry]<<work performed by the employing office>>, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

§ 541.707 Occasional tasks.

Occasional, infrequently recurring tasks that cannot practicably be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

§ 541.708 Combination exemptions.

Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, [outside sales] and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

§ [541.709 Motion picture producing industry.

The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$1,043 per week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C, or D of this part, and who is employed at a base rate of at least the applicable current minimum amount a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:

(a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least the minimum weekly amount if 6 days were worked; or

(b) The employee is in a job category having the minimum weekly base rate and the daily base rate is at least one-sixth of such weekly base rate.] <<541.709 Reserved.>>

§ 541.710 [Employees of public agencies]<<Effect of certain deductions on exempt employee pay>>.

(a) An employee [of a public agency] who otherwise meets the salary basis requirements of §541.602 shall not be disqualified from exemption under §§541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system established by statute, ordinance or regulation, or by a policy or practice established

pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the [public agency] employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

(1) Permission for its use has not been sought or has been sought and denied;

(2) Accrued leave has been exhausted; or

(3) The employee chooses to use leave without pay.

(b) Deductions from the pay of an employee [of a public agency] for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

BUDGETARY EFFECTS OF PAYGO LEGISLATION

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 1638, the Gilt Edge Mine Conveyance Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 3304, the AUTO for Veterans Act, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 3304

	By fiscal year, in millions of dollars—												
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2022– 2027	2022– 2032
Statutory Pay-As-You-Go Impact	0	24	31	35	37	40	25	28	30	–286	35	167	–1
Components may not sum to totals because of rounding.													

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 3482, the National Center for the Advancement of Aviation Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 4081, the Informing Consumers about Smart Devices Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, the attached estimate of the costs of H.R. 5918, to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, as amended, for printing in the CONGRESSIONAL RECORD.

ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 5918

	By fiscal year, in millions of dollars—												
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2022– 2027	2022– 2032
Statutory Pay-As-You-Go Impact	0	1	4	4	3	4	3	3	3	–35	2	16	–8
Components may not sum to totals because of rounding.													

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6364, to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6889, the Credit Union Board Modernization Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 6967, the Chance to Compete Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 8466, the Chai Suthammanont Healthy Federal Workplaces Act of 2022, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

Pursuant to the Statutory Pay-As-You-Go Act of 2010 (PAYGO), Mr. YARMUTH hereby submits, prior to the vote on passage, for printing in the CONGRESSIONAL RECORD, that H.R. 8875, the Expanding Home Loans for Guard and Reservists Act, as amended, would have no significant effect on the deficit, and therefore, the budgetary effects of such bill are estimated as zero.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

EC-5319. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5320. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5321. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5322. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5323. A letter from the Secretary, Department of Veterans Affairs, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; Public Law 97-258; (96 Stat. 926); to the Committee on Appropriations.

EC-5324. A letter from the Assistant Secretary for Defense for Nuclear, Chemical, and Biological Defense Programs, Department of Defense, transmitting a letter regarding the request made in House Report 116-453; to the Committee on Armed Services.

EC-5325. A letter from the Chair of the Board and Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's FY 2021 actuarial evaluation of the expected operations and status of the PBGC funds, pursuant to 29 U.S.C. 1308; Public Law 93-406, Sec. 4008 (as amended by Public Law 109-280, Sec. 412); (120 Stat. 936); to the Committee on Education and Labor.

EC-5326. A letter from the Administrator, Environmental Protection Agency, transmitting the report to Congress, "America's Water Infrastructure Act (AWIA) Report to Congress — Drinking Water Compliance Monitoring Data Strategic Plan", pursuant to 42 U.S.C. 300g-3(j)(1); July 1, 1944, ch. 373, title XIV, Sec. 1414 (as amended by Public Law 115-270, Sec. 2011); (132 Stat. 3849); to the Committee on Energy and Commerce.

EC-5327. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Zimbabwe that was declared in Executive Order 13288 of March 6, 2003, pursuant to 50 U.S.C. 1641(c); Public Law 94-412, Sec. 401(c); (90 Stat. 1257) and 50 U.S.C. 1703(c); Public Law 95-223, Sec. 204(c); (91 Stat. 1627); to the Committee on Foreign Affairs.

EC-5328. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a memorandum on the continued provision of Secret Service protection for former Assistant to the President for National Security Affairs Robert O'Brien, pursuant to Public Law 116-260, div. F, title V, Sec. 542; (134 Stat. 1477); to the Committee on Oversight and Reform.

EC-5329. A letter from the Secretary, Department of the Treasury, transmitting a letter regarding an administrative funding provision for the Department of the Treasury; to the Committee on Oversight and Reform.

EC-5330. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Depart-

ment's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31439; Amdt. No.: 4018] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5331. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 31437; Amdt. No.: 4016] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5332. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2022-1075; Project Identifier MCAI-2021-00856-T; Amendment 39-22077; AD 2022-12-05] (RIN: 2120-AA64) September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5333. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Continental Aerospace Technologies, Inc., Lycoming Engines, and Textron Lycoming/Subsidiary of Textron, Inc. Reciprocating Engines [Docket No.: FAA-2022-0983; Project Identifier AD-2022-00614-E; Amendment 39-22132; AD 2022-16-03] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5334. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yavora Indústria Aeronáutica S.A.) Airplanes [Docket No. FAA-2022-0976 Project Identifier AD-2022-00722-T Amendment 39-22130 AD 2022-16-01 RIN: 2120-AA64] received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5335. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Aviation Airplanes [Docket No.: FAA-2022-0390; Project Identifier MCAI-2021-00968-T; Amendment 39-22082; AD 2022-12-10] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5336. A letter from the Management and Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Various Transport Airplanes [Docket No.: FAA-2022-0883; Project Identifier MCAI-2021-01179-T; Amendment 39-22128; AD 2022-15-08] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5337. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yavora Indústria Aeronáutica S.A.) Airplanes [Docket No.:

FAA-2022-0399; Project Identifier MCAI-2021-00983-T; Amendment 39-22083; AD 2022-12-11] (RIN: 2120-AA64) received September 22, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5338. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus SAS Airplanes [Docket No.: FAA-2022-0457; Project Identifier MCAI-2022-00263-T; Amendment 39-22125; AD 2022-15-05] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5339. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MHJ RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes [Docket No.: FAA-2022-0388; Project Identifier MCAI-2020-01604-T; Amendment 39-22088; AD 2022-13-02] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5340. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Gliders [Docket No.: FAA-2022-0288; Project Identifier MCAI-2021-00913-G; Amendment 39-22119; AD 2022-14-14] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5341. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Airplanes [Docket No.: FAA-2022-0508; Project Identifier MCAI-2021-01120-T; Amendment 39-22118; AD 2022-14-13] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5342. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cameron Balloons Ltd. Burner Assemblies [Docket No.: FAA-2022-0469; Project Identifier MCAI-2021-00124-Q; Amendment 39-22121; AD 2022-15-02] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5343. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2022-0010; Project Identifier AD-2021-00850-T; Amendment 39-22120; AD 2022-15-01] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5344. A letter from the Management and Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International, S.A. Turbofan Engines [Docket No.: FAA-2022-0877; Project

Identifier AD-2022-00506-E; Amendment 39-22123; AD 2022-15-04] (RIN: 2120-AA64) received September 9, 2022, pursuant to 5 U.S.C. 801(a)(1)(A); Public Law 104-121, Sec. 251; (110 Stat. 868); to the Committee on Transportation and Infrastructure.

EC-5345. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Veterans Health Care Act of 2023; to the Committee on Veterans' Affairs.

EC-5346. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Veterans Benefit Programs Improvement Act of 2023; to the Committee on Veterans' Affairs.

EC-5347. A letter from the Senior Bureau Official, Bureau of Legislative Affairs, Department of State, transmitting a notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities, pursuant to 22 U.S.C. 5858(a); Public Law 102-511, Sec. 508(a); (106 Stat. 3342); jointly to the Committees on Foreign Affairs and Appropriations.

EC-5348. A letter from the Chair of the Board of Directors, Office of Congressional Workplace Rights, transmitting notice of Adoption of Substantive Regulations and Submission for Congressional Approval, pursuant to 2 U.S.C. 1384(b)(1); Public Law 104-1, Sec. 304(b)(1); (109 Stat. 29); jointly to the Committees on House Administration and Education and Labor.

EC-5349. A letter from the Secretary, Department of Veterans Affairs, transmitting a draft bill, the Department of Veterans Affairs Miscellaneous Programs Improvement Act of 2023; jointly to the Committees on Veterans' Affairs and Oversight and Reform.

EC-5350. A letter from the Inspector General, Office of Inspector General, Department of Health and Human Services, transmitting report, "Medicare Telehealth Services During the First Year of the Pandemic: Program Integrity Risks", pursuant to Public Law 117-103, Sec. 308(c); (136 Stat. 808); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1247. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023-2028 five-year program for offshore oil and gas leasing, adversely; with an amendment (Rept. 117-497). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1248. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act, adversely; with an amendment (Rept. 117-498). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1251. Resolution of inquiry directing the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely; with an amendment (Rept. 117-499). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. House Resolution 1252. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the

House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely; with an amendment (Rept. 117-500). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 1253. Resolution of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the actions of the Department of the Interior's Departmental Ethics Office, adversely; with an amendment (Rept. 117-501). Referred to the House Calendar.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 1638. A bill to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, with an amendment (Rept. 117-502). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRIJALVA: Committee on Natural Resources. H. Res. 6364. A bill to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes (Rept. 117-503). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 5703. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide professional counseling services to victims of emergencies declared under such Act, and for other purposes (Rept. 117-504). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 3482. A bill to establish the National Center for the Advancement of Aviation; with an amendment (Rept. 117-505). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEFAZIO: Committee on Transportation and Infrastructure. H.R. 7321. A bill to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations, and for other purposes; with an amendment (Rept. 117-506). Referred to the Committee of the Whole House on the state of the Union.

Mr. DESAULNIER: Committee on Rules. House Resolution 1396. Resolution providing for consideration of the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources; providing for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits; providing for consideration of the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes; and for other purposes (Rept. 117-507). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 6965. A bill to promote travel and tourism in the United States, and for other purposes; with an amendment (Rept. 117-508, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 4081. A bill to require the disclosure of a camera or recording capa-

bility in certain internet-connected devices (Rept. 117-509). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1264. Resolution of inquiry requesting the President to transmit to the House of Representatives certain documents relating to misinformation and the preservation of free speech, adversely (Rept. 117-510). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1261. Resolution of inquiry requesting the President to provide certain documents to the House of Representatives relating to communications and directives with the Federal Trade Commission, adversely (Rept. 117-511). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1271. Resolution of inquiry requesting the President transmit to the House of Representatives certain documents relating to activities of the National Telecommunications and Information Administration relating to broadband service, adversely (Rept. 117-512). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 5141. A bill to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers; with an amendment (Rept. 117-513). Referred to the Committee of the Whole House on the state of the Union.

Mr. PALLONE: Committee on Energy and Commerce. H.R. 8163. A bill to amend the Public Health Service Act with respect to trauma care; with an amendment (Rept. 117-514). Referred to the Committee of the Whole House on the state of the Union.

Ms. VELAZQUEZ: Committee on Small Business. House Resolution 1298. Resolution of inquiry directing the Secretary of the Treasury to transmit certain documents to the House of Representatives relating to the role of the Department of the Treasury in the Paycheck Protection Program of the Small Business Administration; with amendments (Rept. 117-515). Referred to the House Calendar.

Mr. PALLONE: Committee on Energy and Commerce. House Resolution 1244. Resolution of inquiry requesting the President and directing the Secretary of Health and Human Services to transmit, respectively, certain documents to the House of Representatives relating to any COVID-19 vaccine, adversely (Rept. 117-516). Referred to the House Calendar.

Ms. WATERS: Committee on Financial Services. H.R. 6889. A bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes; with amendments (Rept. 117-517). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEAL: Committee on Ways and Means. House Resolution 1269. Resolution of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to the impact of the OECD Pillar One agreement on the United States Treasury (Rept. 117-518), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1262. Resolution of inquiry directing the Secretary of Health and Human Services to provide to the House of Representatives certain documents in the Secretary's possession regarding the reinterpretation of sections 36B(c)(2)(C)(i)(II) and 5000A(e)(1)(B) of the Internal Revenue Code of 1986, commonly known as the "fix to the family glitch" (Rept. 117-519), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1285. Resolution requesting the President to transmit certain information to the House of Representatives relating to a waiver of intellectual property commitments under the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (Rept. 117-520), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1288. Resolution of inquiry directing the Secretary of Labor to provide to the House of Representatives certain documents in the Secretary's possession relating to Unemployment Insurance fraud during the COVID-19 pandemic (Rept. 117-521), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1246. Resolution of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986 (Rept. 117-522), adversely Referred to the House Calendar.

Mr. NEAL: Committee on Ways and Means. House Resolution 1283. Resolution of inquiry directing the Secretary of the Treasury to provide to the House of Representatives a copy of the Internal Revenue Service Small Business/Self Employed Division Decision Memorandum regarding the decision to destroy approximately 30,000,000 paper information returns around the time of March 2021, and any other memorandum related to the decision to destroy those information returns (Rept. 117-523), adversely Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Foreign Affairs and the Judiciary discharged from further consideration. H.R. 6965 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. LOFGREN:

H.R. 8990. A bill to amend the Ethics in Government Act of 1978 to restrict trading and ownership of covered investments by senior government officials, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committees on House Administration, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JOHNSON of Texas (for herself, Ms. LOFGREN, Ms. BONAMICI, Ms. STEVENS, and Ms. SHERRILL):

H.R. 8991. A bill to direct the Administrator of the Environmental Protection Agency to conduct a measurement-based national methane research pilot study to quantify methane emissions from certain oil and gas infrastructure, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. BEYER (for himself, Mr. PETERS, Ms. DEGETTE, and Mr. LOWENTHAL):

H.R. 8992. A bill to require a Federal methane super-emitter detection strategy, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CASTEN (for himself and Mr. MELJER):

H.R. 8993. A bill to provide for methane emission detection and mitigation, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. KIM of New Jersey (for himself, Mr. MULLIN, Mrs. AXNE, Mr. VEASEY, Mr. LAWSON of Florida, Mr. WESTERMAN, and Mr. CAREY):

H.R. 8994. A bill to direct the Secretary of Health and Human Services to establish the Emergency Medical Services (EMS) Grant Program through which the Secretary may make grants to EMS organizations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERA:

H.R. 8995. A bill to require the Secretary of Health and Human Services to establish a program to reimburse health care providers for furnishing rabies postexposure prophylaxis to uninsured individuals; to the Committee on Energy and Commerce.

By Mr. BERGMAN:

H.R. 8996. A bill to require certain non-profit and not-for-profit social welfare organizations to submit disclosure reports on foreign funding to the Attorney General; and for other purposes; to the Committee on the Judiciary.

By Mr. BIGGS (for himself, Mr. NORMAN, Mrs. MILLER of Illinois, Mrs. BOEBERT, Mr. GOOD of Virginia, Mr. GOHMERT, Mr. CLINE, Mr. TIFFANY, Mr. GOSAR, Mr. MULLIN, Mr. WITTMAN, Mr. HARRIS, and Mr. PERRY):

H.R. 8997. A bill to prohibit the Administrator of General Services from awarding contracts for certain commercial payment systems under the SmartPay Program, and for other purposes; to the Committee on Oversight and Reform.

By Mr. BUDD:

H.R. 8998. A bill to amend the Securities Exchange Act of 1934 to create a safe harbor for finders and private placement brokers, and for other purposes; to the Committee on Financial Services.

By Mr. CAWTHORN:

H.R. 8999. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the expiration of emergency temporary standards after 6 months; to the Committee on Education and Labor.

By Mr. MICHAEL F. DOYLE of Pennsylvania (for himself, Mr. FITZPATRICK, Mr. PETERS, and Mr. MCKINLEY):

H.R. 9000. A bill to amend the Energy Policy Act of 2005 to establish a Hydrogen Technologies for Heavy Industry Grant Program, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. FLORES:

H.R. 9001. A bill to secure schools, to increase access to mental health resources, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GARCIA of Texas:

H.R. 9002. A bill to direct the Secretary of Veterans Affairs to establish a pilot program for gynecologic cancer care coordination at the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GOSAR:

H.R. 9003. A bill to allow States to authorize State and local law enforcement officers

to enforce the provisions of Federal immigration law relating to unlawful entry into the United States; to the Committee on the Judiciary.

By Mr. GRAVES of Louisiana:

H.R. 9004. A bill to allow the Secretary of the Interior to authorize geological and geophysical surveys for offshore oil and gas exploration; to the Committee on Natural Resources.

By Mrs. HARSHBARGER (for herself and Mr. ROY):

H.R. 9005. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program for the cognitive care of veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. HERRELL (for herself and Mr. WESTERMAN):

H.R. 9006. A bill to establish deadlines for the Secretary of the Interior and the Secretary of Agriculture to complete certain environmental reviews, to establish notification rules for receipt of onshore right-of-way applications, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIM of New Jersey (for himself and Ms. SHERRILL):

H.R. 9007. A bill to authorize the Secretary of Health and Human Services to provide grants to medical and other health profession schools to expand or develop education and training programs for substance use prevention and treatment, and for other purposes; to the Committee on Energy and Commerce.

By Ms. KUSTER:

H.R. 9008. A bill to increase the size of the Northeast Home Heating Oil Reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. McBATH (for herself and Mr. ARMSTRONG):

H.R. 9009. A bill to establish an inspections regime for the Bureau of Prisons, and for other purposes; to the Committee on Oversight and Reform.

By Mr. McCAUL (for himself, Mr.

CHABOT, Mr. WILSON of South Carolina, Mr. BANKS, Mr. RESCHENTHALER, Mr. GALLAGHER, Mr. BURCHETT, Mr. JOHNSON of Ohio, Mr. KINZINGER, Mr. TIFFANY, Mr. BILIRAKIS, Mr. CURTIS, Mr. CRENSHAW, Mrs. MILLER-MEEKS, Mrs. RADEWAGEN, Mr. LAMBORN, Ms. TENNEY, Mr. GREEN of Tennessee, Ms. STEFANIK, Mr. BARR, Mr. ISSA, Mr. KIM of California, Mr. DESJARLAIS, Mr. MEUSER, Mr. CARTER of Georgia, Mr. WOMACK, Ms. MACE, Mr. SMITH of New Jersey, Mrs. WAGNER, Mr. WALTZ, Mr. GOODEN of Texas, Mrs. CAMMACK, Mr. FALLON, Mrs. HINSON, Mr. KATKO, Mr. CLINE, and Ms. MALLIOTAKIS):

H.R. 9010. A bill to provide for United States policy toward Taiwan; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, Financial Services, Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McEACHIN:

H.R. 9011. A bill to amend the Federal Food, Drug, and Cosmetic Act to direct the Secretary of Health and Human Services to establish a process to allow the holders of abbreviated new drug applications to make labeling changes to include new or updated safety-related information, and for other

purposes; to the Committee on Energy and Commerce.

By Mrs. MILLER-MEEKS (for herself and Mr. WESTERMAN):

H.R. 9012. A bill to amend the National Environmental Policy Act of 1969 to limit the scope of environmental reviews required by such Act, and for other purposes; to the Committee on Natural Resources.

By Mr. NEHLS (for himself, Mr. GOODEN of Texas, Mr. BANKS, Mr. ELLZEY, Mr. WEBER of Texas, Mr. JACKSON, Mr. BACON, and Mr. JOYCE of Ohio):

H.R. 9013. A bill to authorize grants for crime victims to be distributed to angel families, and for other purposes; to the Committee on the Judiciary.

By Ms. NORTON:

H.R. 9014. A bill to provide for supplemental appropriations to increase the number of Americorps members and to increase the living allowances of such members, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PANETTA (for himself and Mr. KELLY of Pennsylvania):

H.R. 9015. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion of gain from the sale of a principal residence, and for other purposes; to the Committee on Ways and Means.

By Mr. PETERS (for himself and Mr. MEUSER):

H.R. 9016. A bill to amend the Small Business Act to codify the scorecard program of the Small Business Administration, and for other purposes; to the Committee on Small Business.

By Mr. PETERS (for himself and Mrs. MILLER-MEEKS):

H.R. 9017. A bill to amend title 38, United States Code, to promote assistance from entities recognized by the Secretary of Veterans Affairs for individuals who file certain claims under laws administered by the Secretary; to the Committee on Veterans' Affairs.

By Mr. PETERS (for himself, Mr. FITZPATRICK, and Mr. MICHAEL F. DOYLE of Pennsylvania):

H.R. 9018. A bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Transportation and Infrastructure, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PORTER (for herself, Ms. DEGETTE, Mr. DOGGETT, Ms. SCHKOWSKY, Mr. POCAN, Mr. GRIJALVA, Mr. TAKANO, Ms. CASTOR of Florida, Ms. DELAULO, and Ms. JAYAPAL):

H.R. 9019. A bill to amend title XVIII of the Social Security Act to require complete and accurate data set submissions from Medicare Advantage organizations offering Medicare Advantage plans under part C of the Medicare program to improve transparency, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio (for himself, Mr. KELLY of Mississippi, Mr. KILDEE, Mr. KIM of New Jersey, Mr. KAHELE, and Mr. KILMER):

H.R. 9020. A bill to amend the Internal Revenue Code of 1986 to decrease the distance away from home required for a member of a reserve component of the Armed Forces to be eligible for the above-the-line deduction for travel expenses; to the Committee on Ways and Means.

By Mr. SARBANES:

H.R. 9021. A bill to establish uniform accessibility standards for websites and applications of employers, employment agencies, labor organizations, joint labor-management committees, public entities, public accommodations, testing entities, and commercial providers, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. STEVENS (for herself, Mrs. DINGELL, and Ms. JOHNSON of Texas):

H.R. 9022. A bill to support research, development, demonstration, and other activities to develop innovative vehicle technologies, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. TENNEY (for herself, Mr. JACOBS of New York, Mr. MULLIN, Mr. LAMBORN, Mr. CARTER of Georgia, Mr. OBERNOLTE, Mr. CHABOT, Mr. STAUBER, Mr. GOODEN of Texas, Mr. WEBER of Texas, Mr. CRENSHAW, Mr. STEUBE, Mr. VAN DREW, and Mrs. FLORES):

H.R. 9023. A bill to rescind certain balances made available to the Internal Revenue Service and redirect them to the U.S. Customs and Border Protection; to the Committee on Appropriations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIFFANY (for himself and Mr. WESTERMAN):

H.R. 9024. A bill to direct the Secretary of the Interior to submit a report and maintain publicly available data on expressions of interests, applications for permits to drill, and offshore geological and geophysical survey licenses, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VALADAO (for himself and Mr. WESTERMAN):

H.R. 9025. A bill to direct the Secretary of the Interior and the Secretary of Agriculture to use certain previously completed environmental assessments and environmental impact statements to satisfy the review requirements of the National Environmental Policy Act of 1969, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIM of California (for herself, Mr. FITZPATRICK, Ms. SALAZAR, and Ms. SPANBERGER):

H. Res. 1397. A resolution condemning the Government of Iran's torture and murder of Mahsa Amini and its crackdown on protesters seeking basic human rights, and supporting the protesters in their demands for freedom; to the Committee on Foreign Affairs.

By Mrs. AXNE (for herself, Mrs. MILLER-MEEKS, Mr. RUPPERSBERGER, Mr. TRONE, Mr. CURTIS, and Mrs. LEE of Nevada):

H. Res. 1398. A resolution supporting the designation of the week beginning September 25, 2022, as "National Source Water Protection Week"; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Ms. DELBENE, Ms. CLARKE of New York, and Mr. LIEU):

H. Res. 1399. A resolution expressing support for the designation of the month of November 2022 as "National XR Month"; to the Committee on Oversight and Reform.

By Ms. SPEIER (for herself, Mr. SCHIFF, Ms. ESHOO, and Mr. PAL-LONE):

H. Res. 1400. A resolution condemning atrocities committed by the Republic of Azerbaijan; to the Committee on Foreign Affairs.

By Mr. TORRES of New York (for himself, Ms. VELÁZQUEZ, Miss GONZÁLEZ-COLÓN, Mr. SOTO, Mr. SAN NICOLAS, Ms. WILD, Mr. LARSON of Connecticut, Mr. GRIJALVA, and Mr. ESPAILLAT):

H. Res. 1401. A resolution expressing continued support for the people of Puerto Rico, and calling for the Federal Government to expedite the rebuilding of Puerto Rico's electrical grid; to the Committee on Natural Resources.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. LOFGREN:

H.R. 8990.
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. JOHNSON of Texas:

H.R. 8991.
Congress has the power to enact this legislation pursuant to the following:
Article I, section 8 of the Constitution of the United States.

By Mr. BEYER:

H.R. 8992.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8

By Mr. CASTEN:

H.R. 8993.
Congress has the power to enact this legislation pursuant to the following:
Clause 18 of Section 8 of Article 1 of the Constitution

By Mr. KIM of New Jersey:

H.R. 8994.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8 of the United States Constitution

By Mr. BERA:

H.R. 8995.
Congress has the power to enact this legislation pursuant to the following:
"Article I, Section 8 of the U.S. Constitution" which is basically referencing the entire section of the powers of Congress.

By Mr. BERGMAN:

H.R. 8996.
Congress has the power to enact this legislation pursuant to the following:
Section 8 of article I of the Constitution. The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this

Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BIGGS:

H.R. 8997.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. BUDD:

H.R. 8998.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 3, providing the power to regulate "commerce with foreign nations, and among the several states."

By Mr. CAWTHORN:

H.R. 8999.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MICHAEL F. DOYLE of Pennsylvania:

H.R. 9000.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of Section 8 of Article I of the Constitution

By Mrs. FLORES:

H.R. 9001.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Ms. GARCIA of Texas:

H.R. 9002.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GOSAR:

H.R. 9003.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. GRAVES of Louisiana:

H.R. 9904.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 3 of the United States Constitution.

By Mrs. HARSHBARGER:

H.R. 9005.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Ms. HERRELL:

H.R. 9006.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. KIM of New Jersey:

H.R. 9007.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution

By Ms. KUSTER:

H.R. 9008.

Congress has the power to enact this legislation pursuant to the following:

Under Article I, Section 8 of the Constitution, Congress has the power "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or any Department or Officer thereof."

By Mrs. McBATH:

H.R. 9009.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the U.S. Constitution

By Mr. McCAUL:

H.R. 9010.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. McEACHIN:

H.R. 9011.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, U.S. Constitution

By Mrs. MILLER-MEEKS:

H.R. 9012.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 U.S. Constitution

By Mr. NEHLS:

H.R. 9013.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. NORTON:

H.R. 9014.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

FOL. LIT.

By Mr. PANETTA:

H.R. 9015.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18

By Mr. PETERS:

H.R. 9016.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PETERS:

H.R. 9017.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. PETERS:

H.R. 9018.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. PORTER:

H.R. 9019.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. RYAN of Ohio:

H.R. 9020.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. SARBANES:

H.R. 9021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause

By Ms. STEVENS:

H.R. 9022.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. TENNEY:

H.R. 9023.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 provides Congress with the power to "lay and collect Taxes, Duties, Imposts and Excises" in order to "provide for the . . . general Welfare of the United States."

By Mr. TIFFANY:

H.R. 9024.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority to enact this legislation pursuant to the powers granted under Article IV, Section 3, Clause 2 and Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. VALADAO:

H.R. 9025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying out into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or office thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 72: Mrs. SPARTZ.

H.R. 82: Mr. RYAN of New York.

H.R. 475: Mr. MFUME.

H.R. 812: Mrs. FLORES.

H.R. 841: Ms. TITUS.

H.R. 1111: Mr. CARDENAS.

H.R. 1123: Mr. RYAN of New York.

H.R. 1184: Mr. SWALWELL.

H.R. 1309: Mr. LAWSON of Florida, Ms. MATSUI, Mrs. TRAHAN, Mr. MCGOVERN, Mr. CASTEN, and Mr. AUCHINCLOSS.

H.R. 1321: Mr. DAVID SCOTT of Georgia.

H.R. 1334: Mr. MFUME.

H.R. 1361: Ms. MANNING.

H.R. 1551: Mr. BLUMENAUER, Mr. MCGOVERN, and Mr. DESAULNIER.

H.R. 1577: Mr. SCOTT of Virginia.

H.R. 1661: Mr. BROWN of Maryland.

H.R. 1670: Mr. MFUME.

H.R. 1735: Mr. AGUILAR.

H.R. 1861: Mr. RYAN of New York.

H.R. 1948: Mr. BACON, Ms. WASSERMAN SCHULTZ, and Mr. AUCHINCLOSS.

H.R. 2050: Mrs. DEMINGS, Mr. LYNCH, and Ms. CLARKE of New York.

H.R. 2126: Ms. SCANLON.

H.R. 2144: Miss RICE of New York.

H.R. 2252: Mr. JACOBS of New York, Mr. BOWMAN, Mr. CARTWRIGHT, and Mr. DEFAZIO.

H.R. 2328: Mr. MFUME.

H.R. 2337: Mr. MFUME.

H.R. 2373: Mr. ESPAILLAT and Mrs. McBATH.

H.R. 2489: Mr. MCGOVERN.

H.R. 2515: Mrs. BICE of Oklahoma.

H.R. 2517: Mr. LYNCH and Mr. MCGOVERN.

H.R. 2549: Mr. FITZPATRICK.

H.R. 2565: Mr. DOGGETT.

H.R. 2718: Mr. KELLY of Pennsylvania.

H.R. 2725: Mr. SIRE.

H.R. 2811: Mr. SMITH of New Jersey and Ms. MALLIOTAKIS.

H.R. 2840: Mr. SEAN PATRICK MALONEY of New York.

H.R. 2910: Mrs. BOEBERT.

H.R. 2974: Mrs. KIRKPATRICK, Mr. JOHNSON of Louisiana, Mr. LUETKEMEYER, Ms. WASSERMAN SCHULTZ, Mr. SOTO, and Mr. JOHNSON of Ohio.

H.R. 3085: Mr. MCGOVERN.

H.R. 3109: Mr. QUIGLEY, Mr. BERGMAN, and Mr. AMODEI.

H.R. 3172: Mr. MICHAEL F. DOYLE of Pennsylvania and Mr. LYNCH.

H.R. 3207: Mr. CASE.

H.R. 3287: Mr. PHILLIPS.

H.R. 3352: Mr. POCAN and Mr. RUPPERS-BERGER.
H.R. 3455: Mr. DUNN.
H.R. 3517: Mr. TRONE and Ms. BROWN of Ohio.
H.R. 3614: Mr. MOULTON.
H.R. 3685: Mr. JOHNSON of Louisiana.
H.R. 3816: Mr. DEFazio.
H.R. 3860: Mr. ARMSTRONG.
H.R. 3929: Mr. MFUME.
H.R. 4085: Mr. HERN.
H.R. 4101: Mr. PAPPAS.
H.R. 4110: Mr. DUNN.
H.R. 4141: Mrs. MILLER of West Virginia.
H.R. 4151: Mr. PFLUGER.
H.R. 4379: Ms. SÁNCHEZ.
H.R. 4385: Mr. AGUILAR and Ms. CASTOR of Florida.
H.R. 4436: Mr. CASTEN.
H.R. 4603: Ms. WILD and Mr. CUELLAR.
H.R. 4612: Mr. LYNCH.
H.R. 4624: Mr. OBERNOLTE.
H.R. 4785: Mr. BUCHSON.
H.R. 4965: Mr. UPTON.
H.R. 5141: Mrs. TORRES of California.
H.R. 5244: Ms. SLOTKIN and Mr. MICHAEL F. DOYLE of Pennsylvania.
H.R. 5338: Mr. SESSIONS.
H.R. 5365: Mr. BUDD.
H.R. 5377: Ms. WASSERMAN SCHULTZ.
H.R. 5430: Mr. CÁRDENAS and Mrs. DINGELL.
H.R. 5444: Mrs. LAWRENCE, Mrs. WATSON COLEMAN, and Mr. GARCÍA of Illinois.
H.R. 5546: Mr. AGUILAR.
H.R. 5595: Mr. SMITH of Washington.
H.R. 5605: Mr. BROWN of Maryland.
H.R. 5703: Ms. PLASKETT.
H.R. 5727: Mr. TAKANO.
H.R. 5750: Ms. BARRAGÁN, Mr. CARTER of Louisiana, Mr. GRIJALVA, Mr. DAVID SCOTT of Georgia, Ms. VELÁZQUEZ, and Mr. MCEACHIN.
H.R. 5801: Mr. O'HALLERAN.
H.R. 5899: Mr. PETERS.
H.R. 6056: Mr. NORMAN.
H.R. 6100: Mr. LAWSON of Florida.
H.R. 6117: Ms. WATERS and Ms. SPANBERGER.
H.R. 6134: Ms. TITUS.
H.R. 6331: Mr. POCAN.
H.R. 6394: Ms. DELBENE and Mr. CARBAJAL.
H.R. 6592: Mr. GOODEN of Texas.
H.R. 6681: Mrs. MILLER of Illinois.
H.R. 6720: Mr. KHANNA and Ms. PORTER.
H.R. 6785: Ms. MATSUI, Ms. NEWMAN, and Mr. BLUMENAUER.
H.R. 6794: Mr. RYAN of New York.
H.R. 6889: Ms. WILLIAMS of Georgia, Ms. BOURDEAUX, Mr. CROW, Mrs. LURIA, Mr. KILMER, Mr. FINSTAD, and Mr. FULCHER.
H.R. 6965: Mr. HIGGINS of New York and Mr. SOTO.
H.R. 7048: Mr. C. SCOTT FRANKLIN of Florida.
H.R. 7053: Mr. AGUILAR.
H.R. 7109: Mrs. LURIA.
H.R. 7267: Mr. STAUBER.
H.R. 7346: Mr. PANETTA.
H.R. 7438: Mrs. HINSON.
H.R. 7474: Ms. SCANLON, Mr. TAKANO, and Mr. DEFazio.
H.R. 7477: Ms. SÁNCHEZ and Mr. DANNY K. DAVIS of Illinois.
H.R. 7526: Mr. KIM of New Jersey.
H.R. 7534: Mr. AGUILAR.
H.R. 7555: Mr. NORCROSS.
H.R. 7559: Ms. LETLOW and Mr. CALVERT.
H.R. 7630: Mr. KATKO, Mrs. NAPOLITANO, Mr. FLEISCHMANN, Mr. PANETTA, Mr. GRI-

JALVA, Ms. LOIS FRANKEL of Florida, Mr. CARSON, Ms. SHERRILL, and Ms. CASTOR of Florida.
H.R. 7644: Ms. MATSUI and Mr. CASE.
H.R. 7724: Mr. EVANS.
H.R. 7773: Mr. MCGOVERN and Ms. NORTON.
H.R. 7775: Ms. SLOTKIN, Ms. NORTON, Mr. AUCHINCLOSS, and Mr. MCGOVERN.
H.R. 7826: Mr. MORELLE.
H.R. 7892: Mr. FITZPATRICK.
H.R. 7961: Mr. VICENTE GONZALEZ of Texas and Mr. AGUILAR.
H.R. 7987: Ms. KAPTUR.
H.R. 7995: Ms. NORTON and Mr. TIFFANY.
H.R. 8000: Mr. BUDD.
H.R. 8039: Mr. KIM of New Jersey.
H.R. 8040: Mr. HUFFMAN.
H.R. 8058: Mr. BUDD.
H.R. 8105: Mr. BEYER, Mrs. TRAHAN, Mr. HIMES, and Ms. LOIS FRANKEL of Florida.
H.R. 8111: Mr. AGUILAR.
H.R. 8188: Mr. LANGEVIN and Mr. O'HALLERAN.
H.R. 8200: Mr. RYAN of New York.
H.R. 8213: Mrs. WATSON COLEMAN and Mr. AGUILAR.
H.R. 8227: Mr. CURTIS.
H.R. 8316: Mr. RYAN of New York.
H.R. 8354: Mr. JOHNSON of Louisiana.
H.R. 8368: Mr. AGUILAR.
H.R. 8432: Mr. ROUZER.
H.R. 8446: Ms. TITUS, Mr. EVANS, Ms. TLAIB, Mr. ALLRED, Ms. STANSBURY, Mr. MOULTON, Mr. COHEN, Mr. MALINOWSKI, Mr. KEATING, Mr. BERA, Ms. SHERRILL, Mr. SHERMAN, Ms. STRICKLAND, Mr. GALLEGÓ, Mr. KRISHNAMOORTHY, Mr. LAHOOD, Mr. KINZINGER, Mrs. WAGNER, Mr. MANN, Mr. AUSTIN SCOTT of Georgia, Mr. DEUTCH, Mr. LIEU, Mr. PANETTA, Ms. CRAIG, and Mr. PHILLIPS.
H.R. 8558: Mr. POCAN.
H.R. 8585: Mr. LYNCH and Ms. NORTON.
H.R. 8590: Ms. ADAMS.
H.R. 8610: Mrs. MILLER-MEEKS.
H.R. 8654: Ms. PORTER.
H.R. 8657: Mr. BACON.
H.R. 8681: Mrs. MILLER-MEEKS, Mr. MFUME, and Miss González-Colón.
H.R. 8685: Mr. FOSTER, Mr. MCEACHIN, and Mr. HUFFMAN.
H.R. 8695: Mr. TONKO.
H.R. 8699: Ms. TITUS.
H.R. 8725: Mr. KEATING.
H.R. 8729: Mr. GREEN of Tennessee.
H.R. 8731: Mr. JOHNSON of Louisiana, Mr. ALLEN, and Mr. ROUZER.
H.R. 8736: Mr. LIEU, Mr. GARBARINO, Mr. GREEN of Tennessee, Ms. STEFANIK, Mrs. CAMMACK, Mr. GRIJALVA, Mrs. RADEWAGEN, Mr. DESJARLAIS, Mr. TONKO, Mr. WITTMAN, Ms. MANNING, Ms. CASTOR of Florida, Mr. THOMPSON of Pennsylvania, Mr. CARTER of Louisiana, Mr. HIGGINS of New York, Mr. LAMALFA, Mr. LANGEVIN, and Mr. KRISHNAMOORTHY.
H.R. 8743: Ms. NEWMAN.
H.R. 8746: Mr. GRIJALVA.
H.R. 8747: Mr. JACOBS of New York, Mr. MEUSER, and Mr. FLEISCHMANN.
H.R. 8760: Mr. PAYNE.
H.R. 8770: Mr. RASKIN and Mr. CARTWRIGHT.
H.R. 8793: Mr. MCGOVERN and Ms. CLARKE of New York.
H.R. 8800: Ms. BROWNLEY, Mr. BACON, Mr. SESSIONS, Mrs. AXNE, Mr. DAVID SCOTT of Georgia, Ms. VAN DUYN, and Ms. SLOTKIN.
H.R. 8805: Ms. CHENEY.

H.R. 8814: Mr. CARL, Mr. MOORE of Utah, Mr. GREEN of Tennessee, and Mr. BIGGS.
H.R. 8820: Mr. WILLIAMS of Texas.
H.R. 8821: Ms. SCANLON and Mr. PHILLIPS.
H.R. 8829: Mr. TONKO and Ms. KELLY of Illinois.
H.R. 8833: Mr. GREEN of Texas.
H.R. 8834: Mr. ESPAILLAT.
H.R. 8846: Mr. KATKO and Ms. SPANBERGER.
H.R. 8856: Mr. BLUMENAUER.
H.R. 8869: Mr. GUEST.
H.R. 8870: Mrs. BOEBERT.
H.R. 8876: Ms. CONWAY, Mr. FLEISCHMANN, Ms. MALLIOTAKIS, Mr. SIMPSON, Ms. SALAZAR, Ms. WILD, Mr. MOORE of Utah, Ms. SHERRILL, Mr. WALBERG, Mr. WILSON of South Carolina, Mrs. MCBATH, Mr. ISSA, and Ms. NORTON.
H.R. 8883: Mr. WEBER of Texas.
H.R. 8913: Mr. ARRINGTON, Mrs. MILLER of West Virginia, Mr. KUSTOFF, Mr. CHABOT, Mrs. CAMMACK, Mr. MCCAUL, Mrs. WAGNER, Mr. CARTER of Georgia, Mr. MOOLENAAR, Mr. MEUSER, Mr. FEENSTRA, Mr. PFLUGER, Mrs. MILLER-MEEKS, Mr. ROUZER, Mr. RESCHENTHALER, Mr. VAN DREW, Mr. TAYLOR, Mrs. STEEL, Mr. NORMAN, Ms. VAN DUYN, Mr. GOODEN of Texas, Ms. SALAZAR, Mr. KELLY of Pennsylvania, Mr. HERN, Mr. BUDD, Mr. MOORE of Utah, Mr. DUNN, and Mr. BOST.
H.R. 8916: Ms. JACOBS of California, Mr. AUCHINCLOSS, Mr. GARCÍA of Illinois, Mr. KIM of New Jersey, Mr. LARSEN of WASHINGTON, Ms. MANNING, Mrs. CAROLYN B. MALONEY of New York, Ms. MOORE of Wisconsin, Mr. PAPPAS, and Mr. MCEACHIN.
H.R. 8968: Mr. ALLEN, Mr. COSTA, and Mrs. FLORES.
H.R. 8971: Mr. ESPAILLAT.
H.R. 8972: Ms. MOORE of Wisconsin.
H.R. 8977: Mr. WALTZ and Mr. SAN NICOLAS.
H.R. 8981: Ms. CONWAY.
H.R. 8983: Mr. ALLEN.
H.R. 8988: Mr. MULLIN.
H. J. Res. 28: Mr. NORCROSS.
H. J. Res. 91: Mr. BUDD.
H. Con. Res. 21: Mr. LATTA.
H. Con. Res. 65: Mr. WILLIAMS of Texas, Mr. PASCRELL, Mrs. MILLER of West Virginia, Mr. GROTHMAN, Mr. POSEY, and Mr. DONALDS.
H. Res. 404: Mr. ALLEN and Mr. KELLY of Pennsylvania.
H. Res. 1030: Mr. LIEU.
H. Res. 1138: Mr. MEEKS.
H. Res. 1156: Mr. COLE.
H. Res. 1209: Mr. AGUILAR.
H. Res. 1306: Mr. UPTON and Mr. HIGGINS of New York.
H. Res. 1329: Mrs. BUSTOS.
H. Res. 1351: Mrs. LEE of Nevada, Ms. WATERS, Ms. BARRAGÁN, and Mr. WELCH.
H. Res. 1365: Ms. BONAMICI.
H. Res. 1382: Mr. SCHIFF, Mr. CARTER of Louisiana, Mrs. BEATTY, Mrs. DEMINGS, Mr. JEFFRIES, and Ms. STRICKLAND.
H. Res. 1392: Mrs. CAROLYN B. MALONEY of New York, Mr. POCAN, Mr. MFUME, Mr. CASTEN, and Mr. DESAULNIER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions, as follows:

H.R. 8446: Mr. PFLUGER.



United States
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Congressional Record

PROCEEDINGS AND DEBATES OF THE 117th CONGRESS, SECOND SESSION

Vol. 168

WASHINGTON, WEDNESDAY, SEPTEMBER 28, 2022

No. 157

Senate

The Senate met at 10 a.m. and was called to order by the Honorable BEN RAY LUJÁN, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Our Father in Heaven, as Hurricane Ian wreaks havoc, protect those in harm's way. Lord, we thank You that the winds and the waves obey Your will.

Today, make us aware of our need for Your presence, and empower us to reach out to others in Your Name. Lord, teach us to pray, and sustain us by the wonders of Your Word. Give us truths that will strengthen our minds, souls, and hearts. In times of distress, grief, confusion, and misunderstanding, illuminate our paths with the light of Your companionship.

Guide our lawmakers in their challenging work, for You have promised never to leave or forsake them.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 28, 2022.

To the Senate:

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

PATRICK J. LEAHY,
President pro tempore.

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

RESERVATION OF LEADER TIME

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

AFFORDABLE INSULIN NOW ACT— MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 6833, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to H.R. 6833, a bill to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER

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

TRIBUTE TO ERNIE MANN

Mr. SCHUMER. Mr. President, before I begin my remarks, I was just watch-

ing the "TODAY" show. That is why I was late.

They have a surprise neighbor of the month, and when they come in and surprise him, all his neighbors are there because he is such a great neighbor.

Well, Ernie Mann—who is the father of Steve Mann, who has been my deputy State director since I have been Senator for over 20 years—a teacher in the community, a volunteer firefighter for 60 years, and just a great guy and a wonderful Yankee fan. They had Nestor Cortes get on the phone and speak to him. He was just made the neighbor of—I think it is of the month, but maybe it is of the year. Anyway, he deserves it. It was wonderful. It was beautiful to see.

So, Ernie—and to all the Mann family, including the great Steve, who has done such a great job for me—congratulations. Good luck. It was beautiful. It was beautiful.

CONTINUING RESOLUTION

Mr. President, now let's get to the substance of the day.

Last night, by a vote of 72 to 23, the Senate agreed to advance a shell for a continuing resolution to keep the government open until December 16 and avoid a needless government shutdown.

As my colleagues know, government funding runs out Friday at midnight, whereupon a partial shutdown would begin if we do not act. We must work fast to finish the process here on the floor, send a CR to the House, and then send it to the President's desk before the clock runs out. With cooperation from our Republican colleagues, the Senate can finish its work with keeping the government open as soon as tomorrow. There is every reason in the world to get to yes, and I look forward to working with Leader McCONNELL to make sure we can do that and not bump up into the Friday midnight deadline.

I urge my colleagues on both sides to work with us together to speed this process as quickly as we can through

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



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the floor, especially since the CR contains many things both parties support.

I am talking about billions in disaster aid to help communities in Kentucky, Louisiana, Alabama, Texas, Alaska, and Puerto Rico, battered by floods and disasters over the past year; as well as help for New Mexico to recover from its worst wildfire in the State's history.

We must also renew the FDA user fees for the next 5 years to prevent the slowdown of innovative drugs and medical devices so needed by our people and to prevent thousands of workers—good, hard-working workers—who help approve these drugs and make sure they are safe from being furloughed.

And, crucially, we must also approve critical emergency aid for the people of Ukraine. Over the past few weeks, it has become clear that U.S. assistance has made an enormous difference in helping Ukraine defend itself.

I want to salute President Biden. He has done a masterful job in helping the Ukrainians and leading us. But the Congress in a bipartisan way has gone along in the past. We have not only got along, but we enthusiastically supported our help for Ukraine. I certainly enthusiastically support it, and we have to continue. The conflict in Ukraine is far from over and our obligation remains to help them, however we can, to beat the brutal, nasty, vicious Putin.

I want to also thank my colleagues on both sides of the aisle who worked day and night to put this CR together, especially my friend Senator LEAHY, the chairman of the Appropriations Committee, and Ranking Member SHELBY for his good work. They are both retiring. Let's hope this is the last CR they do so we get an omnibus done in December.

I also want to recognize all of my other colleagues on the Appropriations Committee and in the Senate and all their great staffs, who have worked hard to make sure we don't have a needless shutdown.

Twenty months into the Democratic majority, I want to take a moment to highlight the many, many accomplishments we have secured in this Chamber, the most in recent memory. This is one of the most productive Congresses we have had in a very long time, and we have worked hard every step of the way to improve the lives of the American people, to help those in the middle class stay in the middle class, and to help those struggling to get into the middle class, making it a little easier for them to get there.

A few months ago, for instance, after the tragedies in Uvalde, Buffalo, and so many others, the Senate came together on a bipartisan basis to break the grip of the NRA and pass the first gun safety bill in three decades. It was the first gun safety bill since the Brady Act, which I was proud to author as a Member of Congress, 30 years ago. It took 30 years to get some real progress made, but we did, and we have to continue.

A few weeks later, we passed the largest expansion of veterans' benefits in a generation to help veterans suffering from cancers, lung diseases, and other ailments stemming from toxic exposure. Again, it was a bipartisan bill. Senators Tester and Moran led the way. It was a really good bill, and thousands and thousands and thousands of veterans who risked their lives for us are now getting the help they always needed and deserved.

And, as Ukraine fights for survival, we strengthened NATO—again, bipartisan—by adding Finland and Sweden to its ranks, sending Putin a clear message that he can't intimidate America or Europe.

And, as the Chinese Communist Party continues its drive to outcompete the United States, we passed the CHIPS and Science Act, the largest manufacturing, science, and jobs bill we have seen in decades, bringing jobs back to America in high-end manufacturing and in research, to keep us No. 1 on into the 21st century as the leading economy, free and democratic, in the world.

Our efforts, of course, culminated in the crowning jewel of them all, the Inflation Reduction Act—a groundbreaking bill that will lower prescription drug costs, lower the price of insulin for seniors on Medicare, and help Americans save on energy costs with the largest clean energy investments in American history.

I am so proud that my caucus stuck together in getting this important bill done. We needed every vote, and we got it—and that is only what we have done since June.

Over the past year, we have enacted the first infrastructure law in decades—the largest, biggest infrastructure law in decades. We revamped our post office, finally, and put it on a good track. We reinstated VAWA, the Violence Against Women Act, after years of trying. We finally declared lynching a Federal hate crime after a century of delay, and we unanimously ended forced arbitration for sexual harassment and assault in the workplace.

Then, of course, we have confirmed over 80 qualified nominees to the Federal bench, including Ketanji Brown Jackson as the first Black woman ever to sit on the Supreme Court. Roughly three-quarters of the President's nominees have been women and two-thirds people of color. With one nominee at a time, we are making our Federal bench a better reflection of our great country.

All of these accomplishments will echo for years in the lives of the American people. They were hard to get done, especially in a 50-50 Senate. While we have gotten so much done, there is a lot, certainly more, we have to do.

I have always said, from my first days as majority leader, that Democrats would be willing to work in a bipartisan way to get things done whenever we could, but of course, on such

important issues like climate, when we are unable to find common ground, Democrats will hold firm in the defense of our values and show the American people the choice before them in the coming election, as we did in the IRA. Sadly, since the overturning of Roe, that contrast has come into sharper focus than we have seen in years.

One example is in Arizona. For decades, overturning Roe and eliminating the right to choose had been the North Star for many in the Republican Party—for most, it seems—in orienting much of their legislation, their candidates, and their nominees they elevate to the judiciary. All too often, Republican Senators and legislators—even when they might not agree with the extreme MAGA position on abortion—go along because they are afraid of the consequences in a primary.

Well, we saw another horrifying consequence of this late last week when a judge in Arizona upheld a radical abortion ban that dates back to the time of the Civil War—even before Arizona became a State. In the blink of an eye, the right to choose has been practically eliminated in Arizona, a devastating blow to the freedoms of millions of Arizonan women.

The law held in Arizona is as cruel and radical as it comes. It dates all the way back to the 1860s—the 1860s, not the 1960s—and provides no exceptions for rape and incest. It tells young women who are raped or who are subject to incest: You have to carry the baby all the way to term. You have to carry the fetus all the way to term.

That is terrible. That is terrible.

It allows for the prosecution of doctors and, even worse, of those who assist women in accessing abortion.

In response, the MAGA state attorney general released a statement, saying: We applaud the court for upholding the will of the legislature.

The 1860s. The 1860s.

MAGA Republicans are making it clear as day exactly where they stand on the right to choose. They want to make freedom of choice extinct across the country—period.

The Arizona ruling is hardly the only example of Republican State legislatures, as we see in places like Indiana, South Carolina, and many others, that have already introduced or enacted restrictions with few exceptions for rape and incest.

Look, at the end of the day, this isn't about States' rights despite what Republicans have claimed. This is about getting rid of the right to choose in its entirety. If anyone has any doubts, look no further than the national ban that was introduced right here in the Senate not 3 weeks ago.

And while Republicans will try to deflect, distort, or mainly distract from their record—they don't like talking about this because they know the American people are not on their side, but their hard-right, MAGA core is—they are stuck. The fact is that every

Senate Republican—every Senate Republican—is already on record as voting in favor of a national ban—sometimes more than once—here on the floor.

So the contrast has become clear—clear, clear as could be: While Democrats want to protect a woman's freedom to choose, MAGA Republicans want to take away that right with proposals to ban freedom of choice in its entirety and to punish women and doctors for carrying out abortions, even past bans, with no exceptions for rape or incest. We are seeing it play out across the country, and it is chilling to the bone.

Democrats will keep fighting these MAGA abortion bans—these radical MAGA abortion bans—and make clear to all that we are the party fighting to protect people's freedoms over their own bodies.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

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

HURRICANE IAN

Mr. McCONNELL. Mr. President, first, this morning, the Senate and the entire country are watching the news and praying for the people of the great State of Florida, where a seemingly massive, massive hurricane is poised to make landfall soon. I understand the current forecast suggests that Hurricane Ian may be both extremely powerful and unusually slow-moving, a terrible combination for the citizens and communities in its path.

Our colleague the senior Senator from Florida reported this morning that State officials and the relevant Federal Agencies have been working well together and that, thus far, every request Florida has made of the Federal Government has been approved. The bipartisan government funding bill the Senate is on track to pass this week will ensure that the Federal Disaster Relief Fund is fully resourced at this critical moment.

We are all keeping the people of Florida at the forefront of our thoughts and will stand ready to help our colleagues from Florida, the Governor, and local officials however we can.

CONTINUING RESOLUTION

Now, Mr. President, on a completely different matter, the path to keeping the government open and funded has been clear for weeks now. The solution was always going to be a clean, bipartisan continuing resolution, negotiated by Senators SHELBY and LEAHY, without any unrelated, partisan language jammed in. Our Democratic colleagues tried to complicate things by jamming in a phony, partisan figleaf on the subject of permitting reform.

Republicans strongly support real, substantive permitting reform. We are actually leading that charge. Senator CAPITO has an outstanding bill that would make significant changes to make it easier to build things in our

country, create jobs in our country, and unleash domestic energy in our country.

The problem was that the Schumer-Manchin language was not actual permitting reform by any stretch. It was a phony figleaf. It was designed to create the illusion of progress while sapping the political will to tackle the issue in any meaningful way. The Democrats carefully tailored the bill to avoid making any—any—impactful changes to permitting laws. In fact, we had panicked State-level elected officials from around the country writing the Senate to explain how the Democrats' bill would actually make the existing problems even worse. Fortunately, the Senate saw through the political game, and the phony figleaf didn't have the votes.

So I am glad that our colleagues capitulated and abandoned their phony figleaf. I look forward to a bipartisan funding bill coming to the floor this week, and I hope our Democratic colleagues will push the liberal special interests aside and let actual, robust permitting reform become law someday soon.

BIDEN ADMINISTRATION

Mr. President, on another matter, 2 years ago, the American people elected a President who claimed he would govern as a uniting moderate. In underscoring that mandate, voters gave him unusually small coattails—the slimmost possible majority—in Congress.

The all-Democratic government inherited an economy that was, by every account, already primed and ready for economic recovery. Vaccines were already flooding the country. A major bipartisan stimulus had just passed, literally, days earlier. And remember, before the temporary COVID shot, years of Republican policies had our economic fundamentals humming along with low inflation, low unemployment, and robust growth, an outstanding trifecta for working families. To put it as plainly as possible, the Democrats had one job: Just don't mess things up.

But, alas, fast-forward to today.

Overall inflation is a staggering 13.2 percent since President Biden and his party came into power; consumer prices—through the roof; supply chain chaos left and right; the worst single year for both grocery inflation and electricity inflation since the fallout back in the Jimmy Carter era. The stock market has plummeted below where it was when President Biden took office, cutting the value of Americans' retirement savings just as the cost of living has soared. America's real wages—our citizens' buying power after inflation—is lower today than it was the moment President Biden put his hand on the Bible.

The Democrats asked for total control. They got total control, and they created a total disaster. The net effect of this far-left policy experiment has been the equivalent of all-out economic warfare against the American middle class. But alas, Democrats hardly seem to even much less care.

The same day the latest sky-high monthly inflation report came out, our colleagues literally headed down Pennsylvania Avenue to the White House for a folk music concert—folk music concert—celebrating additional hundreds of billions they had just dumped—dumped—into “green” energy subsidies.

Do you know who isn't partying? Working families in Wisconsin who are paying a “Democratic Inflation Tax” averaging \$673 every single month just to tread water. In Georgia, that is \$681 every month and in Colorado, \$953 every month.

None of this had to happen. It didn't have to happen. Democrats were literally warned in advance that their plans for far-left reckless spending would send inflation through the roof and crush normal Americans.

So what did our colleagues do? One gigantic party-line spending bill in 2021, another huge, reckless taxing and spending spree just this past summer, and student loan socialism that has cashiers and carpenters eating the graduate school debt of doctors and lawyers. It adds up to nearly \$3 trillion of party-line waste—\$3 trillion of party-line waste. And it adds up to 13.2 percent inflation and counting.

So Democrats wanted one-party control of Washington; they got it. They promptly used that power to create a literal nightmare for American families.

TRIBUTE TO JOHN CALIPARI

Mr. President, now one final matter, in my home State of Kentucky, college basketball ranks up there with horseracing as one of our signature pastimes. Our greatest players have become local heroes. Our greatest seasons have become local legends. So it is no surprise, then, that our basketball coaches are larger-than-life figures.

Plenty of notable ones have passed through the halls of our universities. But the University of Kentucky's John Calipari—Coach Cal to most of us—is already one for the history books.

Of course, there is his record with the program: 365 wins, 4 Final Four appearances, and a National Championship.

There is also his record of public service. During the past 13 years with UK, Coach Cal has leveraged his position in the public eye to transform the face of charitable giving in Kentucky. In recognition of his work, the organization Multiplying Good presented Coach Cal with their Jefferson Award for public service this year. Previous recipients of this prestigious award include Oprah Winfrey, Steve Jobs, Colin Powell. Coach Cal is the first men's college basketball coach to receive the honor.

Sometimes Coach Cal's efforts are local. Every Thanksgiving, he helps folks around Lexington enjoy the family meal they deserve. Every Christmas, he gathers presents for children in need. But sometimes, Coach Cal's efforts touch every corner of the Commonwealth. As Kentucky reeled from

multiple crises in the past few years, his assistance has proved invaluable.

During the pandemic, he helped Fayette County students access the resources they needed to continue their schooling from home.

When tornadoes hit Western Kentucky last winter, he rallied Kentuckians to raise money through a telethon. And when heavy rainfall and floods damaged communities in Eastern Kentucky this summer, he did the same, pulling our State together to help victims rebuild. In total—in total—Coach Cal's telethons have raised more than \$12 million for charitable ventures in Kentucky and across the world.

So thank you. Thank you, Coach Cal, for your service to our State. And congratulations on receiving this distinguished award.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

FIVE-YEAR ANNIVERSARY OF LAS VEGAS,
NEVADA SHOOTING

Ms. ROSEN. Mr. President, I rise today to honor the memories of the lives we lost and all who were injured or impacted in Las Vegas on October 1, 2017.

Five years ago, Nevada experienced tragedy on an unprecedented scale. In just 10 minutes—10 minutes—58 innocent lives were taken, hundreds of people were injured by gunfire, and hundreds more were injured in the chaos that followed.

Sadly, in the years since, two more victims of that night's attacks died because of the injuries they received during that shooting, bringing the death toll to 60.

During the attack, scores of heroic first responders—police officers, firefighters, paramedics, and others—arrived at the scene in an attempt to neutralize the threat and provide aid to the victims. Then hundreds of doctors, nurses, and other medical professionals—well, they worked nonstop to save the lives of those on the scene.

That day, the attack on the Route 91 Harvest Festival became the deadliest mass shooting in American history. Let me repeat that: the deadliest mass shooting in American history.

And to this day—sadly, even with all of the mass shootings we have endured over the past few years since then—1 October—1 October—still remains the single deadliest mass shooting in American history.

All it took—all it took—was just 10 minutes—10 minutes—for dozens of lives to be cut short, hundreds more injured and traumatized, with emotional and physical scars they will carry with them for the rest of their lives.

These were our friends. These were our neighbors. For some, they were their family. And now there are 60 families who will never be the same, 60 families who will forever have an empty chair every night at their kitchen table.

One October changed our community and the history of our State forever. It left a hole that can never be filled.

We are united in our grief for those we lost and also in our gratitude and admiration for the heroes that day who worked to rescue and aid those in danger. This dark day put on full display the tight-knit community of southern Nevada that we all know and love.

We came together to celebrate and thank the heroism for those who helped: our law enforcement officers, our first responders, our medical professionals, and so many everyday people. They just ran toward danger. They ran toward danger to help to get people to safety.

Hundreds lined up for blocks to donate blood. They offered their cars for people who were displaced by the chaos. Our community—well, it rallied together not just in the immediate aftermath but in the days, weeks, months, and now years after. I know why—because we are Vegas Strong, we are Nevada Strong.

Today, as we reflect on the 5-year anniversary since this horrific event, I stand here to honor the 60 individuals who lost their lives, the hundreds of survivors, and all of those—all of those—who experienced that traumatic event.

I stand here today to honor the heroes—our first responders, our community members—those who risked their lives to help others.

In Nevada, the Vegas Strong Resiliency Center that supports those affected by the 1 October tragedy, well, they launched a wide array of efforts to help people heal from and cope with the trauma and take action to honor the victims.

I have a floor chart here. I know it is a little hard to see, but one of the projects the Resiliency Center is organizing on this fifth anniversary is creating a lantern. This is a picture of a lantern. It has an outline of the Las Vegas skyline.

This lantern is going to serve as a sign of solidarity and respect for victims, survivors, and responders to the tragic shooting as it lights up the night with hope, because the lanterns are a symbol, representing the fact that out of the darkness of that night came the strongest light shining on countless examples of heroism—big and small—displayed by Nevadans.

But as we remember this fifth anniversary, we must also recommit ourselves to action.

In the nearly 5 years since 1 October, the epidemic of gun violence has impacted even more communities and broke more families' hearts all across our great Nation.

Finally, after the recent mass shooting at an elementary school in Uvalde, TX, Congress was able to finally come together and act.

We passed the most significant gun safety legislation in almost 30 years. This was a breakthrough, and we know it will help save lives, keeping guns out of the hands of dangerous people. But it cannot be an end point.

We can and we must do more to prevent these shootings. I know we can do

this while also respecting people's constitutional rights. We can take commonsense, bipartisan action, like permanently banning bump stocks and high-capacity magazines which allowed the 1 October shooter to fire so many rounds and cause so much carnage. Bump stocks, in particular, are modifications that only make guns more deadly.

The previous administration took regulatory action to address this issue, but the move to ban bump stocks now faces a wave of troubling legal challenges that threaten to reverse that progress.

That is why I call on this Chamber to finally pass legislation that will permanently ban bump stocks—permanently ban bump stocks—and cut off access to these deadly and unnecessary weapons devices.

Remember—remember this—with these devices, a shooter can fire hundreds of rounds to end or damage lives in mere minutes; 1 October, just 10 minutes.

Inaction is not an option. We owe it to those who experienced the pain of gun violence to do more. We owe it to the future generations to keep up our efforts.

At the end of the day, this is all about keeping communities safe. We must continue working to prevent more tragedies like the one that brought so much heartbreak to my hometown.

I ask all of my colleagues in this Chamber to remember and honor the memory of the 60 victims of 1 October as we mark this 5-year anniversary.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican whip.

BIDEN ADMINISTRATION

Mr. THUNE. Mr. President, we are coming up now on 2 years of Democratic governance here in Washington, 2 years in which Democrats have controlled Congress and the White House, and the result of their 2 years in power is not encouraging. Economic insecurity is rampant; our energy security situation has worsened; and on the national security front, we are facing a raging crisis at our southern border, plus a disturbing increase in violent crime across the country.

If there has been one defining feature of Democrat governance over the past 20 months, it is inflation. When President Biden took office, inflation was at 1.4 percent—well within the target inflation rate of 2 percent—but then Democrats decided to pass a massive \$1.9 trillion spending spree, the so-called American Rescue Plan Act. The legislation flooded the economy with unnecessary government money, and the economy overheated as a result. Inflation quickly began climbing and then climbing some more and then some more after that.

We have now spent 6 straight months with inflation above 8 percent—6 straight months. The last time inflation was this bad, "E.T." was about to

hit theaters, and we still had more than a year to wait for “Return of the Jedi.” For those who weren’t around then, that was 40 years ago, in 1982.

Inflation, of course, has meant tremendous economic pain for the American people: huge grocery store bills, big utility bills, high prices at the pump. Americans are dipping into their savings to make ends meet. They are cutting back on essentials or putting basic living expenses on their credit cards.

In the month of August alone, inflation cost the average American household a staggering \$715—\$715, 1 month. Even if prices stopped increasing tomorrow, the inflation that we have already experienced will cost the average American household more than \$8,500 over the next year—\$8,500. That is a lot of money—a lot. That is a kid’s braces, essential car repairs, essential home repairs. It is the difference between putting something away for the kids’ college or leaving the education savings account empty. It is the difference between putting money away for retirement or spending every penny on necessities. And for too many families, that is the difference between breaking even or finding themselves in debt or worse.

Americans’ economic security has taken a serious hit under Democrat control in Washington, and there is little evidence to suggest that things are going to get any better anytime soon. Our economy is weakening. We have posted negative economic growth for each of the past two quarters, and estimates for third-quarter growth are not promising. Major companies have announced job cuts, and the nonpartisan Conference Board is projecting a recession in the coming months.

Unfortunately, the bad news is not confined to inflation or slowdowns in economic growth, neither of which, I should note, will be helped by Democrats’ misleadingly named Inflation Reduction Act or by President Biden’s massive student loan giveaway, which the Committee for a Responsible Federal Budget notes will “meaningfully boost inflation.”

One major driver of inflation is high energy prices, and we are facing a concerning situation on the energy front. As every American who has paid an electricity bill or filled up his or her car is well aware, energy has gotten much more expensive in Joe Biden’s America. Gas prices are up 57 percent since President Biden took office, and, after a temporary decline, they are on the rise again. Electricity prices were up 15.8 percent in August—the biggest year-over-year increase since August of 1981. Utility gas service is up 33 percent. And Americans are facing high prices to heat their homes this winter.

While there are multiple reasons for high oil and gas prices, Democrats’ hostility to conventional energy production is contributing to this energy price crisis. I am a big supporter of alternative energy, and I have been

working for years in Congress to advance renewable energy technology, but the fact of the matter is that we are still a long way from being able to rely exclusively on alternative energy technologies.

But that isn’t something that Democrats seem able to accept. They want their Green New Deal future, and they want it now. So despite our continued need for oil and gas resources, President Biden has adopted an energy agenda that is hostile to conventional energy production: canceling the Keystone XL Pipeline—an environmentally responsible pipeline project that would have reinforced our energy infrastructure; discouraging investment in conventional energy; limiting oil and gas leasing. The list goes on. And I haven’t even mentioned Democrats’ latest measure: a round of tax hikes on oil and gas companies that will drive up Americans’ energy bills and continue to discourage conventional energy production here at home.

The result of all this, the result of Democrats’ attempt to force an alternative energy future before that future is fully ready, will be reducing our energy security and prolonging the high energy prices that are hitting families and businesses.

Our Nation’s energy security has declined under the Biden administration, and so has our national security. I came to the floor last week to talk yet again about another raging crisis at our southern border—a crisis the President and Democrats are apparently content to continue to ignore. The flow of illegal immigration across our southern border has reached record levels. The Border Patrol and border facilities are overwhelmed, and border communities are struggling. The President and the Democrats, it would appear, could not care less.

Border security is an essential part of national security. It is not just individuals hoping for a better life who are attempting to make their way illegally across our southern border; all sorts of dangerous individuals are attempting to make their way across as well, from gang members, to human smugglers, to possible terrorists. So far this fiscal year, the Border Patrol has encountered 78 individuals on the terror watchlist attempting to cross our southern border illegally—78. And that is the number of individuals the Border Patrol has managed to apprehend. Given the incredible strain that Customs and Border Protection is under, it is entirely possible that other individuals on the watchlist have entered the country without our knowledge.

One thing we do know is that illegal drugs are flowing across our southern border and contributing to violent crime. My State is almost as far from the southern border as it is possible to get, but the flow of illegal drugs across the southern border has a direct impact on crime in our communities in South Dakota. The sheriff in my home county in South Dakota recently stat-

ed that there is a “direct connection between the high percentage of our violent crimes [in Minnehaha County] to the use and distribution of illegal drugs, in particular the drugs that are poisoning our community.” A substantial part of those drugs, he went on to note, are coming from Mexican cartels across the southern border.

Mr. President, there is a lot more to say about the way our Nation’s security has declined over the past 2 years. There is the increase in violent crime—an increase undoubtedly driven in part by woke Democrat prosecutors’ lax attitude toward serious crimes and Democrats’ willingness to accommodate the “defund the police” movement. There is our botched withdrawal from Afghanistan—a national security debacle that weakened our standing internationally and emboldened terrorists and the Taliban. And there are the President’s ill-conceived plans for a nuclear deal with Iran.

But I will stop here. Suffice it to say that it has been a rough couple of years under Democrat governance on both the economic and the security fronts, and if Democrats get a chance to continue with their policies, I expect the situation will continue to get worse.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. TESTER. Mr. President, interesting time we have here in the U.S. Senate. When the Democrats took over this body, we were coming out of a pandemic and not even close to being fully out of the pandemic yet. If you think back then, people didn’t have shots in their arms, the economy was in tough shape, and Democrats responded in a way that helped turn this economy around and helped put us on firm footing as a leading economic driver in this world.

It is interesting as I hear some of my folks on the other side of the aisle talk about things like inflation as it applies to food. I happen to have a couple of bills that will deal with that issue, and hopefully we can take it up in the lameduck. I don’t think we are going to have time to take it up before the election. But that will help not only our cow-calf producers but also consumers when it comes to meat prices. I would hope that we get a large number of folks from across the aisle to support us on that.

When we talk about the southern border and we talk about national security—and I am going to approach national security in a little different vein here with this CR—I think it is important to note that folks bring up a lot of things wrong, with few solutions.

The bottom line is that we need more manpower and we need more technology on the southern border. I have been down there, and I have seen how these folks bring drugs across the line. They don’t put it in backpacks—some, but very little. Most come across in cars and trucks and equipment. If we have the technology to be able to, for

lack of a better term, x-ray these vehicles, we can make a big inroad on what is going on from a drug standpoint. If we have the manpower—which, by the way, we are very undermanned as far as Border Patrol and border protection—we could make inroads into illegal border crossings also.

CONTINUING RESOLUTION

Mr. President, I am not here to talk about any of that stuff, per se. What I do want to talk about is a thing called a continuing resolution because that is what we are going to vote on hopefully today or tomorrow. Without this continuing resolution, we will be shutting down the government, so I would encourage all my fellow Senators to vote for this continuing resolution.

I am going to approach it from my position as chairman of the Appropriations Defense Subcommittee, the committee that funds our military. Our Armed Forces need this funding, this continuing resolution, for their paychecks, along with the thousands of civilian employees whom the Department of Defense employs.

The fact that we are debating a continuing resolution instead of a full government funding bill is truly disappointing. It is disappointing because Federal Government funding is Congress's primary job. People of Montana did not send me to the U.S. Senate to play politics and put off work that needs to be done to another day; they sent me here to get the job done. Failing to pass this CR would harm families, businesses, agriculture all across our great Nation. So step 1 is passing this continuing resolution, not kicking the can further down the road.

But let's do ourselves a favor. Let's make sure that this is the last CR before we agree to fiscal year 2023's funding package. I can tell you that after working for the last nearly 2 years as chair of the Appropriations Defense Subcommittee, that this bill shouldn't be about politics or partisanship; it should be about national security, keeping our Nation safe. But by continuing to pass CRs, our military will be operating on outdated budgets, our troops will not have the resources that they need to operate at the highest level, and it will waste taxpayer money.

Make no mistake about it, there are countries out there that wish to do us harm. With every continuing resolution, we are giving our enemies—and I don't need to bring them up per list—the ability to take a second breath and come after us: Russia in Ukraine; China, which is rapidly modernizing their military and threatening our technological edge. This is happening, along with a bunch of other stuff, while we are limiting our military's ability to assess emerging threats around the globe.

Without a full appropriations package, our Armed Forces lack certainty needed to operate to their fullest potential—certainty that is so important for everything. It is important for busi-

ness, it is important for families, and it is important for our armed services.

I know what it takes to craft these bills because, quite honestly, we worked on a pretty darned good appropriations bill, but we weren't allowed to bring it up. For the sake of our national security and for our men and women in uniform, we need to work in a bipartisan way.

If you want to talk about what is wrong with this country, the main thing that is wrong with this country is we point to the different issues and areas that we could do better on. The main thing that is wrong with this country right now is dysfunction in Washington, DC, and the fact that this place is totally divided, and everything is about politics first and policy second.

We need to find common ground. Failure to find common ground puts our troops and our Nation and, quite frankly, the whole world in danger.

I will close by saying that my colleagues need to pass this resolution, and we need to make sure that this is the last continuing resolution that we pass; that, in fact, we have full appropriations bills done in the proper timeline, which is at the end of the fiscal year, which is the end of September. Anything less should be considered a failure.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

HURRICANE IAN AND TYPHOON MERBOK

Ms. MURKOWSKI. Mr. President, we are all watching the news this morning, as a very, very threatening and ferocious hurricane is bearing down on Florida, a storm that is causing great anxiety. Hopefully, people are as prepared as they can be, but the consequences of these storms, these disasters that we are seeing, are ravaging in ways that are seemingly more ferocious than before.

We saw that last week in Puerto Rico, and, just about 10 days ago, we felt the effects of Typhoon Merbok on the western coast of Alaska. I would like to take just a few minutes here this afternoon because, as I was watching the news as this Hurricane Ian is approaching the coast of Florida, I can't help but think about what the folks back home are facing as they have lived through a very terrifying disaster like the typhoon and then what happens next, because, unfortunately—and you know in your State very well with the fires that ravaged New Mexico—disasters come through and the attention of the country is focused on that, and we all want to be there to be of help and of assistance.

We have FEMA and we have the Red Cross, and we have everybody that is there, and it is all very important and very well intended. But then the next disaster comes. So maybe—I don't know—maybe, the people in New Mexico are thinking that we have forgotten them. I don't want the people of Alaska to think that we have forgotten what happened in their communities.

Typhoon Merbok came up from Japan, came across the gulf, up into the Bering Sea, and impacted an area of land on the coast of Alaska in excess of 1,000 miles.

To put it into context, it is as if the entire west coast of the United States—from the Canadian border all the way down to Mexico—were impacted and inundated by one massive storm. That is the size and the scope of what we experienced: hurricane-force winds and, in the Bering Sea, waves as high as 50 feet.

The impact to the land was extraordinary, with the strength of the wind, but it was this massive storm surge that came. We get tough storms in the Bering Sea. We get really tough storms in the Gulf of Alaska. But what we saw this year was a storm that was earlier in its intensity than we have seen in previous years.

Oftentimes, people think about Alaska and think, man, it must be tough when the ice is formed out over the whole sea and everything is locked in. Actually, that is when we have safety, because when there is ice, it takes you all the way up to the shoreline, and these massive storms with the wind can't build the waves to that level to eat away at the shore, to cause the destruction that we are seeing with, again, the intensity of the impact of this storm.

We in Alaska are lucky. There were no people who were killed or injured. Really, it is astonishing, given all that the area sustained. I think part of that was just due to being prepared, knowing that everybody had to hunker down. But when your community then is, literally, separated in two, as they were in Hooper Bay, where on the old side of town you are cut off from your evacuation center, which is the school, because the waters have risen to the point where it is no longer accessible, there is no way to get to safety, and it is blowing 80 miles an hour in the middle of the night, the only place that you can go to is the next house up, hoping it is going to be a little bit higher above the water.

And so it is a recognition that preparation is going to be key to saving lives, but it is also making sure that our coastal communities that are so exposed, as the many in Western Alaska are, that they are able to push back or hold back to the extent possible.

For some of the erosion, the threat that comes their way, we have seawalls that are nothing more than boulders that are built up, dunes and berms that have been built over the years. But, again, we recognize how minimal that

is in terms of a protective barrier when you have the extent and intensity of these storms.

This is where many Alaskans are feeling very exposed and very vulnerable, knowing we made it through this storm, but what happens with the next one, because now that berm in Shaktoolik is completely eroded away. For a good portion of the seawall in Nome, the rocks are just jumbled and scattered. What we saw in Elim, around their front street there, they had a seawall of sorts. It was like a giant had come in and just picked up those boulders and sprinkled them, threw them all around. The front street there that had just been asphalted a couple of years ago—the pieces of asphalt almost lifted up, peeled back like a piece of taffy, just curled over the beach there. You look at that and you cannot comprehend the strength of that storm surge, the strength of what had caused that to just buckle and heave and, literally, melt.

I had a chance over this weekend to go and visit the area. I flew up to Nome, and we were able to go out to Golovin and Elim on the first day. Elim is a community of about 125 people—pretty small. It is pretty small but pretty important in terms of what they do. They are trying to build a little subsistence harbor there. They are resilient people. But some of what we saw with the erosion and what that will mean to them and their community—what it is going to mean to them and their water supply.

Golovin is a little bit bigger of a community, several hundred people. Golovin was impacted in a way and a manner that was just almost mind-boggling. The surge from the storm came up over this isthmus there, literally lifting homes up off their foundation, floating them and depositing them in different locations.

We went down a couple of different streets, and you come around and there is a house literally in the middle of the road, and people are moving their four-wheelers on either side of it because the house is in the middle of the road. Another one on another corner that had been floated across was just kind of catawampus. These homes will never be habitable again.

Sand—you look at it from the air, and it is lovely golden sand, not something you would expect to see on the coast of Western Alaska. But this sand now has inundated the entire lower part of the community, making it a thick, spongy, soft—interesting, but it is really very, very impractical in terms of how we move this wet, soggy sand out of everything that has come into the community here.

The areas underneath the homes—the homes in most of these western communities are elevated on stilts, not very high but they are all elevated. They are elevated because you do have instances of flooding. But the flooding was so high that it came up underneath

the belly board of these homes and saturated the insulation underneath with water. But worse to the point is that water was mixed with the diesel, the diesel that had come from people's home heating fuel, their stove oil, the fuel they may have had for their snow machines or their four-wheelers. You could smell, going into the homes, the diesel that was below. What everyone was doing was literally ripping the insulation out from underneath their homes and buckets full of—dozer loads full of wet, soggy, contaminated insulation was being hauled off to the dump.

So that is all the activity that is going on now, and it is fast and it is frenetic. And it needs to be because on the day that I was there in Golovin and Elim, then 2 days later when I was in Hooper Bay and Chevak, the weather was kind of nice. It was decent. But in about 2 weeks—in about maybe 3 weeks—winter comes. Winter is on its way.

When winter comes, you can't move around. When the ice comes down out of the north, you don't have fuel barges that return to the area until the spring. That fuel barge comes in maybe May; in the upper river regions, June. Think about that. If you lost your fuel and the last fuel barge has come and gone and you weren't filled up, it is a long wait. What do you do? If you can't barge it in, you fly it in. Imagine what it means to fly in your fuel into these villages.

Construction materials. How do we get the construction materials up there, whether it is the sheetrock or the plywood or the insulation? You put it on the barge. Well, the last barges are like the fuel trucks. Barges won't be back until the spring. Right now, people are planning on: I need to fix up my home, but I am not going to be able to get the materials until June. What happens in the meantime? What happens in the meantime as winter comes? If you don't have any insulation under your home, if you haven't been able to get your home situated, you are going to be pretty vulnerable.

You may have made it through the storm, but it may be a very, very difficult and cold winter. It may be that your family of eight is now going to have to move in with another family that is already in an overcrowded situation. We don't have extra housing. There is no extra housing.

Everybody is moving as quickly as they possibly can to try to bring relief. We have the National Guard that are doing amazing things. Red Cross was out there analyzing. We were out there with the FEMA administrator. I took her to Nome, was able to take her to Golovin. She was able to see the destruction that came to the fish camps right outside of Nome. Fish camps are not where people go for a holiday. Fish camp is where people work. This is where they harvest and they process and they prepare their food, whether it is the salmon nets to catch the salmon,

the Beluga nets, the gear that they have for their fishing. If they are able to get caribou or moose, this is where they come and they process. They harvested their berries. Everything kind of comes together at fish camp. Then you are ready for winter.

What happens when you have harvested and gathered and fished and you put it all in your freezer and then the power goes out, as it did for multiple days, and you lose everything in your freezer? The power went out here in Washington, DC, when I was back in Alaska in August, and I lost the stuff in my freezer. You know what? I am just fine. I can go down to the grocery store here. Folks in Elim don't have that opportunity.

The people in Golovin and Chevak and Hooper Bay and Shaktoolik and all the other places that have been impacted—the outdoors is their grocery store and the outdoor grocery store is now shut down because salmon season is over, fishing is pretty much over, berries are gone, moose and caribou—maybe they will be able to get a little bit of game, maybe not.

Think about what that means when your food source is now gone. You lost your boat because that was swept away or demolished. You have lost your motor. This is not a recreational boat. This is how you feed your family; this is how you live. The four-wheelers are just thrown up and crumbled and crushed. That is not recreation; that is how people move around. When you think about the ability then to—what do you do now? What do you do now?

I am sharing this with people because this is what has been keeping me up at night and getting me up really early in the morning to figure out what more we can do—what more we can do to help the people in these small communities that lived through a very scary natural disaster but who have looming in front of them perhaps a very frightening winter—a cold winter, one where their food resource is gone, where the expense of living has always been high, but now—we don't even know how to account for how high it is.

I was talking about this with a guy in Chevak who said he had ordered a little bit of lumber. He was working on something. He didn't even say what it was. It was \$1,500 worth of lumber, but it cost him \$2,200 to get it there, to freight it up.

I went into the grocery store, as I do in as many of the small towns and villages as I can. I always price things like, What is a box of Tide? I know what it is in Anchorage, I know what it is in Fairbanks, but in Chevak, it is \$45 before the tax is added on to it.

But I had heard—I had heard this crazy story that water, bottled water, was more expensive than fuel. That can't possibly be. Fuel is \$7 a gallon out there in Nome and probably more than that in Chevak. A 24-pack of bottled water—I don't know what the label was, it was like generic bottled water you probably get at Costco—\$91.

That did include tax. It was \$91 for bottled water. And this is in a community where they were still on a boil water notice because they were just still checking out their water systems.

We are working hard. Nobody is sitting back and waiting for the Federal Government to come in and help them because they don't have time. They are cleaning things up.

The FEMA administrator saw in Nome—in fairness compared to where she was in Puerto Rico, it probably didn't look that bad. But when you peel it back and you look at the damage and you realize the vulnerability going forward into this winter, that is where it looks scary.

So we are using every resource that we have—every volunteer, every agency. People are there and they are putting their muscle into it. We have asked for the same support that President Biden has given to Puerto Rico with a 100 percent cost-share waiver for the first 30 days to get things cleaned up. I am hopeful—I am desperately hopeful—that the administration hears us on that.

For us, right now, it is this immediacy of time to get things pulled back together as fully as we possibly can because we cannot—they cannot—be in a situation where, in the middle of winter, when resources may be there but they are a long way away and they are very expensive, that we then realize that we have to provide additional support and additional relief.

There is a resilience in Alaska and, certainly, a resilience in Western Alaska. These people have lived in these villages for thousands of years—maybe not exactly the same place, but they are not going anywhere. They are not going anywhere.

And what I feel compelled to do is everything in my power to make sure that they are not forgotten and that they and their families are able to move forward in these next months.

With that, I just share that my thoughts and my prayers are not just limited to those in Alaska, but we think about all those who have suffered due to disasters, whether in New Mexico, in Puerto Rico, or those who are very, very fearful in Florida right now.

I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

LAW ENFORCEMENT

Mr. CORNYN. Mr. President, despite the gridlock that occasionally grips this Chamber, the Senate has managed to advance some great bipartisan bills since the beginning of this Congress.

All of the attention seems to focus on our disagreements, not where we agree,

and there is no question that there are big disagreements here and for good reasons. But the media seems to miss the smaller but no less important bills that earn bipartisan support every day.

Over the last couple of years, the Senate has unanimously—unanimously—approved bills that I have introduced to support victims of child abuse, provide tax relief to survivors of human trafficking, strengthening our trade relationships with Canada and Mexico, and building safer and healthier communities.

It is no secret that our country is in the midst of a mental health crisis. We do not have a mental health delivery system in America. We made some great strides recently with the Mental Health and Safe Communities Act that made an unprecedented investment in community-based mental health care.

We all know that the mental health crisis does not discriminate. It affects people of all ages, from all walks of life, and it is creating serious challenges for law enforcement who are often the first to respond when someone is experiencing a mental health crisis. Police officers will tell you that they don't have the training or expertise, ordinarily, to assist these individuals in the most effective way possible because they are not mental health professionals. We can't expect the police to solve every problem that they face on the streets of our country, whether it has to do with mental health, drug overdoses, homelessness, or the like. They have simply been asked to do too much without the resources or support they need, and that needs to change.

That is where the Justice and Mental Health Collaboration Program comes in. For nearly two decades, this program has provided critical grants to help law enforcement assist individuals experiencing a mental health crisis. That includes mental health courts, crisis intervention teams, and other programs that promote public safety and improve mental health outcomes and reduce recidivism.

Communities across my State of Texas are working to bridge the gap between criminal justice and mental health, and I was able to hear about some of that work during the August recess.

In the city of Pharr, in the Rio Grande Valley, for example, I sat down with local law enforcement officers and mental health professionals, as well as local civic leaders, to talk about the city's innovative mental health unit.

The Pharr Police Department launched this unit in 2020 to improve the quality of outcomes for individuals in crisis and the community as a whole. Mental health officers are trained to respond to these crises in the most effective and compassionate way possible, and the city of Pharr has experienced great results over the last couple of years. The program has even been recognized as the "Organization of the Year" at the Texas Crisis Inter-

vention Team Association annual conference.

It is a shining success story, and the Pharr Police Department is eager to do more. That is why the Justice and Mental Health Collaboration Grant Program is important—because it provides additional resources.

In the past, the mental health unit in the city of Pharr received a \$550,000 grant, which will be used to expand the reach and impact of the program in the community, and I introduced a bill with Senator KLOBUCHAR, our colleague from Minnesota, to ensure that these grants can deliver even bigger benefits.

Our bill would allow grants to be used for mental health courts and veterans treatment programs—two incredible resources to provide individuals who are struggling with the treatment they need.

Grant recipients could also use these funds to improve officer training. As I said, most police officers aren't trained to deal with people in a mental health crisis, and things like deescalation training are really important for the safety of the person experiencing the crisis as well as the law enforcement officer.

But these grants can also enhance services for substance use disorders and suicide prevention programs, and they would be able to invest in 24/7, 365-day crisis response capabilities.

All of these recommendations in this legislation came from the men and women on the frontlines. They come face-to-face with America's mental health crisis every day, and these are the changes that they have suggested and asked for.

But, obviously, I am not alone in supporting the program. As I said, this bill was introduced with Senator KLOBUCHAR, and it has more than a dozen bipartisan cosponsors, including the chairman and the ranking member of the Senate Judiciary Committee. And the bill passed the U.S. Senate last summer with unanimous support.

So that is just one example of the bipartisan work we have done here that doesn't get a lot of attention but will go a long way to improve our criminal justice system and how it deals with people who are struggling.

Last year, the Senate approved legislation that I introduced with Senator WHITEHOUSE, the Senator from Rhode Island, to help incarcerated individuals break the cycle of addiction. This legislation updates the Residential Substance Abuse Treatment Program and expands it to treatment in jails and prisons across the country. The program has already provided incarcerated individuals with access to treatment for substance use disorders. That treatment is coupled with programs to prepare these men and women for reentry and to provide community-based treatment once they are released, hopefully, to help them lead productive, law-abiding lives.

Our legislation opens up even more opportunities for successful rehabilitation and continued recovery, and it

gives providers more options when it comes to treating substance use disorders. It requires program staff to be trained on the science of addiction, evidence-based therapies, and strategies for continuity of care. And it ensures programs are affiliated with providers who can continue treatment after incarceration.

We have done a lot of good work, if I can say so myself, on a bipartisan basis, to try to deal with things like addiction, things like mental health crises because typically what happens in the absence of these programs is law enforcement ends up getting a 9-1-1 call, and they have nowhere to take the person other than to the local jail.

Not that long ago, I met with a group of major city police chiefs, and I was asked by a friend of mine—one of the police chiefs—who said: Would you like to meet the largest mental health provider in the country? He is the police chief of the Los Angeles Police Department.

So in the absence of these kinds of programs, these innovative programs, what you are seeing is people warehoused in jails or prisons, only to repeat their offenses again because the core problems that they are experiencing aren't being addressed. That is true in addiction. That is true with mental health.

So these changes that I am talking about were not drafted in a vacuum. We consulted with law enforcement, criminal justice specialists, and behavioral health experts. And, once again, this bill passed unanimously in the Senate.

Despite the fact that these two bills that I have talked about got support of 100 Senators, both have hit a brick wall in the House. The House has yet to schedule a vote on either one of those pieces of legislation. It is not clear to me why the House won't take up and pass these obviously nonpartisan, important pieces of legislation.

These are two bills to improve the way our criminal justice system supports people who are struggling and gives them the best possible shot at healthy and productive lives.

They were drafted here, as I said, on a bipartisan basis, based on feedback and input of the people who know this topic best, and they will improve public safety and individual outcomes.

So I hope the House will take up and pass these bills without further delay. I hope there isn't a resistance to these bills because some of this money goes to fund police departments.

As we have seen over the last couple of years, some of our Democratic colleagues reflexively oppose any effort to send funding to police departments. We all remember the "defund the police" movement.

When this became a major political liability, though, obviously, those who had advocated for defunding the police tried to run for cover.

Last week, the House passed a partisan police funding bill that is loaded

down with so many poison pills that it stands no chance of becoming law here in the Senate. In short, they can now say they voted for a police funding bill, even though they know it is guaranteed to go nowhere.

Meanwhile, there are great bipartisan bills that do support the police that are just one vote and a signature away from becoming law. The difference is, these aren't messaging bills. These aren't designed to provide people with political cover or mistaken positions that they have taken in the past. The goal was never to make a point or force a tough vote on our colleagues across the aisle.

Bipartisan, good policy—these bills give law enforcement the tools they need in order to succeed at the very difficult job we know they have, and both of them passed the Senate without a single dissenting vote.

So given the fact that America is facing a mental health crisis and an overdose epidemic, there could not be a more important time to take up and pass these bills.

So I hope if anybody in the House is listening in the leadership, they will consider the fact that by one vote they can get these bills on the President's desk, and we can't let antipolice rhetoric stand in the way of good policy or helping those who deserve and need our help.

I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

IRAN

Mr. SASSE. Mr. President, the human spirit abhors tyranny.

Since February, the world has witnessed examples of extraordinary courage. In Ukraine, we have watched ordinary men and women mount a defense of their homes and their homeland against overwhelming odds—people never having handled firearms before who are getting training, getting arms, getting munitions, and joining together in the cause of defending their homes and their homeland. We know what it has cost them. Across the border, we have seen thousands and thousands of ordinary Russians challenge the suicidal thuggery of Vladimir Putin. We know what it has cost them too.

Today, I want to call our attention to the courage on display in a different part of the world. I want to look to Iran.

Two weeks ago yesterday, on September 13, Iran's so-called morality police arrested a young woman named Mahsa Amini. They detained her on the grounds that she was wearing her hijab improperly. She was bundled into a

van, where eyewitnesses could hear the police beating her. A few hours later, she was delivered to a local hospital, where she was declared brain dead. The police shamelessly claimed that she had had a spontaneous heart attack.

Thousands upon thousands of Iranians have poured into the streets since. Protesters are calling for an end to the savagery that has made absurd arrests and vicious beatings a regular part of the rhythm of life in Tehran. They are demanding dignity for the millions and millions of people who have lost it under Tehran's maniac theocracy. This is no small thing, what they have done—the courage that is on display as they pour into the streets. Protests have erupted now in more than 80 cities and in all 31 of Iran's provinces. This is not a minor demonstration.

The mullahs are facing one of the most significant challenges to their rule since they seized it 43 years ago, in 1979. How has the regime responded? As expected—with more brutality, with more repression, and with more savagery. Human rights groups estimate that 76 people have been killed so far by the authorities.

Meanwhile, the crackdown has also included a shutting off of social media and the internet. They hope that a country and a world that can't see their thuggery won't notice it, will pretend it doesn't exist, won't know. Well, they know, and we know. The Iranians know how this regime operates. We know that these pathetic cowards have no regard for human dignity.

Who are they?

These bloodthirsty men are the goons who hang homosexuals from gallows, who protect child rapists, who deny women education. The regime is rotten to the core. The people who are suffering under it know, and we know. These men have told the world exactly who they are again and again and again.

In 2009, Iranians erupted at the grotesque human rights abuses perpetrated by then-President Mahmoud Ahmadinejad. In an election riddled with fraud, the world saw who he was again. During the Green Revolution, thousands of protesters, including key opposition leaders, were arrested and thrown in Iran's dungeon prisons. Many were tortured, and several dozen were killed. A 26-year-old woman, a student, was shot from a nearby rooftop by pro-government militia men. Her dying moments were recorded by cell phone video and were broadcast around the world.

We know who they are.

Ten years later—3 years ago, in 2019—massive nationwide protests erupted again. This time, it was following an announcement of massive, unsustainable hikes on gas prices. The protests and the violence that followed were the worst since 1979.

Hundreds of people took to the streets, and the government responded with a campaign of systemic savagery,

hoping to drive people back into their homes in order to hide the truth and to not admit to what this regime was and the ways that they failed. Protesters were shot from rooftops and helicopters by the Iranian Revolutionary Guard. Their troops opened fire on unarmed protesters who were attempting to block roadways and entrances. In one southwestern city, IRGC forces pursued several dozen, mostly young, unarmed protesters into a march outside the city and then began massacring them. Most reliable outside observers believe that about 1,500 protesters were killed.

In 2019, Tehran also conducted a near-total internet shutdown, plunging the country's 83 million people into information darkness for about 6 days. That practice, as we are seeing again right now, as we see this month, has become one more regular instrument of terror. These guys are scared of sunlight. They are scared of information. They are scared of the truth.

We know that the despots in Iran who brutalize their own people also export their terror tactics. Look at the last 2 months alone.

In July of last summer, 2021, a group of Iranian spies tried to kidnap Masih Alinejad—an Iranian-American journalist and human rights activist—at her home in New York. In July of this year, she was the target of an assassination attempt again at her home in our country.

We learned in August that a member of the IRGC had plotted to assassinate former National Security Advisor John Bolton on American soil.

Former Secretary of State Mike Pompeo and former Iran Envoy Brian Hook still require personal security details everywhere they go because Iran has put targets on their backs in our country.

It was also just last month that, inspired by the Ayatollah Khomeini's 1989 fatwa, an American man attacked and nearly killed novelist Salman Rushdie during an appearance in New York.

Then, in August, Vladimir Putin received his first shipment of Iranian drones—birds of a feather.

Inside its borders and beyond them, the regime in Tehran thinks nothing but bloody thoughts. They think no one has dignity who doesn't subscribe exactly to their theocratic views. It is long past time that American policy and the policies of our friends and allies recognize these blunt facts. We should tell the truth.

In 2009 and again in 2019, we had the opportunity to support and encourage protesters who were agitating against a regime that is their enemy and is ours, and in both cases, under administrations Democratic and Republican, we failed the test.

Last week, President Biden told the U.N. General Assembly:

Today, we stand with the brave citizens and the brave women of Iran, who right now are demonstrating to secure their basic rights.

It is a good start, but it is far from sufficient. It is far from the end.

Right now, America's policy toward Iran is hopelessly schizophrenic. We cannot stand on the side of Iranian protesters at the same time that we are trying to re-sign a nuclear deal with the same mullahs who would release billions of dollars back into their hands, help them shore up their power, and do nothing to prevent putting a catastrophic weapon into their genocidal hands. President Obama chased a flawed nuclear deal with Iran's terror state instead of more aggressively standing with the Iranian people. Today, the same hodgepodge of national security advisers is at it again.

Newly announced sanctions against the leaders of the Ministry of Intelligence and Security, the Army Ground Forces, and the pro-government militias are good, but we cannot stand on the side of the men and women of Iran who are in the streets at the same time we refuse to sanction the leaders who matter most. Ayatollah Khomeini and the circle of elites around him continue to escape serious consequence.

We shouldn't trick ourselves and should not delude ourselves into thinking that economic sanctions are a magic wand or that the mullahs themselves care very much about the economic pain that the people under their regime are suffering. We should not think that the mullahs care about elite opinion in Paris. We have to have a serious top-to-bottom evaluation of our Iran strategy, and a coherent policy must begin by telling the truth over and over and over again.

We cannot stand on the side of the people on the streets demanding dignity at the same time that we welcome Iran's President—someone personally responsible for show trials and mass executions and assassination attempts on our soil, in our country. We can't allow him to spout lies and propaganda on our same American soil as we did last week at the U.N. General Assembly in New York.

Now is the time for a serious, coordinated policy that admits the threat that Iran poses, not just to its people and its neighbors but also to America, and to take seriously our commitment to the rights and freedoms of all 7.8 billion people across this globe created in God's image.

We can start by helping illuminate the government-imposed blackout so that Iranians can see what their government and its blackshirts are doing—more light, more information. We can expand and intensify the sanctions regime that has pushed Iran to the brink in the past, before we lost our nerve. We can amplify the voices of the Iranian protesters and stop providing platforms to the regime's propagandists. We can make sure that the voices of the Iranian people are heard by keeping the internet on while Tehran works to put the country back into the black box of despotism.

The courage of men and women on the streets of Iran today has not gone

unnoticed. They have imagined the possibility of an Iranian future no longer under the thumb of Tehran's bloodthirsty dictators. We should be able to imagine that future too and to do more to make that a reality.

The Iranian people hate Tehran's blood-soaked tyrants. This is not a regime that has the consent of the governed. The American people are on freedom's side. The administration should drop the fantasy of another nuclear deal, walk away from the table, and turn the screws on these monsters by, first, telling the truth again and again.

We ought to do everything we can to celebrate the heroism of the Iranians in the streets and to expose Tehran's human rights abuses around the watching world. And the best way to do that is by making sure that the internet stays on in Iran—more light, more truth, more information.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MARSHALL. Mr. President, I ask unanimous consent that Senator MENENDEZ and I be permitted to complete our remarks prior to the scheduled recess.

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

UNANIMOUS CONSENT REQUEST—S. 4914

Mr. MARSHALL. Mr. President, I rise in support of our legislation to formally designate the major Mexican drug cartels as foreign terrorist organizations under Federal law.

It would also require the State Department to issue a report to Congress on additional cartels that meet the criteria for foreign terrorist organizations designation and require the Department to designate them as such within 30 days of the report. This bill would give us greater tools to push back against the cartels fueling the White House's deadly open border crisis.

This past March, I was honored and proud to lead five Kansas sheriffs to the border to meet with Border Patrol officers and survey the ongoing immigration crisis at our border. With our own eyes, we saw the activities of the major Mexican drug cartels that qualify them for designation as a foreign terrorist organization, as they are transnational entities that engage in textbook terrorist activity, such as kidnapping, assassination, and endangering lives with explosives and firearms.

Additionally, these cartels are responsible for the deaths of hundreds of thousands of Americans, especially young Americans in their prime.

Fentanyl has quickly become the leading cause of death among adults ages 18 to 45. Last year, the number of drug overdose deaths in the United States topped 100,000, with fentanyl being the cause of more than two-thirds of them.

The vast majority of fentanyl precursors, as we all know now, are manufactured in China and then chemically

turned into lethal fentanyl by the cartels. Next, the cartels smuggle the poison into the United States via the southwest border. In fact, the DEA reports that an astounding 80 percent of the fentanyl in America comes into our country through the U.S.-Mexico open border.

Last week, we introduced the Cooper Davis Act, a bill named after Cooper Davis, a Johnston County, KS, teen who tragically lost his life to fentanyl poisoning last summer after just taking one-half of one pill of fake Percocet that contained, unfortunately, a lethal dose of fentanyl.

Sadly, Cooper Davis is not the only victim in Kansas from the actions of the Mexican cartels, as most every day, we lose a young person in Kansas due to the actions of these terrorist cartel operations. And I know every single one of my Senate colleagues have victims from their States who have been poisoned and murdered from this same illicit fentanyl.

That is right. Americans are dead, hundreds being murdered every day because of this administration's open border policies and zero respect for border security.

Last year, the Border Patrol seized at the southern border 11,000 pounds of fentanyl. That is over 5 tons of this poison. They seized over 5,000 pounds of heroin, nearly a ton of meth, and almost a thousand pounds of cocaine, and, finally, 10,000 pounds of ketamine.

Of course, this is a fraction of how much of this poison actually crossed the border and was transported into our communities undetected, making every State a border State.

Regardless, this represents many, many multiples of amounts needed to kill every man, woman, and child in the United States. Indeed, this sounds like a weapon of mass destruction.

Joe Biden's open border policies are responsible for the deaths of thousands of young American men, women, and children.

To anyone who knows the brutal tactics and extensive operations that cartels use on both sides of our southern border every single day, there is no question that they should be described, designated, and treated as terrorists.

These are people who hang, behead, and burn people alive to threaten and control government officials in Mexico, and now with cartel members in most likely every State of the Union—yes, even in Kansas—they actively engage in these same dangerous, murderous tactics here domestically.

For more than 10 years, Texas Republicans have been trying to label Mexican cartels terrorists in an effort to try and cripple their empires.

This week, Texas Governor Greg Abbott made a declaration establishing a Mexican cartel division within the Texas Fusion Center at the Texas Department of Public Safety, which his office said will conduct multijurisdictional investigations with local law enforcement and other States.

The unsustainable crisis at the border has impacted not only Americans but the migrants themselves, who have often traveled hundreds of miles on foot and can be exploited by these terrorist organizations.

Just yesterday, the Washington Examiner reported those being brought across the border by coyotes are paying an average of \$8,600 in total smuggling fees this year, mimicking what Mafias do who charge a fee—literally a tax—to enter their territory and pass through.

The Biden open border surge has enriched these terrorist organizations, and we must step up our defenses against them as they continue to wreak havoc on communities all across the country. It cannot go on any longer.

Listen, designating Mexican drug cartels as foreign terrorist organizations will give our Federal Government new ways to fight back; that is, if the White House will allow them to.

A foreign terrorist organization designation provides additional tools for law enforcement and national security authorities to take action, including by providing additional investigation and intelligence resources and sanction capabilities.

For example, a foreign terrorist organization designation would, No. 1, make it unlawful for any person who knowingly provides “material support or resources” to the cartel to enter the United States. Next, it prevents any member of the designated cartel from legally entering the United States. And, finally, it would allow the Secretary of the Treasury to block all assets possessed or controlled by the cartels.

The cartels are playing a massive role in the ongoing crisis at the border. By exploiting Joe Biden's open border policies, the cartels have increased their power and wealth at the expense of innocent lives that get in their way.

I encourage my colleagues to support this legislation to formally designate the major Mexican drug cartels as foreign terrorist organizations under Federal law and help stem the tide of dangerous drugs and other illicit goods pouring across our open southern border.

Surely, this is an effort we can all get behind, as every Senator in this body affirmed by oath that they would support and defend the Constitution upon their swearing in. This, importantly, includes providing for the common defense of our people.

Personally, I will not rest until we stop this war on the youth of young Americans.

Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. 4914 and the Senate proceed to its immediate consideration. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, reserving the right to object—and I appreciate my friend—I do consider him my friend—and colleague and his concern, which we mutually share on this issue. But this legislation was introduced 7 days ago—7 days ago. Most of our colleagues have not even had a chance to read it.

The Foreign Relations Committee, which I have the privilege of chairing, has not reviewed or marked up this bill since it just got referred to us. And to my knowledge, my colleague has not made any effort to engage the committee.

Especially in light of its sweeping and mandatory nature and the lack of any waiver—even if a waiver were in our national interest—members with expertise in foreign affairs need to have the opportunity to scrutinize the bill.

Regular order allows us to refine legislation. It ensures we avoid unintended consequences, and that is needed here.

As chairman of the Foreign Relations Committee, I take the threat of Mexican drug trafficking organizations seriously. During my 30 years in Congress, I have made significant efforts to combat drug trafficking in Mexico, Latin America, the Caribbean, and around the world.

Given the potential impact of this legislation, I would just ask my colleague the following questions for his consideration—these are the questions I ask myself as I am looking at his request: The U.S. Congress has developed a framework of sanctions specifically to target drug traffickers. It is called the Kingpin Act. There is substantial overlap between the Kingpin Act and what is being proposed today. Is this redundancy helpful, or is it hurtful? Why is it needed?

S. 4914 provides no new funding for the management of our sanctions program targeting foreign terrorist organizations, and we are deeply engaged in our whole-sanctions operation as it relates to Russia and Ukraine. This would be additional, but it has no additional resources. Do we want to stretch the U.S. Government's personnel and resources that target foreign terrorist organizations? That is what the legislation would do.

Does my colleague want to explain to the American people why we should have less personnel and funding dedicated to countering Hezbollah, ISIS, al-Qaida, because, as it is, that is what the legislation would do.

The members of the Foreign Relations Committee take the threat posed by Mexican cartels very seriously. We know that the cartels are deeply involved in the production and trafficking of fentanyl. We know that this is a substance so lethal it kills tens of thousands of American citizens every year.

That is why in June, the committee approved the FENTANYL Results Act, legislation designed to strengthen the United States response to fentanyl trafficking—legislation that received unanimous, bipartisan backing of all members of the Foreign Relations Committee, legislation that we hope can be enacted into law before the end of this Congress. That is a serious legislative effort conducted through normal order of the Senate.

I would just say to my friend, if you really want to address the impact that Mexican cartels and drug trafficking have on the American people, I urge you, respectfully, to work through the Foreign Relations Committee and join us in a meaningful legislative effort.

Finally, before I object, I would just say, I know that my colleague keeps talking about the Biden open borders. Well, it is a little incongruous when you self-designate and made in your comments that it is the U.S. Customs and Border large catches of fentanyl and other drugs under the direction of this administration that is making those catches. It is either that we have an open border and anything comes in, or it is that the U.S. Customs and Border Patrol that is actively engaged is stopping the flow of significant amounts of drugs.

For all of those reasons, at this point in time, I will have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

Mr. MARSHALL. Mr. President, I certainly do respect the comments of the chairman.

I would ask him a question: What would you tell the mother of Cooper Davis? What would you tell the mother of the hundreds of Americans who are going to die today from fentanyl poisoning?

Whatever we are doing now is not working. This is a war. Just yesterday morning, at 1 a.m., we were given 250 pages of legislation that we were asked to vote on that evening. This is a 3- or 4-page bill.

I have declared war on fentanyl. Every day in Kansas someone is dying from fentanyl. Every day in the State of New Jersey probably several people are dying from fentanyl poisoning.

I would ask the chairman: Whatever we are doing, it is not working. What more can we do? What do I tell Cooper Davis's mom? What do I tell these people out there whose babies are dying?

They are young adults being taken from the prime of their lives. Whatever we have done is not working. This stuff is coming over by the tons. What we have captured is a fraction of what is reaching America. That is why Kansas is no longer safe. It is not safe for any of our young adults. This is why this Halloween we are going to have to put our kids on special watches as this candied fentanyl comes across the border. I don't see how anyone who cares about our youth and young adults could object to this.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I can't let the question rhetorically hang there.

I would say to my colleague, first of all, for all of us who have been fighting this issue on a bipartisan basis—I think his bill has only got Republican sponsors on it, a few—that we have been fighting this, and this is a continuous fight. And, yes, every life that is lost is a life that we mourn. But what would I say to them?

I would say, well, if we get the Fentanyl Results Act legislation passed, which passed the committee on a bipartisan basis, we would have a bipartisan approach toward dealing with this.

I appreciate that my colleague has declared war on fentanyl, but just because he has declared war doesn't mean that his view as to how you meet the challenge is the ultimate result, is the ultimate solution.

So in good faith, I offer our colleague to work with us. But you can't end up making the Senate the Committee of the Whole. If we want to do that, good, let's abolish all of our committees, and let's all sit here and we can bring up legislation after legislation that was just introduced, where nobody has a chance to read it and nobody has a chance to understand the unintended consequences, as noble as the intent might be. But that is what my colleague has done on more than one occasion now. He introduces a piece of legislation and, days after, comes to the floor to seek its approval. Well, that bypasses the entire system that is meant as a check and balance to get the best legislation to accomplish a common goal.

So that is what I would say. We need to work on this together. We are committed to it. That is why we passed legislation in the past. That is why we just passed legislation recently. I hope my colleague will join us, and maybe we can get it in the NDAA together.

With that, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15.

Thereupon, the Senate, at 12:48 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

AFFORDABLE INSULIN NOW ACT— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The majority whip.

UKRAINE

Mr. DURBIN. Madam President, it has been a little more than 7 months since Russia launched its illegal invasion of Ukraine, and the destruction that has followed is unbelievable. We

have all had a chance to bear witness to the brutal reality of Russia's invasion as Ukrainian forces have recaptured territories like the city of Izyum.

Soon after the city was liberated, Ukrainian forces discovered mass graves filled with hundreds of bodies, including children. Some of the bodies had their hands tied behind their backs and their skulls crushed, and many showed signs of torture. The images that have emerged from Izyum prove what we have suspected for some time: The mountain of evidence of Russian war crimes is sky high.

These photos illustrate what the Ukrainians are finding in recaptured territory. They are sending out people to redig mass graves to find out just what happened to members of their family and neighbors and their friends.

The same thing is illustrated by this photo as well. In the shadow of this beautiful church, they are finding mass graves left behind by the Russians.

Today, I had the honor of presiding over a hearing of the Senate Committee on the Judiciary, focusing on the role we must play in the United States in holding Putin and his thugs accountable for these heinous war crimes. The message was clear: Our Nation must continue the legacy we began with the Nuremberg trials by ensuring that Russian war criminals are brought to justice. And a critical step in doing that is to make sure that the perpetrators of these atrocities find no safe haven anywhere in the world, let alone in the United States.

That is why I have introduced the Justice for Victims of War Crimes Act with the ranking Republican Member, Senator GRASSLEY. It closes a shameful loophole in American law that has allowed war criminals to escape justice. Our legislation updates the War Crimes Act so foreign war criminals who try to flee to America can be prosecuted, even years after their crimes were committed. It is only a starting point, but I hope we can build on it to finally enact the law in this country prohibiting crimes against humanity. This is an opportunity to send a clear signal to war criminals, like those in Russia today who systemically attack civilians, that America is going to hold you accountable for your crimes.

IMMIGRATION

Madam President, on a related topic, at our brightest moments, America has not only held war criminals and tyrants accountable; we have also provided refuge to their victims. Many of us in Congress can attest to that fact.

In fact, it is exactly how my family arrived in this country. Back in 1911, my grandmother left Lithuania in search of freedom. She boarded a ship carrying two things in her arms: a bag with her Catholic prayer book, published a year before the Czars outlawed its printing in Lithuania, and her 2-year-old daughter, my mother, Ona.

The moment my grandmother stepped foot on American soil, her life changed. From that moment on, she

and my mother were protected by an incredible shield: the U.S. Constitution, along with the rights and protections it guarantees.

But for Lithuanians, securing those same rights has not been so easy. The country struggled under Soviet occupation for nearly 50 years. Even after the Lithuanian people proclaimed their independence in 1990, their liberty wasn't guaranteed. In January 1991, 9 months after Lithuania held its first free elections, Soviet tanks rolled into Vilnius in a ruthless, last-ditch effort to crush the country's new democracy. Thirteen Lithuanian martyrs were killed that day.

I would like to think it was the sacrifice of those 13 Lithuanians, and millions who also suffered under communism, that inspired the current Governor of Florida to establish a new holiday earlier this year. It was entitled Victims of Communism Day. In his own words, Governor DeSantis created this holiday with the goal of "honoring the people that have fallen victim to communist regimes." In announcing this holiday, he asserted that "Florida will stand for truth and remain as a beachhead for freedom."

That is an admirable aspiration, but, sadly, it is one that the Governor of Florida has failed to live up to because, when it comes to standing up to ruthless dictators of our time, like Venezuela's Nicolas Maduro, Governor DeSantis and his allies are nowhere to be found. Instead of offering safe harbor to victims of Maduro's regime, these very same Governors have chosen to abandon and abuse their families.

This is no way to honor the victims of communism and political repression. It is a cowardly failure of leadership that violates our Nation's basic values.

When news first broke that Governors Abbott of Texas and DeSantis of Florida were using refugee families fleeing desperate conditions in Venezuela as political pawns, I couldn't help but wonder: What if it were my own family?

The families fleeing Venezuela are seeking refuge from the same menace that the victims of communists faced decades ago: political persecution and state-sanctioned violence. Under Nicolas Maduro, Venezuela has been a failed criminal state awash in human misery. It is so dangerous that the State Department warns Americans to avoid traveling to that country, and the people of Venezuela suffer every day under rampant corruption, human rights violations, hunger, and criminal mismanagement. I saw it for myself when I visited Venezuela a few years ago, just before Maduro's latest sham election.

Since then, things have grown worse. Hospitals are devoid of basic medical supplies, kids and parents are too hungry to go to school or work, and Maduro's barbaric regime is being propped up by some of the most repressive powers of the world, like Russia and Cuba.

A recent United Nations report found that Maduro and his cronies have been systemically repressing Venezuelans and gruesomely torturing their political opponents. These horrors have driven nearly 7 million Venezuelans to leave that country in desperation and fear. To put that in perspective, that is more than the number of Syrian refugees and nearly equal to the number of Ukrainian refugees fleeing active war in those countries.

Despite what some Republicans have claimed, families fleeing Venezuela are not "illegals" or "invaders." They are victims of the same ruthless tactics that once defined the Soviet Union. Instead of helping these families, Governor DeSantis and Governor Abbott declare holidays and have chosen to exploit their fear and confusion.

I met with a few of the families who were unwittingly placed on migrant buses to Chicago by Governor Abbott of Texas a few weeks ago. One of the people I met was named Carlos. He and his wife and two little girls were sitting at a table, and we were able to talk to them for about a half hour and ask questions.

Carlos was a hard worker in Venezuela, but the country's political and economic crisis was so severe that his job couldn't keep food on the table. His family was on the brink of starvation.

So on May 15, Carlos and his wife, along with those two beautiful little girls, decided to literally flee for their lives. They embarked on a 5-month journey, much of it on foot, to the Texas-Mexico border. It was a nightmare of violence, theft, and exploitation. Carlos told me that, at one point, he thought he would die, while spending 9 nights in a Panamanian jungle. By the time they were rescued by a local military force, all of their money was gone, their cell phones had been stolen, and they were penniless.

But they pressed on and eventually made it to America. They filed their claim for asylum. We are honored that they were brought to Chicago, though the circumstances were not good.

To me, Carlos is living proof that we have more work to do in ridding the world of violent repression and totalitarianism. These evils didn't suddenly disappear with the fall of the Soviet Union.

I actually share the Florida Governor's belief that America has the responsibility to stand in contrast to dictators like Maduro and Putin by actually defending truth and freedom. But that responsibility is far bigger than declaring a holiday, because it is one thing to speak out against the evils of communism or voice opposition to Maduro, but talk is cheap. The real test for our values begins when the victims of tyrants like Maduro arrive at our doorstep in search of freedom. I am sad to say that Governor Ron DeSantis and Greg Abbott have literally failed that test. To add insult to injury, these Governors not only refused to help these families fleeing Venezuela; they

wasted taxpayers' dollars on a political stunt that only made the problem worse and made us, as a nation, look weak and, to some of the world, look cruel.

Here is the reality. The most powerful way to stand up against dictators like Maduro is by honoring America's legacy as a beacon of freedom. That means coming to the aid of families like Carlos's—families who are applying for asylum the right way and seeking a fair shot in America, like our own families once did.

In fact, we need workers. We have 11 million unfilled jobs in this Nation and 5 million unemployed Americans. Let's put young, able-bodied people like Carlos to work in jobs that Americans don't want. Let's get them on the books and give them their fair shot so they can finally enjoy the security and safety for their families that was denied to them in their home countries. They will contribute to a better America.

Time and again, immigrants have shown us that they rise to the occasion, work harder than most, and achieve things unimaginable. They can do it again, and they will. Let's prove that America was and is better than the cold, iron fist of authoritarianism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

NOMINATIONS OF MICHELLE KWAN AND MARI CARMEN APONTE

Mr. KAINÉ. Madam President, I was scheduled to come to the floor today to offer live UCs to bring up two Biden nominees—very important nominees—to assume diplomatic posts in the Western Hemisphere.

Senator SCOTT of Florida was scheduled to be here to oppose my UCs and have a dialogue. The hurricane in Florida has pulled him away, and so he is unable to be here. I am left with the case where there is an objection, but the objector can't come for a reason that I understand. Senator SCOTT's team has indicated that he will likely be here tomorrow, and we might be able to repeat this tomorrow.

What I thought I would do, having the floor, is say a little bit about these two countries and these two nominees because I hope Senator SCOTT might watch this or his staff might give him the transcript because I think, if he does, he will see that they are both highly qualified individuals. I want to talk about both, but I will not make the motion at the end of my comments with respect to unanimous consent.

I would say that both Michelle Kwan, who was nominated by President Biden to be our Ambassador to Belize, and Mari Carmen Aponte, who was nominated to be our Ambassador to Panama, are both highly qualified individuals, as I will describe.

But the countries are really important. Belize has not had an ambassador confirmed for more than 5 years. Panama has not had a confirmed ambassador for more than 4 years. And, sort

of, the theme for both of these is, Why punish good behavior? These are great allies of the United States, both Belize and Panama. They are both doing some really important work with us right now, and they deserve to have confirmed ambassadors.

If we won't confirm an ambassador for more than 4 years or more than 5 years, it has a way of sending a message to these countries like: Wow, we say you are great allies, but we clearly don't value you enough to have a confirmed ambassador.

Let me talk about Michelle Kwan, the nominee to be our Ambassador in Belize.

Belize is a critical partner in the Caribbean and Central America. This is a region of significant distress and instability. But Belize has been a bright spot in both relative stability and also closeness to the United States. As I mentioned, no U.S. ambassador has been confirmed there for more than 5 years. It is a stable democracy in a region facing significant threats from organized crime, irregular migration, human trafficking, as well as democratic backsliding in the region.

We worked hard to deepen our relationship with Prime Minister Briceno, and bilateral cooperation between the nations are increasing. Our ability to engage with Belize at this most senior level is crucial right now.

In particular with Belize, there is something fairly unique about this country. In this hemisphere that is very important to the United States, it is also of growing importance to China. We see Beijing active all over the Americas, often outstripping our efforts to pay attention to these countries.

Belize has been willing to be a stalwart partner of Taiwan. There are only 11 nations in the world that recognize Taiwan, and China is going after each one of them, putting pressure on them to strip away their recognition of Taiwan.

The United States is encouraging nations that have recognized Taiwan to continue to do so, but very few are able to hold out against the Chinese onslaught. Belize has been willing to do this. This is good behavior. We asked them to do it, and they have.

By leaving this position vacant, even as Beijing aggressively builds more and more momentum in the region, it is nothing less than diplomatic malpractice. Having a sitting U.S. ambassador there is of utmost importance.

Now, how about Michelle Kwan?

Exceptionally qualified to take on this challenge. She has had an incredibly distinguished career in public service and diplomacy and especially sports.

She is the most decorated figure skater in U.S. history, having won 43 championships, including 5 world championships, 9 national titles, and 2 Olympic medals.

Michelle became the first-ever U.S. Public Diplomacy Envoy in 2006, 16

years ago. For the following decade and a half, under Presidents and Secretaries of State of both parties, she has traveled extensively on behalf of the State Department all around the world to engage youth and especially young girls on social and educational issues.

She would be an extraordinary champion for the United States with this close neighbor, and her global profile will say to Belize: Hey, we value you because we are sending an accomplished and well-known athlete, inspiration, and diplomat to be our representative there.

And so I was going to ask today that she be confirmed by unanimous consent, and I will return, hopefully, to successfully see her advanced by the Senate into this position.

Now let me talk about Mari Carmen Aponte, who is President Biden's nominee to be Ambassador to Panama.

First on Panama, Panama is one of our strongest partners in the Americas. It is a critical ally on a wide range of U.S. priorities.

And, Madam President, you and I remember when we had major problems with Panama—major problems. It has been a success story of turning an adversary into a great ally and even partner, and yet Panama has now been without a U.S. ambassador for more than 4 years.

My friends across the aisle frequently cite migration as a top foreign policy concern. They have a point.

The Venezuelan refugee crisis is now the second largest displacement in the world. The size and scope of this crisis and the humanitarian impact on the region and the Venezuelan people is worsening by the day. I agree. This issue needs much more attention.

Panama is on the frontline of this crisis. Their border with Colombia—the Darien Gap on that border is the primary route by which people migrate from South America, especially Venezuela, north. They have a crucial role to play in any cohesive regional response.

Panama is also critical to narcotics interdiction efforts and in promoting democratic values that are increasingly under threat in the region.

They are also the subject of intense Chinese investment in the Panama Canal. China has a new Embassy built right on the canal.

We are not competing in a vacuum here. We are competing in a highly competitive world, where China is making more investments than we are, and yet Panama still desires to have a very close relationship with the United States.

And there is more.

Recently, Panama, Costa Rica, the Dominican Republic, and Ecuador noticed democratic backsliding in the Americas and announced the formation of something called the Alliance for Democracy and Development. They want to band together, four democratic nations, and be proudly pro-democracy in a region where we see too much

backsliding. They can punch above their weight. They can do work not only within their own nations but be an influence throughout the region—indeed, throughout the world. This is something that the United States has celebrated and recognized.

So, again, why punish bad behavior? If they are doing these things to help us with migration, if they are stepping forward to be pro-democracy in a region that is backsliding, why wouldn't we want a confirmed U.S. ambassador?

Let me tell you about Mari Carmen Aponte. She is a Puerto Rican native. She previously served with distinction as an ambassador to El Salvador during the Obama administration. She was confirmed in this body with bipartisan support. She has been the Acting Assistant Secretary of State for the Western Hemisphere.

It is hard to imagine a more qualified nominee. She will have impact from the moment she hits the ground. She was nominated for this role in October of 2021. Her Senate Foreign Relations Committee hearing was in May, and she has been pending consideration by the entire Senate since June.

Let's get a proven ambassador in the field and put her to work in a nation that is critical to the United States in the region.

Finally, I will just note, Panama is the home of the Panama Canal. It is the world's second largest free-trade zone. It has a sophisticated logistics and financial operations hub. It attracts billions in direct foreign investment, and we need to be there, again, to counter the significant Chinese interest in this country.

So, again, I had planned to make a motion on behalf of Mari Carmen Aponte. In deference to my colleague from Florida and the challenge there, I will not, but his team has committed to me that they will pay attention to my description of both the importance of these nations and the qualifications of these nominees.

I will return in the hopes that we may soon be able to act as the Senate and forward these highly qualified nominees to the field where they can do their work as representatives of the United States.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. MARSHALL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. BALDWIN). Without objection, it is so ordered.

The junior Senator from Kansas.

UNANIMOUS CONSENT REQUEST—S.J. RES. 63

Mr. MARSHALL. Madam President, I rise today in order to ask for unanimous consent to pass S.J. Res. 63, a resolution to terminate the COVID-19 national emergency declaration. It has been more than 2½ years since the national emergency concerning the novel

coronavirus disease outbreak was declared, and it has been extended now twice already by President Biden since the initial proclamation, most recently in February of this year.

It is this declaration, coupled with other additional emergency powers currently invoked by the President, which this administration is using to supersize government in order to continue their reckless, inflationary spending spree and enact their radical, partisan agenda. In fact, the White House uses these emergencies to justify their inflationary, out-of-control spending, their unconstitutional vaccine and mask mandates, and to forgive student loans.

This is not the first time I have come to the floor to terminate this emergency declaration. In fact, in March, I brought an identical resolution to this floor under the expedited procedures contained in the National Emergencies Act that passed this body by a vote of 48 to 47. At that time, the status of the virus in this Nation had greatly improved since the dark, early days of the pandemic. Everyone ages 12 and over was eligible for a booster shot if they wanted further inoculation. More than 550 million shots had been administered in the United States, with 215 million people being fully vaccinated. Two oral anti-virals had been made available for certain patients, and monoclonal antibody treatments were available for those at high risk of becoming seriously ill.

Fast-forward to today, 6 months later, and the status of our immunity and ability to fight the virus in the United States has improved further still. More than 660 million doses have been administered, and 225 million people are fully vaccinated—nearly 70 percent of the population. If you include natural immunity, immunity gained through natural infection, the CDC stated just last month that approximately 95 percent of Americans over the age of 16 have some acquired level of immunity. Everyone ages 12 and older can receive Omicron-specific boosters, and we have a growing roster of anti-viral drugs and monoclonal antibodies that are helping vulnerable populations avoid life-threatening infections.

Now, this is not the time to ignore the individuals still struggling with COVID or those who are tragically dying with the virus, but it does demonstrate that we have made major advances in our fight against COVID-19 and entered a less dire, more endemic phase. In fact, even President Biden recently acknowledged during a “60 Minutes” interview that the “pandemic is over.”

Of course, the President’s handlers immediately walked back this claim to argue that the pandemic is, in fact, not over. But why? Why would the Federal officials calling the shots in the executive branch not want to declare this pandemic over? Because it is the fearmongering and the robust authori-

ties provided by the emergency declaration that allow this administration to justify infringing upon your rights and validates their continued expansion of inflationary government spending and social programs.

It was this government-imposed state of emergency that justified their continued lockdowns of small businesses and schools. It was this government-imposed state of emergency that justified their vaccine and mask mandates that continue to this day in too many instances. It was this government-imposed state of emergency that justified President Biden’s and congressional Democrats’ inflationary spending binge, starting with the \$1.19 trillion American Rescue Plan last year and their curiously and inappropriately named Inflation Reduction Act this summer. Most recently, it was the national emergency declaration that allowed the President to extend the payment pause and cancel up to \$10,000 in outstanding federally held student loan balances and \$20,000 for Pell Grant recipients.

This rallying cry of the far left that the President is pandering to will cost the Federal Government \$420 billion—\$420 billion—according to the Congressional Budget Office. The Wall Street Journal called the move “an unprecedented act of peacetime fiscal recklessness.” And every American knows this is inflationary.

This is exactly the problem. The Biden administration is keeping Americans under the strain of the national emergency declaration as if we are not living in a time of peace, as if we are living in a time of war that requires the full force of the Federal Government—rights and fiscal responsibility be damned—in order to respond to this crisis.

In order to rein in this massive expansion of government, to slow down inflation, and restore Americans’ fundamental rights, we must take the important step of terminating the COVID-19 national emergency declaration. I encourage all my colleagues to join me in supporting doing so.

Madam President, I ask unanimous consent that the Committee on Finance be discharged from further consideration of S.J. Res. 63 and that the Senate proceed to its immediate consideration. I further ask that the joint resolution be read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object, Madam President.

The PRESIDING OFFICER. The senior Senator from Oregon.

Mr. WYDEN. Madam President, I just went over to our colleague from Kansas and told him that I would much rather be on the floor this afternoon working in a bipartisan way on something like this, and I hope that can be part of Senate proceedings in the future.

Here is what I think is important for the public to know about this proposal. It is that in the real world, the Marshall proposal is a prescription for less flexibility and more redtape in American healthcare. I want to be very specific.

Every Member of this body understands that America has a serious shortage of nurses and healthcare providers. Every single time we go home—I am sure this is the case for our colleague from Kansas, who is a physician. He hears from physicians and providers. Every time we are home, we hear from healthcare providers. I see the Presiding Officer of the Senate has been a very strong advocate for healthcare improvement for patients and providers. Every time we are home, we hear about the need for more healthcare providers.

Right now, there are requirements in Medicare for a lengthy process that must be completed before it is possible to hire healthcare providers to serve Medicare patients. If the Marshall proposal goes into effect as written, Health and Human Services could not waive this complicated process to take care of patients. So that would leave our country short of healthcare providers when there is an acute, even more serious need for them.

I am just going to close with this because we are all hoping to be home over the next week or so. When I am home, I always do these open-to-all townhall meetings. I go to every one of my counties every year. I have had more than 1,020 of them—open to all, ask whatever you want. I have never had a constituent at home, an Oregonian, say: RON, what we need is more complicated processes and redtape in American healthcare. Usually, they are talking to us about waiving things.

For those reasons, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Kansas.

Mr. MARSHALL. I certainly appreciate the chairman’s comments and his sincere commitment. We certainly share some of the same goals.

Practicing medicine in rural Kansas for 25 years, we have been faced with physician shortages for decades, with nursing shortages for decades, and we both agree that is a problem. But the difference is, I don’t think that the government is the solution to the problem; I think that the government has created the problem, that physicians and nurses are so tired of dealing with all the redtape, all the continuing burden that the ACA has put on us.

I am so proud of the doctors and nurses. When this country called for them in an emergency, we—including myself—volunteered, rushing to the frontlines of the emergency rooms to take care of patients. Now this Congress is going to reward them with a pay cut, by the way.

But this is not the solution to the doctor shortages or the nurse shortages. The solution is to respect the profession, to remove some of the red tape. Allow us to be doctors and nurses. Don't make us be tied down with issues like prior authorization, which I know your committee is seriously considering as well. We appreciate your work on that as well.

Certainly, I do have people who come to my townhalls—and, like you, we have been to 100 counties in the past 2 years. We have five left to go. And what people ask me is: Why do our kids in the Head Start Programs still need to wear a mask? Do they do any good? Why are there still vaccine mandates out there? Why is this government continuing inflationary spending?

It is my feeling that this emergency declaration allows the President and the White House to expand those powers to take our constitutional rights away from us.

You know, again, I have encouraged people to take the vaccine and do all the right things. But I still think it is time to end the emergency. Give us our God-given constitutional rights back. I think we should support ending this declaration of emergency.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Arkansas.

UNANIMOUS CONSENT REQUEST—S. 4984

Mr. COTTON. Madam President, the United States is in the midst of the deadliest drug epidemic in our Nation's history, caused by the most lethal drugs ever created.

More than 108,000 Americans died last year from drugs—more than 108,000—which is almost double the number of Americans killed in the entire Vietnam war. That is the worst slaughter of American citizens by drug dealers and traffickers on record.

The biggest killers, by far, were lab-made opioids, most notably fentanyl, which are cheap to produce and easy to mix with other street drugs. These lethal cocktails have devastated countless families and communities across our Nation. Too many parents have come home to a dead child who has mistakenly taken a prescription pill or a so-called party drug that might have been laced with fentanyl. Indeed, almost no one dies of a fentanyl overdose thinking he took fentanyl. It is laced into other drugs.

That is why, repeatedly, over the past 2 years, I and many of my colleagues have offered a measure to keep it illegal to traffic new variants of fentanyl, but, each time, a Democrat has blocked that measure. Later today, they will do so again.

Perhaps we can at least agree on one thing: We should have no tolerance for people who willingly trick addicted drug users or other innocent persons into taking deadly fentanyl by telling them it is really something else. This happens every day with heartbreaking consequences across the country.

For example, just 2 weeks ago, a drug trafficker was sentenced to life in pris-

on for his role in distributing fentanyl to unsuspecting users in Minnesota. Eleven people died. They thought they were buying illicit Adderall. When he heard about the deaths, the dealer asked his Chinese suppliers for a discount on his next shipment.

That same week, another drug dealer was arrested just minutes from the Capitol Building, where we stand—in Silver Spring, MD—for killing a child with a fentanyl pill, which he said was Percocet. He was hiding the fentanyl-laced, fake Percocet pills inside small bags of marijuana.

Last week, a few minutes in the other direction, a trafficker was tried in Northern Virginia for distributing cocaine laced with fentanyl at a party. Six partygoers overdosed. One died.

These cases happen every day. Drug addicts are especially lulled into a false sense of safety by fake prescription pills, believing them to be medicine for which they have some past experience. That is why fake prescription drugs are on the rise. Federal law enforcement encountered as many fake prescription pills in 2021 as in the previous 2 years combined.

If Democrats refuse to help Republicans keep all fentanyl variants off the streets, hopefully, we can at least agree on keeping deceptive fentanyl traffickers behind bars. My bill would establish that any drug trafficker who knowingly misrepresents fentanyl as though it is something else would be subject to 20 years in prison. If the criminal has a prior felony criminal record or if its misrepresentation kills someone, then the criminal would be subject to life in prison or would even be eligible for the death penalty. There can simply be no leniency for people who trick unsuspecting users into taking deadly fentanyl.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 4984, which is at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

THE PRESIDING OFFICER. Is there objection?

The Democratic whip.

Mr. DURBIN. Madam President, in reserving the right to object, I worried this morning that the Senator from Arkansas was going to offer this unanimous consent request on the floor of the Senate this afternoon. I was a little bit surprised. I wasn't aware of this bill. We have been members of the same committee, the Judiciary Committee, for 21 months, and the Senator from Arkansas has not raised the bill during that period of time. But it is his right to come to the floor today and ask that it be considered. I would like to tell you why I am going to object to this.

If you serve in Congress for any period of time, you become a student of the terrible drug problems of America. I recall a period of time in the House of

Representatives when we had crack cocaine appear in the United States for the first time. It scared us because it was cheap; it was deadly; addictive; and for the women who were pregnant who had taken it, it did harm to the babies they were carrying. So we decided to make sure that we were going to do the right thing in our War on Drugs.

What we said was—listen closely—the penalty for crack cocaine would be 100 times the penalty for the use of ordinary cocaine—100 times. The penalty for using cocaine in general was already serious. One hundred times, we said, for the War on Drugs. I voted for it. I thought, finally, a message will come from the Congress that, if you touch crack cocaine, you are going to be in for it. We expected that fewer people would do it because of the fear of that criminal sentencing and that the price of crack cocaine would go up because the demand was limited.

Guess what happened—exactly the opposite, exactly the opposite.

More and more people used crack cocaine, and the price on the street went down to dirt level. The result was we started filling our prisons in a way that we had never seen before in the history of the United States: 500 percent of the prison population of just 20 or 30 years ago increased in that period of time.

We learned the hard way that getting tough wasn't always the smart way to deal with drug addiction. We thought about it, and we changed the law several times. I have been party to changing it. I voted for the original version, and it failed. We had to do better.

Then something happened that was dramatic—opioids. Out of nowhere came opioids, and what used to be a problem of drug addiction and death in the inner cities of America became a problem of drug addiction and death in the suburbs of America, in the farm towns of America—all over America. Interestingly enough, America started looking at our drug laws and our drug addiction and saying: What are we doing wrong here? What is wrong with this situation?

As a consequence, a lot of attitudes changed. People got away from the old "just say no" routine and started asking serious questions: How do we deal with drug addiction? How do we stop this addiction? It is not easy to stop it, but God knows we need to. So we have seen a transformation with the arrival of opioids.

Now, the Senator from Arkansas is correct. People are lacing these opioids with fentanyl, and fentanyl is deadly; there is no question about it. We should take it seriously, and we do. As a matter of fact, each judge, when imposing a sentence for crimes already involving fentanyl, is pretty serious about it. I just heard the Senator from Arkansas describe a situation in which someone in Minnesota got life in prison for the sale of a fentanyl product. So it is clear that it is not being ignored, nor should it be.

Intentionally selling fentanyl is already a crime all over the United States. Representing that fentanyl is something else is exactly the kind of aggravated factor a judge takes into account in the sentencing. I don't believe this bill is a serious effort to deal with the problem in light of what we know today.

Let's start with the fact that it creates a new Federal death penalty offense.

Well, I have to tell you that I have watched a lifetime—a political lifetime—of death penalty cases and have seen the result. I have my serious doubts that that is the best way for America to go. I think the gentleman from Arkansas realizes it. I am the lead sponsor, along with 20 others, of the Federal Death Penalty Prohibition Act—to repeal it once and for all. So I am concerned about any legislation that imposes the death penalty.

It also creates mandatory minimum sentences that don't allow judges to consider the individual circumstances in a case.

That is straight out of the failed doctrine of the War on Drugs—a mandatory minimum. Tie the judge's hands. Put people in jail, and basically say there will be unlimited amounts of time that they will spend there. People were getting 20- and 30-year sentences for the sale of narcotics like crack cocaine, and we soon realized that it didn't make sense over the long haul. It was 20 years for a single drug sale, which goes up to mandatory life in prison if a defendant has any prior felony conviction, no matter if it has zero relationship to drugs or is based on a defendant's immigration status.

I don't believe that is the right way to go. It wasn't with the War on Drugs. We learned the hard way. I want to get tough on the drug sales, and I am sure the Senator from Arkansas feels the same way. We approach it differently. I have the experience of trying to take the hard position on this issue and of seeing that it failed when it came to crack cocaine.

For that reason, I object.

The PRESIDING OFFICER. Objection is heard.

The junior Senator from Arkansas.

Mr. COTTON. Madam President, what we heard is a lot of the same excuses that the Democrats have made for years about being soft on crime and their claims about mass incarceration or systemic racism or what have you.

I would point out that almost no one—almost no one—is in Federal prison for mere drug possession. It is a myth that there are low-level, non-violent offenders in prison because they are addicted to drugs.

Where we are is at a 21-year low in the number of Federal inmates we have. Do you know where we are not at? A 21-year low in drug deaths—the highest on record every single year, year after year. Almost twice as many have died as in the Vietnam war. Almost 24 times as many have died as in

the entire Iraq war. Almost 35 times as many have died as on 9/11. Yet the Democrats repeatedly refuse to crack down on deceptive fentanyl dealers.

As I have mentioned, I have also offered bills in the past that would permanently add fentanyl to the Controlled Substances Act scheduling. The Democrats refuse to do so. They will do it temporarily from time to time, but they want a trade. They want to get a trade for something. They want to either reduce sentences or let prisoners out. This is whether they are Democratic Senators or Democratic Governors in places like Illinois, in their eliminating the bail system, or whether they are Democratic mayors or Democratic prosecuting attorneys in places like Chicago. As a result, we have a crimewave and a drug epidemic all across America.

Let me just reiterate. The bill I just offered, which the Senator from Illinois blocked, would simply say that you cannot sell another drug and not acknowledge that fentanyl is in it; that you cannot misrepresent what you are selling.

It is not just opioids. It is not just heroin. It is even marijuana. It is pills that are passed off as mere prescription drugs, like in some of the examples I gave—Adderall, OxyContin, Percocet—that people all across the America are dying from.

UNANIMOUS CONSENT REQUEST—S. 621

Madam President, let's take another angle on this problem. Almost all of these drugs come from Mexico. Almost all of the drugs in America today come from Mexico. Almost all come from a handful of vicious, depraved cartels in Mexico—cartels that have taken on the powers of a quasi-state, cartels that the Mexican Government either cannot or will not crack down on. So let's look at it from that perspective. It is past time that we bring the full weight of the U.S. Government to bear on these cartels and to destroy them for what they are unleashing on our streets.

Imagine if ISIS or al-Qaida set up shop across our border and was responsible for more than a hundred thousand American deaths every single year. What would we do? What would you do?

I know what we wouldn't do. We wouldn't hesitate to act, and that is exactly what we should do with these Mexican cartels.

Unfortunately, President Biden has done the opposite. Since the day he took office, he has flung open our borders, created a border crisis, and made it easier than ever to smuggle massive amounts of illegal drugs into the United States.

Already this year, the Border Patrol has found over 12,000 pounds of fentanyl being smuggled over our borders—12,000 pounds. You may not be able to put that in perspective. Let me put it in perspective for you: It is enough to kill every man, woman, and child in America many, many times over.

That doesn't even include any fentanyl brought in by the hundreds of

thousands of illegal aliens whom the DHS calls got-aways.

President Biden could declare fentanyl-peddling cartels to be terrorist organizations, but he has refused to do so. So the bill that I am about to bring up would give him additional tools, short of labeling these cartels "terrorists."

My bill would create a new designation called a significant transnational criminal organization, and it would enable the Federal Government to impose many of the same sanctions and use many of the same tools against cartels that it already does against terrorist organizations like al-Qaida and ISIS. Those would include barring cartel members and their immediate families from entering the United States, freezing assets belonging to the cartels to hit their wallets and to keep them from profiting off of death and destruction, and enabling civil and criminal penalties for anyone who provides material assistance or resources to the cartels.

The Democrats are going to block a bill later today that would keep new fentanyl variants illegal. They just blocked another bill that would target drug traffickers who trick people into taking the fentanyl that kills them. I hope at least Democratic Senators would be willing to say that we should give the Biden administration more tools to use against the Mexican cartels, some of the worst and most depraved criminals on Earth.

Therefore, Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of my bill, S. 621, the Significant Transnational Criminal Organization Designation Act, and that the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. The Senator from Arkansas' views on immigration are well-known. He has been consistent in opposing immigration, but it is interesting to me that people like him who oppose immigration always, at the end, seem to go after the same people: mothers and children.

We saw it with the cages the kids were kept in. We saw it when kids were forcibly removed from their parents at the border during the Trump years. We have seen it time and again, and now we see it with the Governor of Florida and the Governor of Texas putting mothers and children on buses and bus-ing them hundreds of miles away from where they were picked up, whether there is any contact there or not. Mothers and children are always a

focal point of anti-immigration rhetoric, and, once again, this bill does that.

I agree completely when it comes to stopping transnational criminal organizations, but to focus the bill on innocent spouses and children, including minor children, and make them the target of the bill seems to me going beyond any reasonable law enforcement.

There is a narrow exception in the bill that allows a spouse or child to be admitted to the United States if they can somehow convince the consular officer that they did not know or could not reasonably have known of their spouse's or parent's membership in a criminal organization. But there is no exception for battered spouses or children who are often victims of these organizations themselves. And the bill gives what appears to be unreviewable discretion to these consular officers to decide whether an innocent spouse or child has renounced the organization.

These transnational criminal organizations must be sanctioned and stopped, but this is not the way to do it, going after mothers and children.

I want to make a point, since the Senator concluded after my last statement that I am somehow soft on crime. Can I go through a short list here of bills that I voted for to get tough on crime?

Let's take a look at this bill, the American Rescue Plan. That American Rescue Plan passed in the U.S. Senate and provided billions—billions—of dollars to State and local communities for police and crime protection—more money for police and crime protection from this Senate to those communities. I voted for it. The Senator from Arkansas voted against it.

Then the Congress passed the Infrastructure Investment and Jobs Act. In that bill was a \$430 million investment in our ports of entry, helping DHS to screen vehicles for fentanyl. You see, these drugs come through ports of entry. This idea of a backpack full of drugs being hiked over the border by someone in the middle of the night, that is not where the bulk of these drugs come from. They come through the ports of entry. So we put a \$430 million investment to make those ports of entry even stronger and tougher.

I agree with that completely, helping the Department of Homeland Security to screen vehicles and stop fentanyl from coming in. I voted for that. The Senator from Arkansas voted no. Who is soft on crime?

Then we passed the March Omnibus appropriations bill—tens of millions of dollars in increased funding for hiring police officers and technology upgrades at the border to detect and seize fentanyl and other illicit cargo. I voted for that. The Senator from Arkansas voted against it. Who is soft on crime?

And when we passed the Bipartisan Safer Communities Act, the most serious bipartisan step Congress has taken to end gun violence in 30 years, I voted for it. The Senator from Arkansas voted against it. Who is soft on crime?

The American people can see which party is passing legislation and actually funds law enforcement, addresses crime and violence in a thoughtful way. And they can see, when the bills come up on the floor, one party gives the speeches; the other party gets the votes.

I am going to continue to vote to support the police and put an end to this drug crisis in America in a thoughtful and sensible way.

I object.

The PRESIDING OFFICER. The objection is heard.

The junior Senator from Arkansas.

Mr. COTTON. Madam President, I think we know who is soft on crime. It sounds like I hit a nerve. I didn't stand up here saying I am not soft on crime five or six times in a row. It is the Senator from Illinois who said that, just like Senate Democrats have been saying it for the last several months, just like their candidates all across America are saying it.

Let's look at the first bill he mentioned, the American Rescue Plan. You know what that is, right, the American Rescue Plan? That is their \$2 trillion wasteful spending bill from last spring that is responsible for 13 percent inflation.

Do you know what is also included in it? A measure that would get stimulus checks to prisoners. That is right—depraved, violent felons; murderers and rapists and drug traffickers all across America. People like the Boston marathon bomber got stimulus checks last year because the Democrats believe that criminals are really, at heart, victims as well, victims of an oppressive society and system.

If I am not mistaken, when I offered my amendment to prevent prisoners from getting stimulus checks, I think it was the Senator from Illinois who stood up and blocked it. I know that he voted against it. I know that he wanted prisoners to get stimulus checks. That is what he is talking about.

What about his objection to this bill, that it is going to target mothers and kids, the poor mothers and children of drug kingpins, a very common feature of American sanctions efforts—in fact, sanctions efforts that we are doing exactly against Russian oligarchs and regime figures, which I support, by the way. I support. No, the wives and the children of Russian oligarchs and Mexican cartel kingpins should not benefit from their ill-gotten gains.

But I care more about the lives of American citizens—the hundred thousand-plus American citizens whom we lose every single year—than anyone else in the world.

The Biden administration's policy, though, is that we will use this tool against Russians, but we are not going to use it against Mexican cartel members. I think that goes to show you where their priorities are.

Again, just to recap, we tried to pass legislation that would have imposed heightened penalties on drug traf-

fickers who misrepresent their drugs and say they don't contain fentanyl. The Senator from Illinois blocked it on behalf of the Democrats.

Just now, we tried to give the Biden administration more tools to target the cartels that are smuggling these drugs into our country, that are killing a hundred thousand of our fellow citizens. Again, on behalf of Senate Democrats, the Senator from Illinois blocked it.

I say, again, over 108,000 Americans were killed by drugs last year. Yet the Democrats continue to refuse to crack down on drug traffickers and cartel kingpins.

Some of my other colleagues are going to offer similar bills today, just like I am going to offer, yet again, my permanent fentanyl scheduling bill that would stop the annual Kabuki dance here of the Democrats demanding some pro-criminal law just so we can permanently add fentanyl to the Controlled Substance Act schedule.

Think about that. At a time when 108,000 Americans are dying every single year—that is not an aggregate number, every single year—the Democrats refuse to act if they don't get something in return on behalf of criminals, if they can't reduce drug sentences for hardened criminals, if they can't let more felons out of prison. It shows a depraved indifference to the lives of our people.

I yield the floor.

The PRESIDING OFFICER. The Democratic whip.

Mr. DURBIN. Madam President, passing legislation is difficult at any stage in American history. It is increasingly difficult when it is a 50-50 Senate. You have to work it. You have to be willing to sit down with someone from the other side of the aisle and find a co-sponsor so that you have a bipartisan bill.

I have seen that work. In fact, I was part of it. It was Senator CHUCK GRASSLEY and I who put together the FIRST STEP Act, which was part of prison reform—significant prison reform—in this country.

Who signed the FIRST STEP Act? President Donald Trump.

Soft on crime? What we did was work out something that was bipartisan, sensible, and really makes a difference, and makes certain that people currently serving in prison will one day be released—most will—and not return to crime when that happens. I think that was time well spent, but it took a bipartisan effort.

I could have come to the floor every day of the week and offered my best idea on how to fight crime, but if you can't pass it on a bipartisan basis in the Senate, it doesn't work.

It takes a lot of hard work and a lot of patience and compromise to make a real change in the law. Even if you think you have the best idea on Earth, you have to work at it.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Nevada.

FIVE-YEAR ANNIVERSARY OF LAS VEGAS,
NEVADA, SHOOTING

Ms. CORTEZ MASTO. Madam President, 5 years ago this Saturday, my hometown of Las Vegas endured one of the darkest days in its history. On a beautiful autumn evening, the Route 91 Harvest Music Festival was interrupted when a gunman showered the concert with bullets from a high-rise hotel room. Those who were at the festival, including my niece, at first thought the gunshots were fireworks, but they soon realized that something much more deadly was unfolding.

Fifty-eight people lost their lives that night, and two more have died in the years since the attack. Over 850 people were wounded, and tens of thousands who attended the concert or helped respond to the shooting bear the visible and invisible scars of that night.

It is hard to overstate the scale of the devastation of that night, and it remains the worst mass shooting in modern American history. As soon as the gunfire broke out, first responders sprang into action, as did ordinary citizens, turning concert barriers into stretchers and trucks and cars into makeshift ambulances. Doctors and nurses rushed to hospitals, and thousands of people lined up all over the State to donate blood. Individuals and businesses contributed food, blankets, airline tickets home, or whatever survivors might need.

At the worst of times, Nevadans came together to support one another, and they have worked to help each other ever since. Local businesses have supported the construction of a healing garden. The commission working on a permanent memorial continues to make progress, and this summer it invited the public to participate in its planning. And scholarship funds and activity groups continue their work to support the children of victims and survivors.

And this weekend in Las Vegas, thanks to the work of the Vegas Strong Resiliency Center, bereaved families, survivors, first responders, and community members will light lanterns together to honor the strength, the light, and resilience of the Las Vegas community.

The fact is, though, that trauma leaves its marks. Many of those touched by the Route 91 attack say that the shooting created a permanent before and after for them. It fundamentally changed their lives. And America has seen far too many of these mass attacks, from Orlando to San Jose, Parkland to Buffalo. More recently, of course, this summer saw the horrific shooting in Uvalde, TX, of 19 students and 2 teachers.

In the wake of Uvalde, Route 91 survivors Geena and Marisa Marano came to see me. They are sisters whose experiences at the festival inspired them to work for change. They told me that knowing how difficult it had been for them as survivors of a mass attack,

they could not imagine what children who survived Uvalde were going through, and so they were in Washington to call, once again, for change. This time, they succeeded.

Over the summer, Congress passed and the President signed the Bipartisan Safer Communities Act, which contains a range of commonsense provisions to reduce gun violence in America. I can't emphasize this accomplishment enough. People thought that passing bipartisan gun safety legislation was impossible, but because of the work and the dedication and advocacy of so many, including Route 91 survivors like Marisa and Geena, we got it done.

I am especially proud that I was able to help secure enhanced background checks for those under 21 years of age as well as additional mental health funding that is needed in our schools. Many survivors will be the first to say the work isn't finished yet. That was a first step; we still have more to do. And I agree with them. They are going to continue to push for commonsense reforms, and I will support them as I always have. Because these shootings are just devastating for whole communities, we have to do something. I know for many in Las Vegas and all over Nevada—this week especially—will bring difficult reminders of that dark day 5 years ago, but it will also bring a renewed determination to heal, to memorialize, to honor those who were affected, and to work toward a safer future.

Madam President, I will continue to stand with my hometown and with those survivors not only in Nevada but across the country and to do everything that I can to work for the same goals that they care about.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Iowa.

PRESCRIPTION DRUG COSTS

Mr. GRASSLEY. Madam President, as a leading advocate for lower drug prices in the Senate, No. 1, I have hauled Big Pharma and pharmacy benefit managers' executives before my committee of Congress; second, I led a 2-year bipartisan investigation into insulin price-gouging; and three, introduced bipartisan reforms to lower the cost of insulin and many other prescription drugs. In the past few years, legislation I have championed into law has saved the taxpayers \$9.6 billion.

Right now, the Senate is not acting on bipartisan legislation to lower drug costs. I support a bipartisan plan by Senators COLLINS and SHAHEEN that establishes a \$35 out-of-pocket cap on insulin for patients with private insurance while also reforming PBMs, the powerful middlemen who are behind rising drug prices. If you don't address PBM reform, a cap on out-of-pocket costs will only result in shifting patient costs somewhere else.

In my 2-year bipartisan insulin investigation, we found that a drug's list price is tied to rebates and other fees

that drug companies have to pay the PBMs. The scheme encourages drugmakers to spike the list price of the drug to offer a greater rebate. And then do you know what happens in turn? Secure priority placement on a health plan's list of covered medications. We have to hold PBMs accountable, then, if you really want to lower prescription drug costs.

In 2018, I called on the Federal Trade Commission to assess consolidation in the pharmaceutical supply chain and its impact on drug prices, but I didn't wait for the FTC to act. I introduced the Prescription Pricing for the People Act with Senator CANTWELL, and it was approved out of the Judiciary Committee unanimously last year.

A few months ago, the FTC agreed to conduct a study of PBM business practices. This is very welcomed news, but the FTC needs to complete this study and do it in a timely way. Last week, I asked FTC Chair Kahn about when the PBM study would be completed. Chair Kahn didn't commit to a date.

While we need more sunshine on the PBMs, we don't need to wait to take some action. Senator CANTWELL and I have introduced the PBM Transparency Act, and it has been approved by the Commerce Committee on a 19-to-9 vote. The bill prohibits PBMs from engaging in spread pricing and clawbacks. Both spread pricing and clawbacks are actions that game the system and hurt consumers.

When the majority party pursued a partisan, reckless spending-and-tax package that they called the Inflation Reduction Act, I filed the Grassley-Wyden Prescription Drug Pricing Reduction Act as an amendment that had 10 Republican cosponsors. I did that in order to show that the majority party could have chosen to pass drug pricing reform on a bipartisan basis if the majority wanted to do that. The bill establishes PBM accountability and transparency, something missing from the Inflation Reduction Act.

So, Madam President, we have bipartisan prescription drug legislation awaiting action. We don't have to wait until 2026 for what happened in August in the Inflation Reduction Act to get anything done because that doesn't take effect until 2026. This includes the bipartisan plan to lower insulin prices and my two bills to hold PBMs accountable. That is what we need bipartisan action on in the U.S. Senate.

I have also led out of the Judiciary Committee three bipartisan bills to establish more competition to lower prescription drug prices. They save taxpayers a combined \$1.9 billion.

So the Senate must act on six bipartisan bills. Collectively, they lower insulin costs, secondly hold PBMs accountable, and lastly establish more competition to lower prescription drug prices.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Tennessee.

RESTORING LAW AND ORDER ACT

Mrs. BLACKBURN. Madam President, last evening, I had the opportunity to get on the phone in a telephone townhall with citizens from Davidson and Shelby Counties in Tennessee, and crime was the No. 1 issue that people were talking about. And one of the points that came up several times was, Why is it that some of our colleagues across the aisle have stuck with this prepackaged, zero consequences crime narrative that they are still trying to sell to the American people?

Crime is an issue. And Tennesseans aren't buying the message. I don't think the American people are buying it because they are living with the real-world consequences of the Democrats' refusal to work to get crime under control.

Now, a few days ago, I was watching the news, and I could not believe what I was seeing. Young people were ransacking a convenience store. They were doing this in full view of the cameras, continuing to talk to one another, just going through ransacking that store.

Now, I know I would like to say that was an isolated incident, but we all know that this is not an isolated incident. What is happening is, this has become a trend in many of our cities. The numbers aren't working in our favor when we talk about this trend, whether you are talking about theft or vandalism or something much worse.

Here are some stats. Since 2019, homicide rates in our largest cities are up 50 percent. That is since 2019. Aggravated assaults are up 36 percent. Last year, 108,000 Americans died of a drug overdose; 4,000 of those were Tennesseans.

Now, we can continue to engage in a cable news proxy war or we can do something about this. We, as lawmakers, cannot control what the pundits and the activists say, but we can do something to help the millions of Americans who have become or are at risk of becoming victims of violence.

Back home in Tennessee, the sheriffs and other local officials whom I talk to as I have done my 95-county tour, visiting with every county, these sheriffs, these local officials, parents, principals—they are all telling me exactly why they are struggling to get this crimewave under control. Go talk to a police chief or a captain or go talk to a sheriff or a deputy, and they will tell you: lack of manpower, lack of funding, and the Democrats' soft-on-crime agenda.

We can help with the first two things right now without spending an additional dime of taxpayer money. That lack of manpower, that lack of funding—yes, this is something that we could take action on today if we chose to.

This month, Senator HAGERTY and I filed a bill called the Restoring Law and Order Act that would establish a grant program to help State, local, and Tribal law enforcement officials do the

work that obviously our President and the Democrats have chosen not to do.

First and foremost, here is what the bill would do. Our local law enforcement officers would be able to use these grants to hire more officers and to train them to deal with violent criminals. They will also be able to pull in more resources to combat interstate child trafficking between the open border and the ease with which criminals are using technology to target kids. This was something we could not afford to leave out of the Restoring Law and Order Act.

These grants would help communities prioritize tough sentencing for repeat offenders and use responsible bail practices and pretrial detention to keep dangerous offenders behind bars. If housing is a problem, they will be able to address it. If food items are a problem, then there would be a way to address that.

We are also going to make these grants available to departments that need help targeting drug crime and getting fentanyl off the streets. Sheriffs in Tennessee tell me that around 80 percent of the drugs that they are seizing—80 percent—contain fentanyl, which means there are a lot of people out there who are ingesting fentanyl and dying without ever knowing that they were taking something laced with fentanyl. This is also putting law enforcement at considerable risk. At least one Tennessee officer is lucky to be alive after accidentally coming into contact with fentanyl.

Last but not least, we are going to encourage law enforcement to make use of these grants to clear the investigatory backlog and get evidence processed as quickly as possible.

So much of our focus has been on urban areas because cities like Philadelphia, Washington, DC, and Memphis are struggling when it comes to controlling homicides, carjackings, and other crimes that are really frightening to people, but rural areas of my State are also seeing unprecedented levels of crime and drug overdose. So to help these communities rise to the challenge, this bill commits no less than 25 percent of its total grant allotment to rural and depressed counties.

Now, as I said, this grant program won't spend an additional dime of taxpayer money. The big IRS payday my Democratic colleagues snuck into the so-called Inflation Reduction Act will be put to better use. Here is how you do it. Instead of using that money to hire more bureaucrats to attack small businesses and independent operators, we are going to use it to keep the communities where they work safe from violent criminals.

We also found that Joe Biden and the Democrats have left a lot of their so-called emergency COVID funding lying around, so we are going to put those funds toward hiring more officers and forensic examiners and clearing the rape kit backlogs. Tennesseans are spending \$616 more per month now than

they were last year just to keep themselves fed and their cars running. They can't afford to maintain a slush fund for far-left priorities when that money could be put to use actually helping clean up our streets, helping keep our communities safe, and helping to apprehend drug dealers and keep them in jail. That is where these dollars should be used.

The final element of this bill would help us get to the root causes of the rape kit backlogs. In 2021, the U.S. Government spent \$251,975,000 through six separate programs to help law enforcement conduct rape and sexual assault investigations. Here is that breakdown. And yes, indeed, Mr. President, \$251 million is a lot of money—you are right. More than \$24 million was spent on advocacy programs; almost \$34 million to train forensic examiners and their staff to collect and preserve DNA evidence, analyze it, and present it in the courtroom; \$4 million to train and provide resources to medical personnel who treat victims of sexual assault; almost \$90 million to get first responders and forensic testing capabilities in rural areas up on par with urban areas; and \$158 million just to address the backlog.

Hundreds of millions of dollars have been invested, and still it seems we cannot get these rape kits processed. Sometimes it takes a full year to get these results.

I want to use one grant program as a case study to demonstrate the problem that we are seeing. An audit of the Sexual Assault Kit Initiative found that between 2015 and 2021, we sent \$266 million to 75 grantees in 40 States and DC to process these kits, to process and obtain this evidence. In that time, they only managed to clear a little over half of a 136,000-kit backlog.

Now, bear in mind, these kits are the kits that contain the DNA evidence of violent offenders. These are individuals who have committed violent sexual assaults. Every one of these should be processed as a rush order—but no. From 2015 to 2021, with \$266 million being sent to 75 grantees in 40 different States and the District of Columbia, they managed to clear a little over half of a 136,000-case backlog. So you still have tens of thousands of kits that are gathering dust, and that is just the ones in the custody of grantees from one single program.

This represents over 50,000 violations of trust and bodily autonomy, 50,000 worst night of an innocent man or woman's life, and 50,000 times the scum of the Earth thought they committed a crime and they got away with it, but they also represent 50,000 opportunities for us to take that rapist or that violent offender and put them in jail for the rest of their life.

The Restoring Law and Order Act will give the GAO a year to conduct a study and prepare a report to explain why we haven't been able to clear the backlog. Why is it we cannot get these kits processed? They are going to look

for deficiencies in processing and also let us know where and to what extent rape kits aren't available at all.

This month, Tennesseans—especially the people of Memphis—have been stuck in a vicious cycle of grieving and asking: What more could have been done to spare the victims of two of the most notorious killers in recent memory?

We already know that at least one brutal murder could have been prevented if the crime lab had been able to reduce their processing time for rape kits. Three more may have been prevented if the people responsible for keeping criminals in jail had done their jobs and forced a repeat violent offender to serve out a full sentence. That didn't happen. Four innocent people in Memphis are dead.

The community is heartbroken, and they are grieving. Last night, on our telephone townhall, they talked a lot about this. They talked about how it has affected them and their community.

Now, the left has spent 2 years screaming at Congress to defund the police, pull law enforcement out of neighborhoods, and eliminate consequences for violent behavior, and it is just plain frightening to see so many of my colleagues continue to go along with that rhetoric.

Tennesseans agree, and I think the American people agree also. They don't want an unfair system. They don't want innocent people to be behind bars. They want a system that works. They are tired of hearing that they are the problem—at least according to the Democrats' zero-consequences narrative. That narrative has turned criminals into victims and innocent people into villains and has left true victims wondering who was there for them. There is nothing just or equitable about that.

I would ask my Democratic colleagues to abandon the echo chamber and get on the phone. Go see and visit and listen to and hear from your sheriffs and your mayors and other law enforcement officials back home. Listen to what they have to say. They need your help.

Senator HAGERTY and I would love to have their help and support in passing the Restoring Law and Order Act. We need to move this legislation. We need to vote on it now before the crimewave gets even worse.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CIVIL RIGHTS COLD CASE INVESTIGATIONS SUPPORT ACT OF 2022

Mr. OSSOFF. Mr. President, I rise this afternoon in pursuit of justice for the Black men and Black women abducted, beaten, and killed during the segregation era in the American South and in retaliation for their participation in the civil rights movement.

I rise today to ask that the Senate pass the Civil Rights Cold Case Investigations Support Act to secure justice and pursue truth for the victims of those atrocities, for the victims of civil rights cold cases, and for their families—justice for folks like Alphonso Harris, a member of the SCLC who was murdered in Albany, GA, in 1966; justice for Ernest Hunter, who was killed in a physical altercation at the Camden County jail in St. Marys, GA, in 1958; justice for Caleb Hill, Jr., who was dragged at night from a Wilkinson County jail in Middle, GA, in 1949 and shot to death by a lynch mob.

Decades may have passed, but the pursuit of justice cannot and will not end. I sat down in Wilkinson County a few months ago with Caleb Hill, Jr.'s descendants, and in his name, they demand justice. By passing the Civil Rights Cold Case Investigations Support Act and by doing it with the support of Democrats and Republicans in the U.S. Senate, we will demonstrate that the United States will never rest in the pursuit of truth and justice for those who were lynched, abducted, beaten, killed, and assaulted in the segregation-era South and during the civil rights movement.

I thank Senator CRUZ for his original cosponsorship of this bipartisan legislation, and all of my colleagues on both sides of the aisle, for bringing us now to a point where, after much work, I hope that we can pass this legislation with bipartisan support.

Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 451, S. 3655.

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

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3655) to amend the Civil Rights Cold Case Records Collection Act of 2018 to extend the termination date of the Civil Rights Cold Case Records Review Board.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs.

Mr. OSSOFF. I further ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 3655) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rights Cold Case Investigations Support Act of 2022".

SEC. 2. CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD EXTENSION OF TERM.

Section 5(n)(1) of Civil Rights Cold Case Records Collection Act of 2018 (44 U.S.C. 2107 note; Public Law 115-426) is amended—

(1) by striking "4 years" and inserting "7 years"; and

(2) by striking "4-year period" and inserting "7-year period".

Mr. OSSOFF. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

UNANIMOUS CONSENT REQUEST—S. 1006

Mr. JOHNSON. Mr. President, I rise today to tell a story of one family's tragedy but also of two wonderful people who turned that tragedy into helping others and finding solutions.

On May 15, 2014, a 19-year-old Wisconsinite named Archie Badura died of a fentanyl overdose.

Two years later, I met his mother Lauri Badura, who testified before a field hearing I held in Pewaukee, WI, together with an emergency room doctor named Dr. Tim Westlake, who testified about the growing problem that he was seeing in his emergency room with overdoses and, in particular, overdoses with, I think, a drug that we all heard was somewhat new, fentanyl, a schedule II drug; one used in medicine but one that had been altered, the molecule changed, and produced in China and shipped through our Postal Service and was killing people like Archie Badura.

It was probably the first time I heard of what was happening to fentanyl. And so Dr. Westlake, because he was seeing the tragedy firsthand, was developing a piece of legislation that he was proposing in Wisconsin as well as on a national level.

The piece of legislation I introduced in 2017 was called the SOFA Act. The reason I called it the SOFA Act—and that stands for Stopping Overdoses of Fentanyl Analogs—is because Lauri Badura, again, who lost her 19-year-old son, turned her tragedy into helping others.

She was the go-to person for other families who also lost a loved one through overdoses, and she started an organization called Saving Others for Archie. The acronym was SOFA. So I thought it only appropriate, when working with Dr. Tim Westlake on this piece of legislation that would recognize the growing problem of these analogs, of these fentanyl-related drugs that were killing and poisoning our citizens—I thought it only appropriate to come up with a piece of legislation named after that organization with that same acronym, SOFA.

So on July 13, 2017, I introduced SOFA for the first time here in the U.S. Senate.

On November 9, 2017, because of Tim Westlake and Lauri Badura's tireless effort, a State piece of legislation, the SOFA equivalent, was signed into law in Wisconsin. And basically what this law does—it is a pretty simple law—it just allows law enforcement, the DEA, to view these fentanyl-related substances as a class under schedule I of the Controlled Substances Act.

Prior to this bill, prior to these regulations, law enforcement had to view each new molecule, each new analog as a separate drug, and they could not arrest, they couldn't prosecute, they couldn't put people in jail for selling these and poisoning our cities.

So Dr. Tim Westlake recognized that problem. I recognized that problem, and so we introduced the SOFA Act. And once DEA saw it, they thought this was a pretty good idea, and they utilized their regulatory authority and passed a regulation on February 6, 2018. They issued a temporary scheduling order that placed "certain fentanyl-related substances in schedule 1 for 2 years."

The text of that regulation was identical to the text of the SOFA law that I had introduced earlier in 2017.

Now, unfortunately, they could only issue that regulation having an effect of 2 years. So as it was about ready to run out, Congress extended that regulation in an act of Congress, and we have extended it six times. President Biden has signed that extension five times. But the problem is, the extension of that regulation runs out on December 31 of this year.

Now, the Biden administration—I think it is important to understand—in its 2021 budget proposal, called for classwide fentanyl scheduling. The DEA Administrator Anne Milgram said:

The permanent scheduling of all fentanyl-related substances is critical—

Is critical—

to the safety and health of our communities.

She added:

Class-wide scheduling provides a vital tool—

A vital tool—

to combat overdose deaths in the United States.

Now, why have we extended this regulation six times? There is no need for it. We could pass the law, which we have tried to do a number of times.

But the reason we keep extending it is because it has worked. It has helped stop the flow of these precursor chemicals coming out of China. China has actually cracked down on these analogs within China. So the regulation worked. The SOFA Act is vital, according to Anne Milgram.

Something else I want to point out about the SOFA Act is, in an almost unprecedented—this is very rare—in 2018, all 50 States' attorneys general, plus the attorney general from the District of Columbia, including current HHS Secretary Xavier Becerra, who was an attorney general for California

at the time, signed a letter to congressional leadership urging the Congress to act expeditiously and pass the SOFA Act.

This is such a commonsense piece of legislation. It works. It reduces the number of types of fentanyl on the streets killing our citizens, killing our youth, killing people like Archie Badura.

Again, the DEA had a regulation for 2 years. Congress has extended that regulation six times. All I am asking is for the Senate to pass this commonsense, lifesaving piece of legislation by unanimous consent.

And so, Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 1006 and the Senate proceed to its immediate consideration; further, that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

I ask this in the name of Archie Badura and on behalf of Dr. Tim Westlake and a wonderful woman, a wonderful Wisconsinite named Lauri Badura.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I took chemistry in high school. I wasn't very good at it, but I think I got a B, and I was glad to get rid of it because I didn't understand a lot of it, and that was not where I was headed in life.

The question which the Senator from Wisconsin puts before us today is a complicated question. It seems he is—do we have a drug crisis in America? Yes. Is fentanyl dangerous? Yes. Is fentanyl deadly? Yes. Is fentanyl on schedule I, the highest possible narcotic rating under our Criminal Code? Yes.

So what is this discussion about fentanyl? Why are we at this again?

I don't know the Senator from Wisconsin's background in chemistry and the like, but here is how I understand it and why it is not as simple as paying tribute to this young man who lost his life to fentanyl. And I can come up with examples that I have run into as well. It is heartbreaking what is going on.

There are certain elements that contain fentanyl that have other chemical structures, not simple fentanyl, which is already a prohibited narcotic under American law. And these so-called analogs of fentanyl have many chemical variations. It turns out that some of them are deadly dangerous, but some of them are not. It turns out that some are deadly dangerous, and others may have a promise to be the next Narcan for the researchers.

So we have been struggling, literally, for years with a research community that says: When it comes to fentanyl analogs, don't sweep them all into cat-

egory I. Some of them may be lifesaving, as odd as that sounds. It could happen. And I have been saying it is a reasonable argument, but how long is this investigation going to go on? How long will this research continue?

We are told that it is sincere and real—it has happened under previous administrations and this administration—and that to sweep all these chemical analogs of fentanyl into this category would be, frankly, counterproductive. We may be walking away from something that is a lifesaver rather than a life-taker.

And it is because of that that we have been temporarily extending the decision to put fentanyl and its analogs on category I so that this research can establish whether, in fact, there is a lifesaver, that there is something positive in a fentanyl analog.

I have just given you the sum total of my understanding of this issue. As I said, I didn't major in chemistry and barely got through it in high school, but I think that is where we are.

I don't think there is any disagreement between us that fentanyl is deadly and dangerous and belongs on that category I.

When it comes to the analogs, they said to me: DURBIN, you are a liberal arts lawyer. Don't act like you are a chemist. Give us the time to do this right.

Mr. JOHNSON. Would the Senator from Illinois yield?

Mr. DURBIN. Sure. Yes.

Mr. JOHNSON. So I want to just make the point that there is nothing in the SOFA Act that would prevent that research from continuing, and if a molecule was found that is helpful, it can be scheduled separately.

This is just targeting the deadly drugs that are not helpful. So there is nothing in this that would prevent that type of research, which is why, you know, we have—Congress has reauthorized this or extended this six times, and the Biden administration supports this. They say it is vital that we are able to class all these fentanyl-related molecules together so that we can enforce our laws and prevent death.

So, again, there is nothing in here that prevents the research, which I would completely support. Again, molecules are amazing things, and changing them can change the characteristics, but we have to recognize how deadly fentanyl is.

We have gone from, you know, slightly more than 50,000 overdose deaths in 2015, the year after Archie Badura died, to over 107,000 last year, and we are on a path to break that record too.

So, again, this has been supported on a bipartisan basis. We have extended this.

I just have to say that the research argument just doesn't hold water.

Mr. DURBIN. There is an element that the Senator from Wisconsin may not be aware of. When a drug is on schedule I, it is prohibited to do research on it. That is the reason why we

are running into problems with cannabis, now legal in my State and maybe in your State as well.

And I raised the basic question: Are the health claims about cannabis true or false?

And they said: We cannot research it because it is on the list of prohibited drugs in the United States.

The problem is, if we put all of these analogs on the list, it is going to stop the research that we need to finish. It is a catch-22.

What we have tried to do is a temporary extension saying: Give us the final word. We have got to make a decision.

I do not quarrel with you in any way about the danger of fentanyl, but the people who do this for a living—and I can't keep up with their conversations, by and large—have explained to me: We are trying to find a good use of a fentanyl analog. Don't close the door, slam the door, by putting it on schedule I because research stops.

Mr. JOHNSON. Would the Senator yield again?

Mr. DURBIN. Yes, of course.

Mr. JOHNSON. Fentanyl is being used in medicine today, and it is on schedule II. So they can do the research off of that drug on schedule II. There is nothing preventing that—nothing whatsoever.

Mr. DURBIN. I would just say that my information is a little different. I respect the Senator from Wisconsin and his tribute to this poor young man who lost his life, but we are trying to do the sensible thing. Fentanyl itself is going to continue to be branded a dangerous drug, titled in category 1. But Federal analogs and a variation on that theme is what we are discussing, and for reasons—I am trying to bow to the experts in science and research—on a temporary basis. Believe me, if they have got something, we want to see it. If not, we are going to categorize them as schedule I. So for the reasons I have mentioned, I am going to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Wisconsin.

Mr. JOHNSON. Mr. President, again, I find that unfortunate. I would hope that the Senator from Illinois would not at least object to Senator GRASSLEY coming on the floor looking for another extension of this.

Again, the DEA Administrator says this is vital. So I hope that, at a minimum, we can extend this for a seventh time, and then maybe we can come back when some of these issues are resolved and maybe finally pass SOFA possibly in the next Congress.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—S. 1216

Mr. GRASSLEY. Mr. President, home should be the safest place in the world for a child. It used to be that parents could breathe a little easier once they locked the front door, knowing that their child was safe on the inside.

For some reason or other, not anymore is that the case. Drug dealers have found ways into our homes through social media. Now, more and more children are dying alone at night in what should be the safest place for them, in their own bedrooms.

That is where Deric and Kathy Kidd found their son Sebastian, unresponsive, on the morning of July 30, 2021. He was slumped on his bed, still in his street clothes.

Sebastian was a high school senior in Des Moines, IA. He took half of what he thought was a pain pill. It was actually fentanyl. Sebastian's parents should have had the rest of their lives with him. Instead, they buried their 17-year-old son.

Congress has responded in the worst possible way to parents like the Kidd family. We have responded with inaction. I am disappointed that my Democrat colleagues have tried to block fentanyl analog scheduling. Under this Democrat-led Congress, the reauthorization periods of fentanyl analog scheduling keeps getting shorter and shorter, and bipartisan talks about permanent scheduling have all dropped. And if you don't have bipartisan talks, nothing happens in the U.S. Senate. That is what it takes to get things done in a body that takes a supermajority of 60 to stop debate to get to finality.

It doesn't matter if you are a rank-and-file Democrat or Republican, fentanyl is a problem for all of us. It is time that we start treating it like the problem it is. We can't keep ignoring law enforcement's requests for fentanyl analog scheduling. Police are the folks responding to fentanyl poisoning. Police are the ones putting their lives on the line facing off with cartels, and police are asking us to extend classification of fentanyl analog as schedule I substances.

Who are we to deny the police when they say what they need? We all agreed that fentanyl analog scheduling was necessary in 2020 when we unanimously extended it by 15 months. Even career officials in the Biden administration agreed that fentanyl analog scheduling was necessary when they asked Congress. The Biden administration asked Congress to permanently schedule it.

But here we are on the brink of fentanyl analog scheduling—the expiration of it. Families and law enforcement alike are panicked that we let this authority disappear. Temporary fentanyl analog scheduling cannot lapse while we hash out more permanent solutions.

We have all voted this provision into law before. We have been warned that

more parents will have to bury their children if we do not pass it.

So, I have this motion.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 45, S. 1216; further, that the Grassley amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I believe the Senator from Iowa is sincere and accurate as he describes the fentanyl challenge we face in the United States. He tells the story of losing an Iowan. Sadly, I can tell a similar story in my home State of Illinois.

We currently have a temporary answer to this situation that extends until December 31 of this year, and admittedly, it is coming on us, but it isn't tomorrow. It will be in just a few months.

One of my colleagues on the committee, Senator CORY BOOKER, has a particular expertise and interest in this issue, but, unfortunately, he could not be here at this moment when the Senator from Iowa made his motion. On his behalf, so he has an opportunity to discuss this with the Senator from Iowa and perhaps find a path through our differences, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. Mr. President, I appreciate the chairman's right to do that. I appreciate his position on this whole problem that we are trying to deal with. I am just sorry that Senator BOOKER had to have people object for him.

It is not right. How many people have to die before we do something about it? Last year, there were over 107,000 overdose deaths, with 70,000 due to fentanyl-related substances—200 opioid overdoses in the State of Iowa.

Somebody has got to wake up around here and realize that we can do something about it. The Biden administration wants us to do something about it, and one person—not Chairman DURBIN, but other people—stands in the way. It is just not right.

I yield the floor.

The PRESIDING OFFICER (Ms. SMITH). The Senator from Ohio.

HURRICANE IAN

Mr. PORTMAN. Madam President, before I rise to talk about Ukraine tonight, I want to join my colleagues in extending my prayers to all those who are currently in Florida, in the area, and those with loved ones and family there who are in Hurricane Ian's dangerous path this evening.

UKRAINE

Madam President, I come to the floor tonight to talk about Ukraine. This is

the 24th week in a row I have come to bring to the attention of my colleagues what is happening in this part of the world where Russia has attacked a sovereign and democratic country with brutality.

I come to talk about the latest news of Russia's illegal and unprovoked war on Ukraine and to ensure that my colleagues know how important it is that we do follow up with our commitment to Ukraine and pass the legislation that is on the floor this week to provide supplemental funding to the Ukrainian Government, to their military, and also for the humanitarian effort.

I will also highlight tonight the continued Ukrainian counteroffensive up here in the northeast part of Ukraine, where there has been a good deal of success.

The light blue is parts of Ukraine that have been liberated just in the past few weeks. It is about 3,000 square miles. The red is parts that are still occupied by Russia.

I will talk about the sham "referendum" that President Putin announced just last Wednesday and then took place over the weekend, the reasons for and consequences of Russia's recent decision to draft an additional 300,000 troops, as well as Vladimir Putin once again threatening a nuclear attack.

I will also discuss the vote in this body—again, this week—because we, in the next couple of days, are going to decide whether to provide additional funding for Ukraine. It is so important we continue to provide that support at this crucial juncture, just as Ukraine is making progress and pushing back against Russia's war of aggression.

Last week, I touched on the extraordinary success of this counteroffensive. As you will recall, Ukraine launched a surprise lightning counteroffensive here in the northeastern part of the country, which caught Russian forces off guard. In a matter of days, Ukraine liberated over 3,000 square miles of territory and sent the invaders rushing back to Russia and back to eastern parts of Ukraine.

To the north, Russian forces have been pushed back to the international boundary here and over into Ukraine or some into Belarus.

Along this front line is a river. It is the Oskil River, which many thought would be a natural barrier to block Ukraine from making further gains. Yet, as we have seen in the last week, Ukrainian forces have actually managed to cross this river and establish major bridgeheads, including one here at Kupiansk right here and also one here east of Izyum. Izyum is the place where, unfortunately, there were all sorts of atrocities discovered when the liberation took place. There has been additional Ukrainian success here and progress crossing the river to the east of Izyum.

As you will see from the map, a key city called Lyman will soon be sur-

rounded by three sides. When Lyman is surrounded by three sides, it will be very difficult for Russia to defend it. The sense is that the invaders there will be forced to either surrender or retreat.

Clearly, Ukraine continues to have the momentum here in the northeast; again, therefore, exactly the time for us to continue to support Ukraine.

U.S. funding has made a huge difference. The actions of this body and the House of Representatives and the administration in providing this help to Ukraine has allowed for successes that were unimaginable 7 months ago when Russia initiated this latest invasion. They have actually stopped and are now pushing back a Russian army that is much larger and with a lot more heavy equipment.

Our support, along with that of over 50 countries around the world—and let me underline that. Fifty countries around the world or more have now provided military assistance to Ukraine. That has helped enable the survival of this country as a free and independent Ukraine.

Yesterday, I had the privilege to host Ukraine's Ambassador to the United States, Oksana Markarova, along with Ukraine's Parliament. We heard firsthand from them how the weapons we are providing are making a huge difference on the battlefield.

One of the parliamentarians had just returned from the region, the northeast region we talked about. She was just in the area of Kharkiv, and she said that the soldiers there told her: Please, go back to the United States and say thank you because these weapons you are giving us—particularly, they focused on the HIMARS—are making such a huge difference.

These HIMARS are long-range missile systems, and they have changed the tide of this war.

Along with more ammunition and equipment, of course, we have to continue to insist on total transparency to ensure that the end use is being monitored. "End use monitoring" is the term that the 101st Airborne used when I talked to them in Poland about the U.S. weapons that are going into the country.

This is an example. HIMARS is an example. We know now from public information there are 16 of these HIMARS from the United States. There are also some from the UK—not exactly the same weapon but a similar weapon—and also some from Germany. Those 16 remain undamaged, which is extraordinary, and they have been incredibly useful.

But we need to ensure that all this equipment goes to the right place to ensure there is no fraud, no diversion of weapons. In my visits to the region, including a month ago, I did speak to U.S. military officials both in Poland and in Ukraine, who provided details on how they are tracking U.S. and other weapons to ensure they are not diverted from the Ukrainians and from the frontlines.

This end-use monitoring, which as our military explains it is, according to them, being implemented in ways never done before; and they claim the Ukrainian Government and military are full partners in these accountability measures. That is what I heard as well. I heard that from the President of Ukraine, President Zelenskyy; and I heard it from all the Ukrainian officials, including the Parliamentarians with whom we met, that they want to have total transparency. They think it is in their interest as well.

Of course, Russian disinformation is trying to convince media otherwise. Let me give you an example of that. Over the weekend, a BBC investigation revealed allegations from Russia media sources that were picked up, frankly, by some U.S. and European media—which is a warning, I think, to our own media to be careful and check your sources—but the reports from the Russian media was that U.S.-supplied weapons were being sold on the black market in Ukraine. BBC determined that was entirely false.

Russians had posed as Ukrainians on the dark web pretending to sell these weapons in order to undermine American and European confidence in Ukraine's ability to control these weapons. It turns out it was a totally false narrative peddled by the Russian Government in order to sow division between Ukraine and its allies. The BBC report again affirms what I've heard in the region, that our military aid to Ukraine is getting into the right hands and is not being diverted for malign purposes.

A specific example of what we had provided that is making a difference are these HIMARS, as we talked about. By all accounts, Ukrainian forces have used these really creatively to be able to disrupt the logistics of the Russian Armed Forces. They have been striking behind enemy lines to destroy Russian ammunition depots, logistics hubs, command and control outposts. Prior to the HIMARS, only the Russians had long-range artillery, and they could fire on Ukrainian civilians and military with impunity. Finally, they have the ability to push back. These weapons have enabled this spectacular counteroffensive we saw in the northeast to be able to succeed. So when we give the Ukrainians weapons they have actually been asking for, they actually need, they use them effectively, and it is working.

In the clearest sign yet that Russia is feeling desperate, last week President Putin announced a new draft, a mobilization of at least 300,000 soldiers to support his troubled war on Ukraine. Remember, President Putin promoted his "special operation" in Ukraine as a special military operation that would not touch the lives of ordinary Russians. It would be quick; it would involve minimal casualties; it would bring great glory to Russia.

Now after 7 months, tens of thousands of casualties, a substantial part

of their military equipment being lost on the battlefield, and global outrage at what Russia is doing, President Putin is being forced to implement Russia's first mass mobilization since World War II to bolster his failing war effort. This is an act of desperation, and it is deeply unpopular among the people in Russia. According to reports, antimobilization protests in 38 Russian cities saw more than 1,300 people arrested just last week. Here are some of those demonstrations.

The punishment for many of those detained, by the way, if they are males between the ages of, say, 18 and 50, is to be forcibly conscripted. Meanwhile, several Russian enlistment offices have been burned down by citizens armed with Molotov cocktails who want nothing to do with Putin's war in Ukraine.

In fact, the announcement of the mobilization has caused many thousands of military-aged men to flee Russia to avoid being sent to war. It is reported that airline tickets out of Moscow have reached \$5,000 or \$10,000 or more, and flights are totally sold out. Car traffic at Russia's international borders have caused massive traffic jams, as those who can't fly out of Russia try to drive out to get away from the conscription. Here is an example with the border with Georgia. You can see these cars lined up for miles.

Russia is so desperate that they are recruiting just about any able-bodied man just to get bodies in to fill their ranks. These are not military-trained individuals. They are letting prisoners out of jail if they promise to fight. Despite the official policy that this mobilization will only draft men with prior military experience, they will take anyone. In the Irkutsk region of Russia, a young man shot and killed a military commissar who was attempting to conscript his friend who had no prior military experience. President Putin is breaking his promises to the Russian people, and they are responding.

Russia's desperation has shown itself in other ways too. After numerous postponements, Moscow-backed occupation officials in Luhansk, Kherson, Zaporizhzhia, and Donetsk Oblast suddenly announced last Tuesday they would hold immediate referendum to join Russia, which they completed over the weekend. In typical Russian fashion, these so-called referenda are not free or fair. The results have been preordained in Moscow, and the actual conduct of the voting is just theater. There are a lot of videos circulating—and you have probably seen them—of online videos of armed Russian soldiers going door-to-door to conduct these illegal referendum. So you have an armed soldier with an automatic weapon next to an election official asking someone how they are going to vote. Here is an example of one of the photographs that somebody bravely took of a Russian soldier literally looking over the shoulder of a Ukrainian citizen. How can any Ukrainian vote against

the referendum in the face of an automatic rifle? The European Union, the United Nations, the United States, and others, of course, have called these sham elections. It appears that Russia thinks by claiming these territories as theirs, it can justify now their use of chemical, biological, or even nuclear weapons in order to defend what Putin would call his own sovereign territory. Of course, no matter what Russia says, this—all of this—is Ukrainian territory. It is sovereign Ukrainian territory. And a sham referendum is only a Russian escalation of their illegal and unprovoked war on Ukraine.

So the results this week are predictable. You can look for them. It will be 95 percent. It will be 98 percent. The process won't be fair. It will be done with flagrant disregard for Ukrainian law and for international law. Russia's actions reveal their weak hand, and the world is not fooled. UK defense secretary Ben Wallace said that the partial mobilization and the annexation of parts of Ukraine are an admission, as he said, of Mr. Putin's invasion failing. Ambassador to Ukraine Bridget Brink called the announced measures "signs of weakness."

We must make it clear that the United States will never recognize Russia's claims to these annexed territories. President Putin's veiled threats last week and again this week, some say, to use nuclear weapons to defend illegally annexed territory have received a good deal of media attention. First, it should be noted, he has made similar threatening statements in the past. But he also knows that the use of nuclear weapons would be catastrophic for his own country. As the Washington Post said over the weekend:

There are no military gains to be had from a nuclear attack that indiscriminately incinerates everything in its path and leaves the land uninhabitable.

The nuclear fallout of attacking neighboring Ukraine, of course, will also affect Russia and its citizens. Meanwhile, if he were to act on such a threat, President Putin would immediately turn his country into even more of a pariah than it is now, and there would be a severe consequence, as the United States has warned.

Nuclear weapons have not been used since World War II, almost 80 years ago. Using them now would plunge us into a far more dangerous world, and the world would never forgive President Putin. The countries that have taken a neutral stance on this brutal conflict would quickly change their tune, and the resolve of the West and so many other countries to stand against Russian aggression would only increase. This conflict has shown that when push comes to shove, the alliance actually comes together to protect Ukraine; it binds together.

Nuclear blackmail cannot be allowed to work. Responding to Vladimir Putin's reckless threats by pulling back would only reward bad behavior and create a more dangerous and vola-

tile world. Appeasement does not work. In response to these threats, it is crucial that we continue to support Ukraine while making clear to Russia that there will be enormous costs for use of a nuclear weapon. National Security Advisor Jake Sullivan said on Sunday morning that "any use of nuclear weapons will be met with catastrophic consequences for Russia."

This battle for freedom transcends this Congress; it transcends partisanship. We all know who the aggressor is in this fight. The people of Ukraine have never asked for anything other than peace and to be able to live with their neighbors, including Russia, in peace; the right to exist as a sovereign, independent nation. Russia's illegal and unprovoked war is an attack on their fundamental right to self-governance.

We have all seen the evidence of war crimes: the torture, the rape, the killings of innocent Ukrainian civilians and noncombatants, the videos of Ukrainian soldiers being tortured with box cutters, and the mass gravesites. NATO's response last week to the Russian atrocities in Izyum this past week was to reaffirm "our unwavering support for Ukraine's independence, sovereignty, and territorial integrity . . . and for Ukraine's inherent right to self-defence. NATO allies remain resolute in providing political and practical support to Ukraine as it continues to defend itself against Russia's aggression."

Global support for Ukraine has increased in response to the increasing number of atrocities being committed by Russian soldiers. I was able to hear about this firsthand last week when I met with Ukrainian Prosecutor General Andriy Kostin about the ongoing global effort to hold Russia accountable for their war crimes, which are a clear violation of international law. We discussed ways the United States can aid Ukraine in its effort to investigate and prosecute cases of war crimes conducted by Russian soldiers in Ukraine. Last week, I talked about the mass graves of people tortured and executed in the city of Izyum. Who knows how many more are out there. The evidence of this genocide grows every day, and every day the anger against Russia grows alongside it. So far, we believe these war crimes have resulted in the deaths of at least 7,300 civilians, including 391 children.

The West and our allies must all recognize that these Russian atrocities will not stop until Russia believes the costs are too high, until there are more Ukrainian victories on the battlefield, and until the sanctions are more effective at cutting off funding to Russia's war machine. Russia needs to feel the squeeze. We talked about this in the Senate Foreign Relations Committee hearing today. That is the only way this Russian brutality, this madness, ends. For the sake of global freedom, Ukraine must be allowed to end this war on its terms, not on Russia's

terms. To get to that point requires us to continue supporting Ukraine, to keep the momentum going. What would it say if we backed down now?

In an address before the United Nations last week, President Zelenskyy said:

Ukraine wants peace. Europe wants peace. The world wants peace. And we have seen who is the only one who wants war.

Secretary of State Blinken summed it up:

If Russia stops fighting, the war ends. If Russia stops fighting, the war ends. If Ukraine stops fighting, Ukraine ends.

I encourage the Senate to act with a united voice in support of the people of Ukraine. By providing additional funding, the battlefield gains can continue; the government in Kyiv can continue to operate; Ukrainian prosecutors can investigate more war crimes and bring the perpetrators to justice.

As Russia continues their ruthless attack on freedom and democracy, it is our duty to stand up for what we believe to be true: that life, liberty, and the pursuit of happiness will always win in the fight against tyranny. And it is working. Ukrainian liberators have taken back cities across Ukraine, as we have seen. It is working. And unlike Russia, the morale of the Ukrainian people and the troops is strong. Their determination is strong.

We must continue to let the world know we stand with Ukraine. And as I have heard from multiple meetings with Ukrainian officials, including some of the Parliamentarians we were with yesterday, they said: Freedom must be armed.

And the United States must be there to lead that effort to ensure that freedom's flame is not extinguished in Ukraine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

URGING THE GOVERNMENT OF BRAZIL TO ENSURE THAT THE OCTOBER 2022 ELECTIONS ARE CONDUCTED IN A FREE, FAIR, CREDIBLE, TRANSPARENT, AND PEACEFUL MANNER

Mr. SANDERS. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration and the Senate now proceed to S. Res. 753.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 753) urging the Government of Brazil to ensure that the October 2022 elections are conducted in a free, fair, credible, transparent, and peaceful manner.

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. SANDERS. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on adoption of the resolution.

The resolution (S. Res. 753) was agreed to.

Mr. SANDERS. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table.

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

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 7, 2022, under "Submitted Resolutions.")

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Madam President, I have risen today to ask unanimous consent for S. Res. 753, expressing the sense of the Senate on the upcoming election in Brazil.

This Sunday, October 2, Brazil will hold its Presidential election. According to many polls, it appears that the two major candidates are President Jair Bolsonaro and former President Lula da Silva. If no candidate receives over 50 percent of the vote, there will be a runoff election between the top two candidates on October 30.

Madam President, over the past several months, Brazilians from all sectors of society have publicly expressed serious concern about ongoing efforts to undermine democracy in their country, including close to 1 million Brazilians who signed an open letter released on July 26, defending the democratic institutions of Brazil and the rule of law.

And there is a very good reason why these people in Brazil signed that letter. And that is that the current President, and candidate for reelection, Mr. Bolsonaro, has made some very provocative statements which suggest that he might not accept the election results if he loses. In other words, he might attempt to destroy Brazilian democracy and remain in power no matter what the people of Brazil determine in a free, fair, and democratic election.

And let me just quote some of what Mr. Bolsonaro has been saying over the last several years. Back in September 2018, before he won his election, Bolsonaro stated:

I will not accept an election result that is not my own victory.

On September 7, 2021, as reported by the Financial Times, Mr. Bolsonaro stated:

There are those who think they can take me from the presidency with the mark of a pen. Well, I say to everyone I have only three possible fates: arrest, death or victory. And tell the bastards I'll never be arrested. Only God can take me from the presidency.

According to Human Rights Watch, previously, President Bolsonaro had claimed, without providing any evidence, that the last two Presidential elections were fraudulent, including his own election, in which he claimed he got more votes than the final tally showed.

But it is not just Bolsonaro's words that should be of concern to those of us who believe in democracy. According

to a recent survey by the Federal University of the state of Rio de Janeiro, Brazil is facing a 335-percent increase in violence directed against political leaders in 2022 relative to 2019.

Last month, a Workers' Party official was shot dead by a Bolsonaro supporter. Yesterday, Reuters reported that the Federal Police guarding former President Lula da Silva, who is the current frontrunner to unseat Bolsonaro, sent a classified memo to senior colleagues across Brazil calling for backup in order to protect Lula from possible assassination attempts.

It is clearly not the business of the United States to determine who the next President of Brazil is or to get involved in Brazil's Presidential elections in any way. That is a decision to be made solely by the people of Brazil through a free and fair election. But it is the business of the United States to make clear to the people of Brazil that our government will not recognize or support a government that comes to power through a military coup or the undermining of a democratic election.

In that regard, I have asked to receive unanimous consent today for a resolution that I introduced with Senator TIM Kaine, the chair of the Senate Foreign Relations Subcommittee on the Western Hemisphere. That resolution is also cosponsored by Senators DURBIN, LEAHY, MERKLEY, BLUMENTHAL, and WARREN.

I would also like to thank Senator MENENDEZ, the chair of the Senate Foreign Relations Committee, for allowing this resolution to come to the floor.

This resolution is very simple and straightforward. It does not take sides in Brazil's elections. All it does is express the sense of the U.S. Senate that the U.S. Government should make unequivocally clear that the continuing relationship of the United States and Brazil depends upon the commitment of the Government of Brazil to democracy and human rights.

It urges the Biden administration to make clear that the United States will not support any government that comes to power in Brazil through undemocratic means and to ensure that U.S. security assistance to Brazil remains compliant with our laws related to the peaceful and democratic transition of power. This includes longstanding legal restrictions on the provision of security assistance in the event of a military coup.

In my view, it is imperative that the U.S. Senate make it clear through this resolution that we support democracy in Brazil. It would be unacceptable for the United States to recognize a government that came to power undemocratically, and it would send a horrific message to the entire world if we did that.

It is important for the people of Brazil to know we are on their side, on the side of democracy. This resolution sent that message. And I thank my colleagues for supporting it.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

FEMA IMPROVEMENT, REFORM, AND EFFICIENCY ACT OF 2022

Mr. PADILLA. Madam President, I ask unanimous consent that the Senate proceed to Calendar No. 482, S. 3092.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3092) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Improvement, Reform, and Efficiency Act of 2022” or the “FIRE Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “appropriate committees of Congress” means—

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

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives;

(4) the term “emergency” means an emergency declared or determined to exist by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(5) the terms “Indian tribal government”, “local government”, and “State” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

SEC. 3. REPORT ON RELOCATION ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report regarding the use of relocation assistance under sections 203, 404, and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170c, 5172) for wildfire risk to the appropriate committees of Congress.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Any information on relocation projects that have been carried out due to fire risks or denied by the Agency, including the number and value of projects either carried out or denied.

(2) A discussion of the possible benefits or disadvantages of providing relocation assistance that may reduce, but not eliminate, the risk of loss due to wildfires.

(3) A discussion of how the Agency may optimize relocation assistance when entire States or geographic areas are considered subject to a fire risk.

(4) An analysis of whether other mitigation measures are more cost-effective than relocation assistance when the applicant is applying to move from a high-risk to a medium-risk or low-risk area with respect to wildfires.

(5) An analysis of the need for the Federal Government to produce wildfire maps that identify high-risk, moderate-risk, and low-risk wildfire zones.

(6) An analysis of whether other mitigation measures promote greater resilience to wildfires when compared to relocation or, if additional data is required in order to carry out such an analysis, a discussion of the additional data required.

(7) A discussion of the ability of States, local governments, and Indian tribal governments to demonstrate fire risk, and whether the level of this ability impacts the ability of States, local governments, or Indian tribal governments to access relocation assistance, including an assessment of existing fire mapping products and capabilities and recommendations on redressing any gaps in the ability of the Agency to assist States, local governments, and Indian tribal governments in demonstrating fire risk.

(8) An evaluation of—

(A) the scope of the data available to the Agency regarding historical wildfire losses;

(B) how such data is utilized in benefit-cost analysis determinations by the Agency;

(C) what additional data, if any, may be pertinent to such determinations; and

(D) what, if any, alternative methods may be relevant to the determination of cost effectiveness.

(9) A discussion of the extent to which the decision process for relocation assistance appropriately considers the change in future risks for wildfires due to a changing climate.

(10) An analysis of whether statutes and regulations regarding relocation assistance by the Agency present barriers for States, local governments, or Indian tribal governments trying to access funding to reduce wildfire risk.

(11) An analysis of—

(A) how, if at all, the Agency has modified policies and procedures to determine the eligibility of proposed relocation or mitigation projects with respect to wildfires;

(B) the cost effectiveness of such projects, in light of the increasing losses and obligations for wildfires in recent years; and

(C) the effectiveness of any modifications described in subparagraph (A).

(12) An analysis of how, if at all, recent changes in the availability of fire insurance has resulted in modifications of policy or procedure with respect to determining the cost efficacy of relocation assistance for wildfires.

(13) An analysis of how to define repetitive loss and repetitively damaged properties in the context of wildfires.

(14) A discussion of whether any legislative, regulatory, or policy changes are necessary for the Agency to better implement relocation assistance to reduce risk from wildfires.

(15) Other related issues that the Administrator determines appropriate.

SEC. 4. RED FLAG WARNINGS AND PREDISASTER ACTIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the National Weather Service of the National Oceanic and Atmospheric Administration, shall—

(1) conduct a study of, develop recommendations for, and initiate a process for the use of Red Flag Warnings and similar weather alert and notification methods, including the use of emerging technologies, to establish—

(A) plans and actions, consistent with law, that can be implemented prior to a wildfire event, including pre-impact disaster declarations and surge operations, that can limit the impact, duration, or severity of the fire; and

(B) mechanisms to increase interagency collaboration to expedite the delivery of disaster assistance; and

(2) submit to the appropriate committees of Congress a comprehensive report regarding the study described in paragraph (1), including any recommendations of the Administrator, and the

activities of the Administrator to carry out paragraph (1).

SEC. 5. ASSISTANCE FOR WILDFIRE DAMAGE.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding—

(1) the application for assistance and consistency of assistance provided by the Agency in response to wildfires; and

(2) the kinds of damage that result from wildfires.

SEC. 6. GAO REPORT ON GAPS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that examines—

(1) gaps in the policies of the Agency related to wildfires, when compared to other hazards;

(2) disparities in regulations and guidance issued by the Administrator, including any oversight of the programs of the Agency, when addressing impacts of wildfires and other hazards;

(3) ways to shorten the period of time between the initiating of and the distribution of assistance, reimbursements, and grants;

(4) the effectiveness of the programs of the Agency in addressing wildfire hazards;

(5) ways to improve the ability of the Agency to assist States, local governments, and Indian tribal governments to prepare for, respond to, recover from, and mitigate against wildfire hazards;

(6) revising the application process for assistance relating to wildfires to more effectively assess uninsured and underinsured losses and serious needs; and

(7) ways to improve the disaster assistance programs of agencies other than the Agency.

SEC. 7. CRISIS COUNSELING CULTURAL COMPETENCY.

Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5183) is amended—

(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) CULTURAL COMPETENCY.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address—

“(1) cultural competency and respectful care practices; and

“(2) impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 8. CASE MANAGEMENT CULTURAL COMPETENCY.

Section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) is amended—

(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) CULTURAL COMPETENCY.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address—

“(1) cultural competency and respectful care practices; and

“(2) impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSISTANCE.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct a study and develop a plan, consistent with law, under which the Agency will address providing housing assistance to survivors of major disasters or emergencies when presented with challenges such as—

(A) the lack of proof of ownership or ownership documentation;

(B) the presence of multiple families within a single household; and

(C) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster; and

(2) make recommendations for legislative changes needed to address—

(A) the unmet needs of survivors of major disasters or emergencies who are unable to document or prove ownership of the household;

(B) the presence of multiple families within a single household; and

(C) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster.

(b) **COMPREHENSIVE REPORT.**—The Administrator shall submit to the appropriate committees of Congress a report that provides a detailed discussion of the plans developed under subsection (a)(1) and the recommendations of the Administrator under subsection (a)(2).

(c) **BRIEFING.**—Not later than 30 days after submission of the report and recommendations under subsection (b), the Administrator shall brief the appropriate committees of Congress on the findings and any recommendations made pursuant to this section.

SEC. 10. REIMBURSEMENT.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the extent to which the Agency is using housing solutions proposed by a State or local government to reduce the time or cost required to implement housing solutions after a major disaster.

SEC. 11. WILDFIRE INSURANCE STUDY BY THE NATIONAL ACADEMIES.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academy of Sciences to conduct a study of—

(A) potential solutions to address the availability and affordability of insurance for wildfire perils in all regions of the United States, including consideration of a national all natural hazards insurance program;

(B) the ability of States, communities, and individuals to mitigate wildfire risks, including the affordability and feasibility of such mitigation activities;

(C) the current and potential future effects of land use policies and building codes on the potential solutions;

(D) the reasons why many properties at risk of wildfire lack insurance coverage;

(E) the role of insurers in providing incentives for wildfire risk mitigation efforts;

(F) the state of catastrophic insurance and reinsurance markets and the approaches in providing insurance protection to different sectors of the population of the United States;

(G) the role of the Federal Government and State and local governments in providing incentives for feasible wildfire risk mitigation efforts and the cost of providing assistance in the absence of insurance;

(H) the state of modeling and mapping wildfire risk and solutions for accurately and adequately identifying future wildfire risk;

(I) approaches to insuring wildfire risk in the United States; and

(J) such other issues that may be necessary or appropriate for the report.

(2) **CONSULTATION.**—The agreement to conduct the study described in subsection (a) shall re-

quire that, in conducting the study, the National Academy of Sciences shall consult with State insurance regulators, consumer organizations, representatives of the insurance and reinsurance industry, policyholders, and other organizations and experts, as appropriate.

(b) **SUBMISSION.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress the results of the study commissioned under subsection (a).

SEC. 12. INCREASED CAP FOR EMERGENCY DECLARATIONS BASED ON REGIONAL COST OF LIVING.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the benefits and drawbacks of establishing a maximum amount for assistance provided for an emergency that is based on the cost of living in the region in which the emergency occurs.

SEC. 13. FACILITATING DISPOSAL OF TEMPORARY TRANSPORTABLE HOUSING UNITS TO SURVIVORS.

Section 408(d)(2)(B)(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)(i)) is amended by inserting “, with priority given to a survivor of a major disaster who suffered a property loss as a result of the major disaster” after “any person”.

SEC. 14. DEADLINE ON CODE ENFORCEMENT AND MANAGEMENT COST ELIGIBILITY.

Section 406(a)(2)(D) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking “180 days” and inserting “1 year”.

SEC. 15. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO EMERGENCY OPERATIONS CENTERS.

Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c(a)) is amended by inserting “and Indian tribal governments” after “grants to States”.

Mr. PADILLA. I further ask that the Padilla amendment, which is at the desk, be considered and agreed to, the committee-reported substitute amendment, as amended, be agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 5934) was agreed to, as follows:

(Purpose: To improve the bill)

On page 19, line 16, strike “Red Flag” and all that follows through “technologies,” on line 18 and insert “forecasts and data, including information that supports the Red Flag Warnings of the National Oceanic and Atmospheric Administration and similar weather alert and notification methods.”.

On page 21, line 19, strike “CULTURAL COMPETENCY” and insert “EFFECTIVE COMMUNICATION”.

On page 22, strike lines 2 through 15 and insert the following:

“(b) **EFFECTIVE COMMUNICATION.**—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.

On page 22, strike line 23 and all that follows through page 23, line 9, and insert the following:

“(b) **EFFECTIVE COMMUNICATION.**—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

On page 25, strike line 8 and all that follows through page 27, line 8, and insert the following:

SEC. 11. INCREASED CAP FOR EMERGENCY DECLARATIONS BASED ON REGIONAL COST OF LIVING.

On page 27, strike lines 15 and 16 and insert the following:

SEC. 12. FACILITATING DISPOSAL OF TEMPORARY TRANSPORTABLE HOUSING UNITS TO SURVIVORS.

On page 28, strike lines 1 through 12 and insert the following:

SEC. 13. DEADLINE ON CODE ENFORCEMENT AND MANAGEMENT COST ELIGIBILITY.

(a) **IN GENERAL.**—Section 406(a)(2)(D) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking “180 days” and inserting “1 year”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SEC. 14. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO EMERGENCY OPERATIONS CENTERS.

(a) **IN GENERAL.**—Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c(a)) is amended—

(1) by inserting “and Indian tribal governments” after “grants to States”; and

(2) by striking “State and local” and inserting “State, local, and Tribal”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

The committee-reported amendment, in the nature of a substitute, as amended, was agreed to.

The bill (S. 3092), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3092

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “FEMA Improvement, Reform, and Efficiency Act of 2022” or the “FIRE Act”.

SEC. 2. DEFINITIONS.

In this Act—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “appropriate committees of Congress” means—

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

(B) the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives;

(4) the term “emergency” means an emergency declared or determined to exist by the President under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191);

(5) the terms “Indian tribal government”, “local government”, and “State” have the meanings given such terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(6) the term “major disaster” means a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

SEC. 3. REPORT ON RELOCATION ASSISTANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a report regarding the use of relocation assistance under sections 203, 404, and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133, 5170c, 5172) for wildfire risk to the appropriate committees of Congress.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Any information on relocation projects that have been carried out due to fire risks or denied by the Agency, including the number and value of projects either carried out or denied.

(2) A discussion of the possible benefits or disadvantages of providing relocation assistance that may reduce, but not eliminate, the risk of loss due to wildfires.

(3) A discussion of how the Agency may optimize relocation assistance when entire States or geographic areas are considered subject to a fire risk.

(4) An analysis of whether other mitigation measures are more cost-effective than relocation assistance when the applicant is applying to move from a high-risk to a medium-risk or low-risk area with respect to wildfires.

(5) An analysis of the need for the Federal Government to produce wildfire maps that identify high-risk, moderate-risk, and low-risk wildfire zones.

(6) An analysis of whether other mitigation measures promote greater resilience to wildfires when compared to relocation or, if additional data is required in order to carry out such an analysis, a discussion of the additional data required.

(7) A discussion of the ability of States, local governments, and Indian tribal governments to demonstrate fire risk, and whether the level of this ability impacts the ability of States, local governments, or Indian tribal governments to access relocation assistance, including an assessment of existing fire mapping products and capabilities and recommendations on redressing any gaps in the ability of the Agency to assist States, local governments, and Indian tribal governments in demonstrating fire risk.

(8) An evaluation of—

(A) the scope of the data available to the Agency regarding historical wildfire losses;

(B) how such data is utilized in benefit-cost analysis determinations by the Agency;

(C) what additional data, if any, may be pertinent to such determinations; and

(D) what, if any, alternative methods may be relevant to the determination of cost effectiveness.

(9) A discussion of the extent to which the decision process for relocation assistance appropriately considers the change in future risks for wildfires due to a changing climate.

(10) An analysis of whether statutes and regulations regarding relocation assistance by the Agency present barriers for States, local governments, or Indian tribal govern-

ments trying to access funding to reduce wildfire risk.

(11) An analysis of—

(A) how, if at all, the Agency has modified policies and procedures to determine the eligibility of proposed relocation or mitigation projects with respect to wildfires;

(B) the cost effectiveness of such projects, in light of the increasing losses and obligations for wildfires in recent years; and

(C) the effectiveness of any modifications described in subparagraph (A).

(12) An analysis of how, if at all, recent changes in the availability of fire insurance has resulted in modifications of policy or procedure with respect to determining the cost efficacy of relocation assistance for wildfires.

(13) An analysis of how to define repetitive loss and repetitively damaged properties in the context of wildfires.

(14) A discussion of whether any legislative, regulatory, or policy changes are necessary for the Agency to better implement relocation assistance to reduce risk from wildfires.

(15) Other related issues that the Administrator determines appropriate.

SEC. 4. RED FLAG WARNINGS AND PREDISASTER ACTIONS.

Not later than 1 year after the date of enactment of this Act, the Administrator, in coordination with the National Weather Service of the National Oceanic and Atmospheric Administration, shall—

(1) conduct a study of, develop recommendations for, and initiate a process for the use of forecasts and data, including information that supports the Red Flag Warnings of the National Oceanic and Atmospheric Administration and similar weather alert and notification methods, to establish—

(A) plans and actions, consistent with law, that can be implemented prior to a wildfire event, including pre-impact disaster declarations and surge operations, that can limit the impact, duration, or severity of the fire; and

(B) mechanisms to increase interagency collaboration to expedite the delivery of disaster assistance; and

(2) submit to the appropriate committees of Congress a comprehensive report regarding the study described in paragraph (1), including any recommendations of the Administrator, and the activities of the Administrator to carry out paragraph (1).

SEC. 5. ASSISTANCE FOR WILDFIRE DAMAGE.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding—

(1) the application for assistance and consistency of assistance provided by the Agency in response to wildfires; and

(2) the kinds of damage that result from wildfires.

SEC. 6. GAO REPORT ON GAPS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that examines—

(1) gaps in the policies of the Agency related to wildfires, when compared to other hazards;

(2) disparities in regulations and guidance issued by the Administrator, including any oversight of the programs of the Agency, when addressing impacts of wildfires and other hazards;

(3) ways to shorten the period of time between the initiating of and the distribution of assistance, reimbursements, and grants;

(4) the effectiveness of the programs of the Agency in addressing wildfire hazards;

(5) ways to improve the ability of the Agency to assist States, local governments, and Indian tribal governments to prepare for, respond to, recover from, and mitigate against wildfire hazards;

(6) revising the application process for assistance relating to wildfires to more effectively assess uninsured and underinsured losses and serious needs; and

(7) ways to improve the disaster assistance programs of agencies other than the Agency.

SEC. 7. CRISIS COUNSELING EFFECTIVE COMMUNICATION.

Section 416 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5183) is amended—

(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) EFFECTIVE COMMUNICATION.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.

Section 426 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189d) is amended—

(1) by striking “The President” and inserting the following:

“(a) IN GENERAL.—The President”; and

(2) by adding at the end the following:

“(b) EFFECTIVE COMMUNICATION.—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 9. STUDY AND PLAN FOR DISASTER HOUSING ASSISTANCE.

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall—

(1) conduct a study and develop a plan, consistent with law, under which the Agency will address providing housing assistance to survivors of major disasters or emergencies when presented with challenges such as—

(A) the lack of proof of ownership or ownership documentation;

(B) the presence of multiple families within a single household; and

(C) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster; and

(2) make recommendations for legislative changes needed to address—

(A) the unmet needs of survivors of major disasters or emergencies who are unable to document or prove ownership of the household;

(B) the presence of multiple families within a single household; and

(C) the near loss of a community, with the majority of homes destroyed in that community, including as a result of a wildfire, earthquake, or other event causing a major disaster.

(b) COMPREHENSIVE REPORT.—The Administrator shall submit to the appropriate committees of Congress a report that provides a detailed discussion of the plans developed under subsection (a)(1) and the recommendations of the Administrator under subsection (a)(2).

(c) BRIEFING.—Not later than 30 days after submission of the report and recommendations under subsection (b), the Administrator shall brief the appropriate committees of Congress on the findings and any recommendations made pursuant to this section.

SEC. 10. REIMBURSEMENT.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the extent to which the Agency is using housing solutions proposed by a State or local government to reduce the time or cost required to implement housing solutions after a major disaster.

SEC. 11. INCREASED CAP FOR EMERGENCY DECLARATIONS BASED ON REGIONAL COST OF LIVING.

Not later than 180 days after the date of enactment of this Act, the Administrator shall brief the appropriate committees of Congress regarding the benefits and drawbacks of establishing a maximum amount for assistance provided for an emergency that is based on the cost of living in the region in which the emergency occurs.

SEC. 12. FACILITATING DISPOSAL OF TEMPORARY TRANSPORTABLE HOUSING UNITS TO SURVIVORS.

Section 408(d)(2)(B)(i) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(d)(2)(B)(i)) is amended by inserting “, with priority given to a survivor of a major disaster who suffered a property loss as a result of the major disaster” after “any person”.

SEC. 13. DEADLINE ON CODE ENFORCEMENT AND MANAGEMENT COST ELIGIBILITY.

(a) IN GENERAL.—Section 406(a)(2)(D) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking “180 days” and inserting “1 year”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SEC. 14. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO EMERGENCY OPERATIONS CENTERS.

(a) IN GENERAL.—Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196(a)) is amended—

(1) by inserting “and Indian tribal governments” after “grants to States”; and

(2) by striking “State and local” and inserting “State, local, and Tribal”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

Mr. PADILLA. Madam President, I rise to discuss and explain the matter we just took action on. It is relative to wildfires. All across the Western United States, historic wildfires continue to grow both more frequent and more severe. Every year, in recent years, entire communities have been destroyed by wildfires in a matter of hours. We have seen this in California, New Mexico, and Colorado. Families are forced to flee with only the belongings they could quickly pack into their vehicles.

Last year, I visited the incident command center in Quincy, CA, to see

firsthand the real-time response to the devastating Dixie fire. Separately, I met with local leaders in Santa Rosa, CA, to hear about problems with recovery from previous catastrophic wildfires.

So my bill—the bill we just took action on, the FEMA Improvement, Reform, and Efficiency Act or the FIRE Act—will help ensure FEMA better addresses the unique and increasing danger of wildfires.

FEMA's current procedures and requirements don't always work for postwildfire recovery needs. And this bill will close those gaps.

I give a lot of credit to FEMA. They have gotten pretty good at anticipating and responding to other types of disasters. We are seeing it, as we speak, with the hurricane impact in Florida. They do the same with tornadoes, floods, other disasters.

In all these scenarios, we know that it begins with preparation. The FIRE Act will begin the process of allowing FEMA to predeploy resources during times of extremely high risk. In the West, we know it as red flag warnings.

When it is hot, conditions are dry, and the wind kicks up, it is a recipe for disaster. And so to have FEMA be able to deploy in advance—just as they do already during hurricane warnings, as we are seeing in Florida at this very moment—is a smart thing to do.

Then, as communities rebuild after a devastating wildfire, this bill will work to ensure that FEMA takes wildfire-specific issues into account, like melted infrastructure and burned trees. It will also help local governments work with FEMA to more effectively relocate critical infrastructure away from fire-prone areas.

Now, in the aftermath of a fire, the bill will help provide better housing assistance, case management, and crisis counseling for survivors with a focus on equity for underserved communities and Tribal governments. Oftentimes these underserved communities and Tribal governments suffer the disproportionate impact of these wildfires.

So with the FIRE Act, we will be able to better prepare for and respond to the unique challenges of wildfires in California and throughout the Western United States.

The FIRE Act passed out of the Homeland Security and Governmental Affairs Committee by a voice vote on February 2 of this year. And I want to take a moment to thank both Chairman PETERS and Ranking Member PORTMAN and their staffs who contributed to this bill, as well as our partners at FEMA.

This is an overdue, commonsense bill to help communities on the frontlines of our wildfire crisis. And I thank my colleagues for joining me in supporting it.

With that, I yield the floor.

AFFORDABLE INSULIN ACT—
MOTION TO PROCEED—Continued
The PRESIDING OFFICER. The Senator from Louisiana.

ENERGY

Mr. CASSIDY. Madam President, I am constantly struggling that when people say there is no consensus in Washington, DC, there is often consensus. It is just a question of a different means by which to achieve the goals and consensus. If I were to say that we would want to have increased national security, lower global greenhouse gas emissions, a booming economy, and energy security, everybody would agree. The difference is how we achieve those means. And so what this process is, is to give the American people the opportunity to judge what is the best set of policies that will allow us to achieve that which we are speaking of.

Clearly, there is a nexus, a connection—you put them all together—between energy security, national security, the economy of our country and the economy of a family, and whether or not a country is lowering or increasing its contribution to global greenhouse gas emissions. This talk will be about that nexus between energy security, national security, global greenhouse gas emissions—how do we decrease them—and the economy of our country and the economy of a family.

Now, I am from Louisiana—I think that is pretty well known; the senior Senator from Louisiana—and we are privileged to host many of the facilities of the Strategic Petroleum Reserve, that connection between energy security and national security.

The Strategic Petroleum Reserve, for those who do not know, is where we have salt domes full of oil, millions of barrels, so that if ever there is another embargo, like there was in 1973, where Middle Eastern countries were attempting to punish the United States, we would have enough in our Strategic Petroleum Reserve so that we could draw from and we could preserve our national security and our economic security—again, that nexus between energy security, national security, and the economy of a country and the economy of a family.

President Biden has decided to drain the Strategic Petroleum Reserve to lower the price of gasoline. I am all for lowering the price of gasoline, but if you think about it, drawing oil from a Strategic Petroleum Reserve is basically the same as pumping it out of the ground if it is in West Texas or off the coast of Louisiana. One is just oil that has been produced and put in a salt dome, and the other is being produced naturally.

So rather than increasing production on Federal lands, the President made the decision to just draw from our Strategic Petroleum Reserve. Unfortunately, we are now at the lowest level of reserves since 1984. To the degree—and it is a great degree—that our national security depends upon being energy independent, we have lowered our

Reserve to the lowest since 1984, which is to say that we are less secure in terms of energy and therefore less secure in terms of our economy and less secure in terms of our national security.

The President needs a plan to refill that from domestically produced oil—period, end of story—and the swing production of that is going to be production on Federal lands, such as that off the coast of Louisiana.

Where does that leave us? Unfortunately, President Biden's energy plan is such that the Biden administration has set the record for the fewest oil leases on Federal lands in the first 19 months of his office. Both Presidents Obama and Trump approved over 10 times the number of leases as the Biden administration has over the same period.

So while Russia is attempting to blackmail the rest of the world by their energy production; where we have drained our Strategic Petroleum Reserve down to its lowest levels since 1984; where Europe is paying record prices for oil and natural gas, which may bring on a recession-depression there, which, of course, hurts our economy, this administration has had the fewest leases on record, and Obama and Trump had 10 times as many in the same period. This is hurting our energy security, which means it hurts our national security, which means it is going to hurt the economy of our country and the economy of a family.

My gosh, just ask what they are paying for their utility bills and what they are paying to fill up their tanks. Ask what they are paying at the grocery store, which is very dependent upon the supply of natural gas and oil in order to keep those prices lower. They would say they are hurting. This anti-energy policy has hurt across the board.

By the way, I think the rationale for not issuing those leases is that in some way, if the United States does not develop our own oil and gas resources, magically, global greenhouse gas emissions are going to decrease. That is the superstition of those who favor that policy—except, unfortunately, logic. You can't ignore facts.

A national laboratory has said that if you are speaking about oil, that which has the lowest life cycle of greenhouse gas emissions is the oil produced off the coast of Louisiana, which is far lower than the oil that we import from other countries.

If you are really concerned about lowering global greenhouse gas emissions, it is the environmental standards that we use in our country to produce our national resources—and, by the way, creating our American jobs—that have the lowest life cycle carbon emissions.

So that completes our nexus. We spoke about energy security related to national security, which in turn creates better jobs and a better economy for us all and actually has the effect of

lowering global greenhouse gas emissions. That is our nexus.

Unfortunately, this administration's policy is hurting American families, as they pay more through inflation; hurting our national security, as our Strategic Petroleum Reserve is at its lowest level, and therefore our energy security; and also contributing to increased global greenhouse gas emissions, as we have to import from countries without our environmental standards. Because we are unable to increase our production and supply, say Europe—they are burning coal instead of our oil and gas and, with that, increasing global greenhouse gas emissions.

There are some bright spots. On a bipartisan basis, the Congress just passed the Kigali Amendment, which recognizes—which is a form of hydrocarbons which were used in refrigerants. The use of this will lower global greenhouse gas emissions. The U.S. Congress just passed that. So other countries that persist in using older technology which increases global greenhouse gas emissions will be at a competitive disadvantage because Congress passed that. So in the midst of this kind of bad news—boy, it is just not working out the way it should—we actually have an example of how we can make it work better.

I am an advocate for a carbon border adjustment, not a carbon tax. I think carbon taxes are the wrong way to go. Let me explain. If we have a carbon border adjustment where the U.S. chemical industry, using our environmental standards, using natural gases of feedstock, everything we have done and invested in to lower global greenhouse gas emissions—we are competing with countries in Asia, specifically China, which don't use those measures, which pollute far more than we, but because they don't use their environmental standards, they have a lower cost of manufacturing. We are competing against cheaper goods, but they are cheaper precisely because they are producing more global greenhouse gas emissions.

The Kigali Amendment tells us what to do. If we had a carbon border adjustment where we say that this is the carbon intensity of our goods that are produced, and if a country in Asia—say, specifically, China—has a carbon emission profile that may be 5 to 10 times higher, if they want to import their goods, they would have to pay a fee based upon how their carbon intensity is greater than ours.

That is great. One, it is going to help us with our economy. Our workers who are losing their jobs to those in China because they don't enforce their environmental standards and we enforce ours and therefore our cost of production is higher—those jobs begin to return. It will be cheaper to produce here after all if China is forced to pay for the pollution they are putting into the atmosphere. It creates more jobs. That is good for Americans and good for our economy. It strengthens us relative to the Chinese, who are using their profits

to build a bigger army. It is good for greenhouse gas emissions. Now China is actually incentivized to lower emissions as opposed to now, where they have no incentive to do anything but to increase their emissions.

So we begin to decrease global greenhouse gas emissions. That is good for our national security. The stronger our economy is and the relative weakness of the Chinese economy means that we are better able to invest relative to the Chinese, which means that we are better able to spread Western values as opposed to the Chinese values, which involve bribery, which involve corruption of government, which involve coercion. Just look at what has happened in Hong Kong if someone thinks the Chinese Communist Party is a better system of government. We are able to export our values and push back upon theirs.

So if we are trying to have a policy, as I said at the outset, which combines the best instincts of the right and the left, where we all want to have energy security, national security—we want to have a better, stronger economy for working Americans, and we want to lower global greenhouse gas emissions—the Kigali Amendment, which passed on a bipartisan basis, gives us an example of how to do that.

Let's make a strength of our environmental regulations, and let's make others pay for their ignoring those same regulations. In so doing, we begin to attract jobs back here for Americans to strengthen our economy, lowering global greenhouse gas emissions, strengthening our energy security, our economy, and therefore our national security.

I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Ohio.

REMEMBERING MAX AND BEN MORRISSEY

Mr. BROWN. Mr. President, I rise to ask my colleagues to join me in honoring Max Morrissey and Ben Morrissey, two brothers who went to work on September 20 at the BP-Husky oil refinery in Oregon, OH, and never returned home.

In the tragic explosion at the refinery that night, Max and Ben were fatally injured. At 34 and 32, their lives were cut short. Max and Ben were loving husbands and fathers, proud union steelworkers with Local 1-346, and lifelong Ohioans. They spent their lives serving their families, their community, their union, and their country through their dedication to their jobs and through Max Morrissey's distinguished service in the U.S. Navy. Their work at the plant powered our State, our economy, and provided for their families.

Family was everything to Max and Ben. They shared a dedication and commitment to each other, to their parents, to their wives, and to their young children.

On Friday, I visited the steelworkers hall. I had the honor of speaking with the Morrissey family and Max and

Ben's steelworker brothers and sisters in Local 1-346. From all I learned about Max and Ben, I know their memories will live on. I know their legacies will be upheld by those whom they loved and who loved them so.

We talked about this pin I wear, a canary pin given to me years ago at a Workers Memorial Day in Lorain, OH, by a steelworker honoring the workers who lost their lives on the job, working and supporting their economy and building a life, a future for their families.

This pin is a depiction of a canary in a birdcage. If you know labor history—and I know the Presiding Officer from Georgia knows this—the mineworkers used to take the canary in a cage down into the mines. If the canary died from lack of oxygen or toxic gas, the mineworker got quickly out of the mine. He had no union strong enough in those days to protect him and no government that cared enough to protect him. A strong union changed that because of worker safety laws and because of the labor movement.

This tragedy reminds us that our work to protect workers and make our workplaces safer never ever ends. No worker should ever have to worry about not returning home at the end of the day. No family should ever have to be concerned about that, not steelworkers like Max and Ben, not first responders who rush to their aid—no one.

I want to recognize those first responders—the steelworkers, the fire brigade, the Oregon Fire Department—those first responders at the scene whose bravery made a difference.

Today, we rededicate ourselves to Max and Ben's example of dignity of work, importance of family and community. Our thoughts are with the Morrissey family, with all those who knew and loved Max and Ben, and with those who worked alongside them.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to compliment my friend the Senator from Ohio for always being willing to speak out on behalf of important people all across the country. I agree with him that organized labor for literally decades has always protected working people. We need to bear that in mind as we sort through the issues that confront us on a regular basis. So I thank him for his comments.

JOINT CONSOLIDATION LOAN SEPARATION ACT

Mr. President, I rise today to actually celebrate a major accomplishment for thousands of Americans who have been trapped for, many times, decades in exploitative joint student loans.

This is an issue that is actually near and dear to me because I have been working on it for 7 years, since hearing from a constituent way back in 2015.

Sara from Northern Virginia was part of a group of student loan borrowers who entered into something called a joint consolidation loan, which allowed married couples to combine

their student debt into a single loan. The truth was, though, that sounded good, but Congress didn't allow anyone to unwind those loans in the event of a divorce or an abusive relationship.

So finally, in 2006, Congress got rid of the whole program. But when they got rid of the whole program, they didn't retroactively create an option for those folks who had entered into these joint consolidation loans between 1993 and 2006.

So when my constituent Sara had divorced from her husband when she was living in Texas, she was still responsible for this loan. So all of the debt that had originally been his suddenly fell upon her shoulders. The divorced husband stopped paying the debt. Yet she was still responsible, and she, Sara, had to continue facing the consequences.

Now, she was a single mom of two, a public school teacher. Sara was financially on the hook for her defaulting husband's student debts. Her credit suffered dramatically. She even thought she was going to lose her teacher's license.

Now, she did a lot—great researcher. I talked to her a couple times. After looking for a way out, she found that the only way to fix this problem was for an act of Congress.

Well, she contacted my office, and we found out that this was not a one-off circumstance, but, literally, there were thousands of Americans all across the country who had fallen into this trap. A lot of them were domestic violence survivors, who, even though they had gotten out of an abusive relationship, were still stuck with paying off the debts of their abuser. Many of these were people who were victims of financial abuse and, again, completely responsible for a loan, in many cases, that they had never even taken out.

Others were unable to save for retirement, for their kids. We had a lot of teachers who were otherwise eligible for the public service loan forgiveness programs, but because they had entered into the joint consolidated student loans, they suddenly weren't eligible.

So we did some research and spent some time looking into it. In 2017, I introduced the Joint Consolidation Loan Separation Act to solve this problem and find a way for, oftentimes, innocent borrowers to get out of these consolidations.

Now, starting back in 2015—I have got to acknowledge, it took 7 years. Something that was this much of a no-brainer shouldn't have taken that long, but I am proud to be here today and report that we did get it through Congress on a bipartisan basis.

Here in the Senate, I am grateful for a lot of my colleagues on the other side of the aisle. I am grateful for the Presiding Officer. We actually passed it on a unanimous basis, and in the House we passed it with a broad bipartisan coalition.

That is a testament to what a critical, commonsense fix this is—one that

will actually change the lives of thousands of Americans, literally, overnight.

Now, since we introduced this law the first time, my office has heard from so many Americans who are desperate to get this done.

I remember hearing from Chris from Indiana, who said he spent over 16 years thinking about this loan every day and waking up at night trying to create a strategy to pay this loan off.

He got back to us and he said:

For the first time, I may be able to put my mind at peace.

We heard from Sharon, who is a seventh grade teacher, whose former partner was totally unresponsive on meeting their obligations on this joint consolidation. Now, she said:

I don't have to do this anymore. I get to live my life.

She gets to actually retire this year because, once President Biden signs this law, it will immediately relieve her of this obligation.

Or Jessica, who said:

I am finally about to be free . . . of one last way my ex controls me.

Again, I can't imagine entering into this arrangement and then getting out of a relationship, often sometimes an abusive relationship, and that ex still trying to control this person by not meeting their share of the obligations. It just was wrong.

Next, Amy, who falls into the category of otherwise—because, I believe, she was a teacher, she was able to get public service loan forgiveness and worked for years on something she should qualify for, but if you had entered into one of these joint consolidations, you didn't get this benefit.

So Amy said:

I've never been able to take advantage of a single debt-relief program.

This bill will change that, obviously in terms of public service loans but also in terms of some of the proposals that President Biden has put forward.

All these people have been asking for is a chance to not unduly bear the joint burden of a program that even the Congress and the Federal Government decided in 2006 wasn't fair, but when we unwound it, we didn't unwind it, literally, for thousands of people who had fallen into this program between 1993 and 2006.

Now, we are through the House. We are through the Senate. We still have to hit one thing. And while the White House has indicated that the President supports this legislation, we have to get it signed right away because, when we think about these teachers and nurses and other folks who met their goal of what they have to qualify in critical areas to qualify for public student debt forgiveness, you know, the truth is, if they are going to get that benefit this year, they have got to make that application by October 31.

So before Halloween, these folks and countless others are waiting for them to simply apply for a right that, in

many cases, they should have been granted 5, 10, 15 years ago.

And as I said, many of the folks in this category are public school teachers. They are government workers. They are nurses. They all have met the otherwise, oftentimes, stringent requirements for public service loan forgiveness, but this law has to be a law in time for them to be able to timely apply for this relief before Halloween.

So I am hoping—the President has indicated he supports this bill, but the President has got to sign this law as soon as possible so borrowers can finally experience freedom from financial and domestic abuse, freedom to control their own financial future, and freedom to enjoy the exact same benefits that other teachers and public servants have across the country.

I would like to close by saying that, this week, I actually had a chance to call Sara, who originally brought this issue to my attention. She told me that, without this law, and even if she had continued making all of her monthly payments for her divorced husband, it would have been impossible for her to get rid of this debt in her lifetime. She would literally have been tied to her ex-husband, and she left Texas to get away from that ex-husband, to move to Virginia. She would literally be tied to that former spouse for the rest of her life.

For Sara and for literally thousands of other borrowers impacted by this program, it is time for the President to sign this law and provide these borrowers the relief they deserve.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

RECOGNIZING HUMBOLDT, KANSAS

Mr. MORAN. Mr. President, this evening, I want to highlight a community in my State of Kansas that is a model for rural towns across our State and around the country. It is timely because, just yesterday, the New York City mayor joked that my home State of Kansas has “no brand” and then chuckled at his joke. I had planned to give this floor speech before the mayor of New York City used Kansas as a punch line, but now it seems a little more fitting and means even more.

Located in Allen County, KS, Humboldt is the home to about 2,000 residents. Like many small communities in rural America, Humboldt was facing declining population numbers as businesses moved away and buildings on Main Street were abandoned. Even the locally owned newspaper, which began business in 1864 and was the State’s longest continuously running paper, the Humboldt Union, had to close its doors.

However, in the last couple of years, Humboldt has defied the odds. The vacant buildings on Main Street now boast thriving businesses and welcoming storefronts. Since 2020, Humboldt has gained a coffee shop, a variety of bars and restaurants, a fitness center, a microbrewery, a grocery store, a hotel, and the Humboldt Union has been reestablished. Even as the pandemic created new challenges for many small businesses, Humboldt’s businesses were able to persevere.

In January, the travel desk of the New York Times selected Humboldt as a top destination in the world, alongside places like Greece, Australia, and Argentina—pretty ironic now.

The majority of growth and economic development in the community can be attributed to a civic organization called A Bolder Humboldt. This group was formed a few years ago by leaders like Paul Cloutier and is still going strong today.

Paul recently took me on a tour of downtown with the mayor, Mayor Nobby Davis, to see firsthand the renovations being done and to meet the owners of small businesses that are reshaping the town square.

Paul said:

I’ve lived in a lot of big cities, and the thing I loved about them was that they had complete neighborhoods, with a grocery store and a dry cleaner’s and a bar and little restaurants, which is basically what a small town is or used to be.

A Bolder Humboldt is working to rebuild that ideal—that ideal American small town—for the 21st century.

I visited a cafe and a coffee shop owned by Josh Works, who is also involved in A Bolder Humboldt. His father owns B&W Trailer Hitches, and he set a standard during the recession in 2008 to prioritize and care for his staff and his community.

In addition, the community has rebuilt 10 blocks of the downtown streetscape with the help from a local business, Monarch Cement Company. Owned and run by Walter Wulf, this is a 110-year-old business, and it is a staple of this community.

The city has also developed Southwind Industrial Park, with the latest addition of Murphy Tractor and Equipment Company, providing new jobs for locals and new residents.

Humboldt has also gained fame as the hometown of Biblesta, which is an annual festival taking place this weekend, that has been going for six decades and features the world’s largest Bible-themed parade.

Each year, City Manager Cole Herder addresses graduating high school seniors and presents them with mailboxes in the school’s colors—black boxes with orange lettering. Each box has the student’s name and “Humboldt, Kansas” stenciled in orange letters. Inside, there is an invitation. He appeals to students to pursue an education and new experiences, but he also encourages them to consider their hometown of Humboldt as the place to establish

their careers and raise their own families.

The community of Humboldt is a success story, and it is a role model. It demonstrates how teamwork, creative thinking, hard work, treating others with respect, and caring about the future of your community can make a positive difference for your city, the State, and for our entire Nation. That is our brand in Kansas.

I am proud to recognize the efforts of Humboldt with what we have called the Building Better Communities Award.

Today, in the U.S. Senate, I offer my congratulations and my gratitude for the kind of leadership and effort among all residents of the community to see that Humboldt is a good place to live today and, perhaps even more importantly, a great place to live tomorrow.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

The majority leader.

VOTE ON MOTION

Mr. SCHUMER. Now, Mr. President, I know of no further debate on the motion to proceed to H.R. 6833.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

AFFORDABLE INSULIN NOW ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6833) to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes.

AMENDMENT NO. 5745

(Purpose: In the nature of a substitute.)

Mr. SCHUMER. I call up substitute amendment No. 5745.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 5745.

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

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

(The amendment is printed in the RECORD of September 27, 2022, under “Text of Amendments.”)

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 6030 TO AMENDMENT NO. 5745

Mr. SCHUMER. I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6030 to amendment No. 5745.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

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

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

MOTION TO COMMIT WITH AMENDMENT NO. 6031

Mr. SCHUMER. I move to commit H.R. 6833 to the Committee on Appropriations with instructions to report back forthwith with an amendment.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] moves to refer the bill to the Committee on Appropriations with instructions to report back with an amendment numbered 6031.

The amendment is as follows:

(Purpose: To add an effective date)

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 5 days after the date of enactment of this Act.

Mr. SCHUMER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

AMENDMENT NO. 6032 TO INSTRUCTIONS

Mr. SCHUMER. I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 6032 to the instructions of the motion to commit.

The amendment is as follows:

(Purpose: To modify the effective date)

On page 1, line 3, strike "5" and insert "6".

Mr. SCHUMER. I ask to dispense with further reading of the amendment.

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

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to the substitute to the desk.

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

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on amendment No. 5745 to Calendar No. 389, H.R. 6833, a bill to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purpose.

Charles E. Schumer, Patrick J. Leahy, Brian Schatz, Tina Smith, Michael F. Bennet, Alex Padilla, Richard J. Durbin, Tammy Duckworth, Mazie Hirono, Jack Reed, Gary C. Peters, Jacky Rosen, Ben Ray Lujan, Robert P. Casey, Jr., Sherrod Brown, Tim Kaine, Edward J. Markey.

CLOTURE MOTION

Mr. SCHUMER. I send a cloture motion to H.R. 6833 to the desk.

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

The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on H.R. 6833, as amended, a bill to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes.

Charles E. Schumer, Patrick J. Leahy, Brian Schatz, Tina Smith, Michael F. Bennet, Alex Padilla, Richard J. Durbin, Tammy Duckworth, Mazie Hirono, Jack Reed, Gary C. Peters, Jacky Rosen, Ben Ray Lujan, Robert P. Casey, Jr., Sherrod Brown, Tim Kaine, Edward J. Markey.

Mr. SCHUMER. Finally, I ask unanimous consent that the mandatory quorum calls for the cloture motions filed today, September 28, be waived.

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

UNANIMOUS CONSENT AGREEMENT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the notice of adoption of substantive regulations and submission for congressional approval from the Office of Congressional Workplace Rights be printed in the RECORD.

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

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS AND SUBMISSION FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,

Washington, DC., September 28, 2022.

Hon. PATRICK J. LEAHY,
President Pro Tempore of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Section 304(b)(3) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(3), requires that, with regard to substantive regulations under the CAA, after the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) has published a general notice of proposed rulemaking as required by subsection (b)(1), and received comments as required by subsection (b)(2), the Board shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal.

The OCWR Board has adopted the proposed regulations in the Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval that accompany this transmittal letter. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed Regulations, as further specified in the accompanying Notice.

Any inquiries regarding the accompanying Notice should be addressed to Teresa James, Acting Executive Director of the Office of Congressional Workplace Rights, 110 Second Street, SE, Room LA-200, Washington, DC 20540-1099; telephone: 202-724-9250; email: OCWRinfo@ocwr.gov.

Sincerely,

BARBARA CHILDS WALLACE,
Chair of the Board of Directors.

Attachment.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

NOTICE OF ADOPTION OF REGULATIONS AND TRANSMITTAL FOR CONGRESSIONAL APPROVAL

Procedural Summary:
Issuance of the Board's Initial Notice of Proposed Rulemaking.

On or about April 26, 2022, the Board of Directors (Board) of the Office of Congressional Workplace Rights (OCWR) issued a Notice of Proposed Rulemaking in the Congressional Record at 168 Cong. Rec. S2157-S2169 (daily ed.), and at 168 Cong. Rec. H4498-H4508 (daily ed.). The Notice of Proposed Rulemaking was prompted by the promulgation by the Secretary of Labor in 2004, 2016, 2019, and 2020, of amended regulations regarding the overtime pay requirements of the FLSA.

Why did the Board propose these new Regulations?

Section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), requires that the Board of Directors propose substantive regulations implementing the FLSA overtime requirements that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulation would be more effective for

the implementation of the rights and protections under this section.”

What procedure followed the Board's initial Notice of Proposed Rulemaking?

The April 26, 2022 Notice of Proposed Rulemaking included a thirty day comment period, which began on April 26, 2022. The OCWR received four comments to the proposed substantive regulations from stakeholders. The Board of Directors has reviewed these comments, made a number of changes to the proposed substantive regulations in response to the comments, and has adopted the amended regulations.

What is the effect of the Board's "adoption" of these substantive regulations?

Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that: (1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the April 26, 2022 Notice); (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and (3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record. This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations?

Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to “include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.” The Board of Directors recommends that the procedure used by Congress to approve these overtime exemption regulations: that the House of Representatives approve the “H” version of the regulations by resolution; that the Senate approve the “S” version of the regulations by resolution; and that the House and Senate approve the “C” version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering overtime exemptions currently in force under the CAA?

Yes, however, they are woefully outdated. Unless and until the House of Representatives and the Senate approve the regulations adopted by the OCWR Board, all employing offices and covered employees continue to be required to follow the existing Part 541 Regulations, which were adopted by the Board of Directors and approved by the House of Representatives and the Senate in 1996.

If approved by Congress, will these regulations completely replace the existing Part 541 overtime exemption regulations applicable under the CAA?

Yes, and they will provide the modernization necessary to properly remunerate Legislative Branch employees for overtime consistent with the Executive Branch and the private sector.

The Board's Responses to Comments

As the result of the April 26, 2022 Notice of Proposed Regulations, and the ensuing 30

day comment period, the Office received four comments from interested parties. Not surprisingly, a common theme among the comments was the difficulty in applying the Fair Labor Standards Act to real-life occupations within the legislative branch. Commenters requested that the Board add descriptive examples that discuss specific positions and opine on whether those positions should or should not be classified as exempt or non-exempt. Commenters recognized that these exempt status determinations are fact specific and often require complex analysis. For this reason, the Board remains unconvinced that including specific position titles plucked from Congressional employment would serve the legislative branch community. Many legislative branch employees share common job titles but nevertheless have different duties in actuality. These employees, and their employing offices, would not benefit from improper classification through rulemaking.

There exists a body of law which addresses the application of these exceptions in the context of government employees. See e.g., Wage and Hour Division (WHD) Opinion Letter FLSA2020-9, <https://www.dol.gov/sites/dolgov/files/WHD/opinion-letters/FLSA/2020-06-25-09-FLSA.pdf> (last viewed on 8/29/22). For example, the Department of Labor has applied the exemption as it relates to a government press officer. *Id.*

One commenter notified the Board that the U.S. Supreme Court granted certiorari in *Helix Energy Solutions Group v. Hewitt*, ___ S.Ct. ___, 2022 WL 1295708 (May 2, 2022) to address “highly compensated employee” regulations. The commenter suggests that any decision rendered by the Supreme Court could impact the application of the proposed regulations. The Board acknowledges that a decision in *Helix Energy Solutions Group v. Hewitt* may impact the application of 541.601 and 541.604. Nevertheless, a decision is likely more than a year away and the Board does not wish to further delay the adoption of these regulations. The Board will revisit these regulations consistent with any relevant U.S. Supreme Court decision and future Department of Labor amendments.

The Board has reviewed all comments, and has deliberated regarding the question whether comments establish “good cause” pursuant to section 203(c)(2) of the CAA, 2 U.S.C. 1313(c)(2), for varying the Office of Congressional Workplace Rights proposed regulations from the Department of Labor regulations. The following discussion outlines the comments, and the Board's response to them.

What changes to the regulations as proposed on April 26, 2022 have been made by the Board in response to comments received from interested parties?

The Board has made many changes in response to comments received from interested parties. First, the Board agrees that good cause exists to modify these regulations in several respects to further reflect the legislative branch's unique workplace. Several commenters applauded this Board's decision to eliminate references that have no application to Congressional employees. However, they requested that the Board tailor the Proposed Regulations even further. The Board has heeded this request and in large part removed additional private sector terminology and replaced it with language specific to legislative branch employees and employing offices. Second, a commenter recommended departing from the effective date maintained within the Department of Labor regulations so that the regulations, once applied to the legislative branch, are not deemed retroactive. The Board agrees that good cause exists to modify these regulations so that they are not deemed retroactive. Third, a com-

menter asked that the Board include in deleted sections the words “Intentionally Left Blank” or renumber those sections that remain so that they are consecutively numbered for typographical clarity. The Board agrees with this suggestion and has included the word “Reserved” for Department of Labor sections and subsections that are being eliminated. Additional changes are explained below by section.

Sec. 541.0: Commenters correctly pointed out that a principal statutory authority for adoption of these regulations was not included in the language of the proposed regulation itself. Therefore, one commenter proposed to add the words “and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1)” before the end of each sentence. The Board concurs with this recommendation; therefore, the proposed language was added as authority for the promulgation of these overtime exemption rules.

Sec. 541.3: At least one commenter requested the removal of “deputy sheriffs, state troopers, highway patrol officers . . . correctional officers, parole or probation officers, park rangers, fire fighters” and “or fight fires” to further tailor the regulations to reflect legislative branch terminology. Police officers, detectives and investigators are already referenced in the regulation. Thus, the Board agrees that the example of deputy sheriffs, state troopers, highway patrol officers, correctional officers, and parole and probation officers—positions that are not present within the legislative branch—are additional law enforcement positions that are unhelpful by analogy. However, the Board does not find good cause to remove “park rangers”, “fire fighters,” or individuals who “fight fires.” The park rangers’ functions may serve employing offices by analogy. With respect to fire fighters and fighting fires, although the legislative branch presently relies on the District of Columbia’s fire department, it is reasonably foreseeable that fire fighters or individuals whose main duty is to prevent fires may be employed by the legislative branch. Therefore, the Board finds good cause to remove the examples of deputy sheriffs, state troopers, highway patrol officers, correctional officers, and parole or probation officers, but not park rangers, fire fighters, and individuals who fight fires. Similarly, the commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”. Another commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Section 541.4: Several commenters pointed out that the proposed section maintained an erroneous requirement that employing offices must comply with “. . . State or municipal laws, regulations, or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the FLSA” as applied via the CAA. The Board concurs with the comment. That requirement has been deleted from the proposed regulation.

Sec. 541.100: At least one commenter requested that “enterprise” be modified to

“employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.101: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.103: At least one commenter requested that “enterprise” be modified to “employing office” to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “enterprise” to mean “employing office,” the Board concurs with this recommendation. Similarly, the commenter requested that “establishment” be modified to “location” to further tailor the regulations to reflect the legislative branch terminology. The Board concurs with this recommendation as well.

Sec. 541.200: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.201: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations. Similarly, one commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Sec. 541.202: At least one commenter requested that “business”, when used as a noun and not an adjective, “company”, “credit manager”, “large corporation”, “management consultant”, “large company”, and “client” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” and “company” to mean “employing office,” the Board concurs with all of these recommendations.

Sec. 541.203: Multiple commenters questioned whether Congress had insurance adjusters (541.203(a)) and comparison shoppers (541.203(i)), or whether Congressional employees could be deemed “[e]mployees in the financial services industry generally” (541.203(b)). The Board agrees that the example of insurance adjusters is not applicable directly to any employing office. However, insurance adjusters’ investigative functions may serve employing offices by analogy to evaluate the administrative exemption. Similarly the Board believes that employees in financial services generally, as opposed to the financial services industry, is a function that may be applicable directly or by analogy for employing offices to analyze whether employees are covered by the administrative exemption. Lastly, the Board agrees that the comparison shoppers example is neither applicable directly or by analogy to any employing office. Therefore, the Board finds good cause to modify 541.203(a) to “employees who investigate claims”, remove the word “industry” in 541.203(b), and reserve all

of 541.203(i). In addition, at least one commenter asked that certain words or phrases, such as but not limited to “business owner,” “purchasing and selling”, “executive of a large business,” and “company,” be modified to legislative branch terminology in all of the remaining subsections. The Board agrees with these modifications generally, if not verbatim.

Sec. 541.303: One commenter recommends omitting “teachers of kindergarten or nursery school pupils” because, in the legislative branch, the daycare providers are not required to hold advanced degrees or required to graduate from a prolonged course of specialized instruction. In addition, the commenter recommends including salary requirements when evaluating whether a teacher should be included in the professional exemption. The Board does not believe good cause has been established for such a substantial departure from the Department of Labor regulations. Department of Labor Fact Sheet #46, “Daycare Centers and Preschools Under the Fair Labor Standards Act (revised July 2009), explains that nursery school teachers are exempt if their primary duty is “teaching, tutoring, instructing or lecturing”. However, “preschool employees whose primary duty is to care for the physical needs of the facility’s children would ordinarily not meet the requirement for exemption as teachers”. <https://www.dol.gov/agencies/whd/fact-sheets/46-flsa-daycare>. Whether an exemption applies is fact specific and should be decided through adjudication and not through rulemaking.

Sec. 541.402: One commenter requested that “customers” be replaced with “constituents” to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that the word “customers” is not inherently governmental. Nevertheless, the Board believes that “constituents” is too narrow. Thus, the Board finds good cause to modify the word “customers” with “customers, constituents or stakeholders”.

Subpart F: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.601: A commenter recommended departing from the Department of Labor’s effective dates in Section 541.601(a)(1), 541.601(a)(2), and 541.601(b)(2) so that the regulations are not deemed retroactive. The Board finds good cause to amend this language so that there is no ambiguity regarding retroactivity. In addition, the Board agrees that good cause exists to further modify 541.601(b)(2) by eliminating references to commissioned sales to further reflect the legislative branch’s unique workplace.

Sec. 541.602: At least one commenter requested that “business” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “business” to mean “employing office,” the Board concurs with this recommendation. Similarly, a commenter pointed out that the proposed section maintained an erroneous requirement that employing offices may deduct for benefits received under State laws. The Board concurs with the comment.

Sec. 541.603: At least one commenter requested that “company” be modified to further tailor the regulations to reflect legislative branch terminology. Although Section 541.1 defines “company” to mean “employing office,” the Board concurs with this recommendation.

Sec. 541.606: Commenters recommended maintaining the original language. The Board agrees with the concern that incor-

porating by reference all of Part 531’s interpretation of “board, lodging, or other facilities” is overbroad and cumbersome. One commenter recommended creating a definition specific to legislative branch employees, including transit benefits in the definition of board, lodging or other facilities. The Board notes that private sector employees are also eligible for transit benefits but the Department of Labor did not include it in its regulation. The Board does not find good cause to stray from the original regulation.

Sec. 541.607: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.702: Raising the same concern as addressed in Sec. 541.202, at least one commenter requested that “credit manager”, “employer”, and “customers” be modified to further tailor the regulations to reflect legislative branch terminology. Although “employing office” can be readily understood from the term “employer,” the Board concurs with all of these recommendations since the example of “credit manager” is not applicable directly to any employing office.

Sec. 541.706: At least one commenter requested that the example of a “mine superintendent” be eliminated, and the terms “establishment” and “industry” be modified to further tailor the regulations to reflect legislative branch terminology. The Board recognizes that there is no position of “mine superintendent” in the legislative branch and that this example will not be applicable directly or by analogy for employing offices to analyze whether employees are covered by any exemption. Therefore, the Board finds good cause to both eliminate and modify said language.

Sec. 541.709: A commenter asked the Board to either identify that the section was removed or renumber the sections thereafter for typographical clarity. The Board will include the word “Reserved” after the headings of removed sections.

Sec. 541.710: Commenters correctly observed that all legislative employees are essentially “Employees of public agencies.” The commenters thus requested that the language be modified to further tailor the regulations to reflect legislative branch terminology. The Board concurred with this recommendation.

What changes to the proposed substantive regulations suggested by commenters were not made by the Board of Directors?

The Board of Directors reviewed all suggestions included in comments pursuant to the statutory requirement that the regulations “shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.” (section 203(c)(2) of the CAA, 2 USC 1313(c)(2)). If the Board declined to adopt a suggestion, it determined that there was not good cause for such a change in implementing the FLSA.

One commenter was critical of the Board’s approach and questioned why the Board incorporated some of its suggestions in response to the proposed 2004 Substantive Regulations but not others. The April 2022 proposed regulations were created to mirror current Department of Labor regulations. This, in addition to the almost 20 year lapse of time since 2004, is why the Board diverged from the adopted 2005 Substantive Regulations.

As discussed previously, several commenters requested the Board to further amend the Proposed Rule to remove positions not presently found in the legislative branch and include examples of positions specific to the legislative branch employees. While the Board agreed with this suggestion in large part, the Board did not find good cause for all of the requested changes. First, as explained in 2005, the Board is aware that many of the job classifications and types of work processes treated in Part 541 are probably not found within the Legislative Branch of the Federal Government, that there may be job categories in the Legislative Branch not directly reflected in Part 541, and that there are differences among the work forces in the several employing offices covered by the CAA. However, the Board has concluded that adding or removing all exemplary and descriptive provisions from the regulations as applied to all employing offices could result in a basic misunderstanding of the purpose and goal of the new Part 541 of 29 CFR, and of the Congressional mandate in the CAA that the Board issue regulations based upon the Secretary of Labor's regulations promulgated for the private sector. Second, the Board did not remove positions which do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future. The Board recognizes that this Proposed Rule, when adopted and issued, may be effective for many years to come. For example, although the legislative branch does not presently employ a chef, it may in the future for one of the multiple dining locations within the Capitol complex. Thus, descriptions of positions or functions that are not currently held by Congressional employees but could reasonably be foreseen to exist in the future were maintained. Third, the Board did not include position titles that are currently held by many legislative branch employees where the employees may have the same title but whose actual job duties may differ. The Board believes that such determinations should not be made through rulemaking but rather through adjudication.

Sec. 541.0: One commenter suggested the removal of the words "elementary or secondary schools" and in its stead the inclusion of "nursery school programs" as exempt from minimum wage and overtime requirements. The Board does not believe that good cause exists to make this change. The inclusion of "elementary or secondary schools" and the exclusion of "nursery schools" provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim of interpretation, *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program employees should be made through adjudication and not through rulemaking. Commenters also noted that the reference in the proposed regulation to "enforcement" by the Office of Congressional Workplace Rights of the equal pay provision found at section 6(d) of the FLSA reflected an authority not given to the Office under the CAA. The Office of Congressional Workplace Rights is authorized to administer the dispute resolution process for employee claims of a violation of the equal pay requirement at section 6(d) of the FLSA. Although the Office of Congressional Workplace Rights does not initiate enforcement, this remains a method of enforcement. Therefore, the reference to "enforcement" of section 6(d) was maintained.

Sec. 541.1: One commenter expressed concern that by defining the terms "employee", "intern", and "employing office" by reference to statutory citations, this causes confusion. It recommended, therefore, that the terms be defined pursuant to definitions

already extant in the Substantive Regulations for the FLSA at Section 501.102. The Board does not believe that citation to the Congressional Accountability Act causes confusion. Therefore, the statutory citations will remain.

Sec. 541.100: One commenter requested this section be revised to clarify that an executive must regularly direct the work of two or more full time employees or their equivalent. The Board does not find good cause to modify this subsection as section 541.104(a)(3) provides this exact clarification.

Sec. 541.104: One commenter suggested that the Board re-evaluate its 2005 determination declining to include interns as employees for the purpose of section 541.104 to the extent that they are now paid staff. In 2005, then Office of Compliance submitted an inquiry with the Department of Labor as to whether the Department interprets the term "employee" in regulation 541.104 to include individual workers who are not "employees" as defined under the balance of Part 541. The Department of Labor responded informally that such workers are not counted as "employees" for purposes of the application of section 541.104 of the regulations. The Board has concluded that there is no good cause to modify section 541.104 to expressly include interns. The Board has defined "interns" in this regulation pursuant to the Congressional Accountability Act's definition, i.e., an individual who performs work but is uncompensated. To the extent that an employee holds the position of "intern" but is nevertheless compensated, the employee may, in certain circumstances, be considered a full time employee or the equivalent. The Board believes that determinations regarding paid interns should be made through adjudication and not through rulemaking.

Sec. 541.202: One commenter requested that "segment" be modified to "department or division" to further tailor the regulations to reflect the legislative branch terminology. Because segment is a generic description for the words "department" and "division", and since "segment" would also capture other partitions within the employing office that are not called a department or division, the Board does not find good cause to modify this language.

Sec. 541.203: Multiple commenters requested that additional position titles and descriptions be included as examples of employees who are exempt based on the administrative exemption. For example, one commenter proposed to include the following examples of employees whose primary duty is to perform office or non-manual work directly related to the management or general business operations of the employer or the employer's stakeholders:

(k) "Employees who perform public relations work for an employing office, such as developing and implementing a media strategy or managing and coordinating media contacts and activities for the office, generally meet the duties requirements for the administrative exemption."

(l) "Employees who perform research and government relations functions for an employing office, such as devising and formulating legislative initiatives, serving as a Senator's principal advisor on legislative matters, and working with governmental and non-governmental offices to gather support for particular legislative proposals, generally meet the duties requirements for the administrative exemption."

(m) "Employees who act as a Senator's liaison to government, community and constituent groups and leaders in assigned geographic or issue areas and who research and advise the Senator on community, legislative or other developments in the assigned area, generally meet the duties requirements for the administrative exemption."

However, among other potential issues, it is unclear from these examples whether the employees exercise discretion and independent judgment with respect to matters of significance and whether the employee is paid the equivalent of at least \$684 per week on a salary basis. The Department of Labor's Wage and Hour Division has opined that for a government employee to qualify for the administrative exemption, the employee's primary duty should involve its management policies or the management policies of the government entity or political subdivision, i.e., "directly related to assisting with the 'running or servicing' of the . . . government itself." WHD Opinion Letter FLSA2020-9. Therefore, the Board cannot find good cause to include the commenter's language as the determination whether these employment positions and functions would qualify for the administrative exemption should be made on a case by case basis.

Sec. 541.204: One commenter suggested the substitution of "nursery school programs" for "elementary or secondary schools." As explained in Sec. 541.0 above, the Board does not believe that good cause exists to make this change. The inclusion of "elementary or secondary schools" and the exclusion of "nursery schools" in the original regulation provides an employing office with the ability to evaluate whether a nursery school employee is exempt, or not exempt, consistent with the maxim *expressio unius, exclusio alterius*. Further, the Board believes that determinations regarding exemptions for nursery school program management employees should be made through adjudication and not through rulemaking.

Sec. 541.301: Commenters broadly suggested that portions of the proposed regulations that arguably do not directly concern types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. Thus, they recommend deleting Section 541.301(e)(1), pertaining to registered or certified technologists; Section 541.301(e)(2), pertaining to nurses; Section 541.301(e)(3), relating to dental hygienists; Section 541.301(e)(4), pertaining to physicians assistants; Section 541.301(e)(6), relating to chefs; and Section 541.301(e)(8), relating to athletic trainers. The Board does not find good cause to remove these positions and descriptions. Some of these functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.304: Commenters broadly suggested that portions of the proposed regulations which arguably do not directly concern types or categories of employment in their component of the legislative branch should be deleted from the proposed regulations in its entirety. For example, one commenter recommends deleting all references to the practice of medicine in 541.304. The Board does not find good cause to remove these positions and descriptions. These functions may exist directly or by analogy within the Office of Attending Physician. Furthermore, for positions that do not presently exist in the legislative branch but are reasonably foreseeable to exist in the future, the Board believes these descriptions will assist employing offices either directly or by analogy for positions created in years to come.

Sec. 541.605: One commenter suggested that this section in its entirety, and the many references to this section, should be eliminated since Congressional employees are paid on a salary basis. The Board does

not find good cause to remove the “fee basis” section. Although most, if not all, positions are paid on a salary basis, it is reasonably foreseeable that an employee could be hired on a fee basis in the future.

HOW TO READ THE ADOPTED AMENDMENTS

The text of the amendments adopted by the OCWR Board reproduces the text of the current regulations promulgated by the Secretary of Labor at 29 CFR Part 541, and shows changes adopted by the OCWR Board for the CAA version of these same regulations. Changes adopted by the Board are shown as follows: deletions are marked with a [bracket] and added text is within angled <<brackets>>. Therefore, if these regulations are adopted as proposed, the deletion within bracketed text will disappear from the regulations and the added text within angled brackets will remain. If these regulations are approved for the House of Representatives by resolution of the House, they will be promulgated with the prefix “H” appearing before each regulations section number. If these regulations are approved for the Senate by resolution of the Senate, they will be promulgated with the prefix “S” appearing before each regulation’s section number. If these regulations are approved for the other employing offices by joint or concurrent resolution of the House of Representatives and the Senate, they will be promulgated with the prefix “C” appearing before each regulation’s section number.

OVERTIME EXEMPTION REGULATIONS

PART 541—DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, AND COMPUTER [AND OUTSIDE SALES] EMPLOYEES

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SUBPART A—GENERAL REGULATIONS (§§ 541.0–541.4)

§ 541.0 Introductory statement.

(a) Section 13(a)(1) of the Fair Labor Standards Act, as amended, provides an ex-

emption from the Act’s minimum wage and overtime requirements for any employee employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee, as such terms are defined and delimited from time to time by regulations of the Secretary, subject to the provisions of the Administrative Procedure Act.]<< and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>> Section 13(a)(17) of the Act provides an exemption from the minimum wage and overtime requirements for computer systems analysts, computer programmers, software engineers, and other similarly skilled computer employees << and applies to covered employees by virtue of section 225(e)(1) of the CAA, as amended, 2 U.S.C. 1361(e)(1).>>.

(b) The requirements for these exemptions are contained in this part as follows: executive employees, subpart B; administrative employees, subpart C; professional employees, subpart D; computer employees, subpart E; outside sales employees, subpart F]. Subpart G contains regulations regarding salary requirements applicable to most of the exemptions, including salary levels and the salary basis test. Subpart G also contains a provision for exempting certain highly compensated employees. Subpart H contains definitions and other miscellaneous provisions applicable to all or several of the exemptions.

(c) Effective July 1, 1972, the Fair Labor Standards Act was amended to include within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools)[, or in the capacity of an outside sales employee under section 13(a)(1) of the Act]. The equal pay provisions in section 6(d) of the Fair Labor Standards Act are administered and enforced by the [United States Equal Employment Opportunity Commission] <<Office of Congressional Workplace Rights>>.

§ 541.1 Terms used in regulations.

Act means the Fair Labor Standards Act of 1938, as amended. [Administrator means the Administrator of the Wage and Hour Division, United States Department of Labor. The Secretary of Labor has delegated to the Administrator the functions vested in the Secretary under sections 13(a)(1) and 13(a)(17) of the Fair Labor Standards Act.] <<CAA means Congressional Accountability Act of 1995, as amended. Office means the Office of Congressional Workplace Rights. Employee means a “covered employee” as defined in section 101(a)(3) through (a)(8) of the CAA, 2 U.S.C. 1301(a)(3) through (a)(8), but not an “intern” as defined in section 203(a)(2) of the CAA, 2 U.S.C. 1313(a)(2). Employer, company, business, or enterprise each mean an “employing office” as defined in section 101(a)(9) of the CAA, 2 U.S.C. 1301(a)(9).>>

§ 541.2 Job titles insufficient.

A job title alone is insufficient to establish the exempt status of an employee. The exempt or nonexempt status of any particular employee must be determined on the basis of whether the employee’s salary and duties meet the requirements of the regulations in this part.

§ 541.3 Scope of the section 13(a)(1) exemptions.

(a) The section 13(a)(1) exemptions and the regulations in this part do not apply to manual laborers or other “blue collar” workers

who perform work involving repetitive operations with their hands, physical skill and energy. Such nonexempt "blue collar" employees gain the skills and knowledge required for performance of their routine manual and physical work through apprenticeships and on-the-job training, not through the prolonged course of specialized intellectual instruction required for exempt learned professional employees such as medical doctors, architects and archeologists. Thus, for example, non-management production-line employees and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers and laborers are entitled to minimum wage and overtime premium pay under the Fair Labor Standards Act, and are not exempt under the regulations in this part no matter how highly paid they might be.

(b)(1) The section 13(a)(1) exemptions and the regulations in this part also do not apply to police officers, detectives, [deputy sheriffs, state troopers, highway patrol officers,] investigators, inspectors, [correctional officers, parole or probation officers,] park rangers, fire fighters, paramedics, emergency medical technicians, ambulance personnel, rescue workers, hazardous materials workers and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime or accident victims; preventing or detecting crimes; conducting investigations or inspections for violations of law; performing surveillance; pursuing, restraining and apprehending suspects; detaining or supervising suspected and convicted criminals, including those on probation or parole; interviewing witnesses; interrogating and fingerprinting suspects; preparing investigative reports; or other similar work.

(2) Such employees do not qualify as exempt executive employees because their primary duty is not management of the [enterprise] <<employing office>> in which the employee is employed or a customarily recognized department or subdivision thereof as required under §541.100. Thus, for example, a police officer or fire fighter whose primary duty is to investigate crimes or fight fires is not exempt under section 13(a)(1) of the Act merely because the police officer or fire fighter also directs the work of other employees in the conduct of an investigation or fighting a fire.

(3) Such employees do not qualify as exempt administrative employees because their primary duty is not the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>> as required under §541.200.

(4) Such employees do not qualify as exempt professionals because their primary duty is not the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as required under §541.300. Although some police officers, fire fighters, paramedics, emergency medical technicians and similar employees have college degrees, a specialized academic degree is not a standard prerequisite for employment in such occupations.

§541.4 Other laws and collective bargaining agreements.

The Fair Labor Standards Act provides minimum standards that may be exceeded,

but cannot be waived or reduced. Employers must comply, for example, with any Federal, State or municipal laws, regulations or ordinances establishing a higher minimum wage or lower maximum workweek than those established under the Act. Similarly, employers, on their own initiative or under a collective bargaining agreement with a labor union, are not precluded by the Act from providing a wage higher than the statutory minimum, a shorter workweek than the statutory maximum, or a higher overtime premium (double time, for example) than provided by the Act. While collective bargaining agreements cannot waive or reduce the Act's protections, nothing in the Act or the regulations in this part relieves employers from their contractual obligations under collective bargaining agreements.

SUBPART B—EXECUTIVE EMPLOYEES (§§ 541.100–541.106)

§541.100 General rule for executive employees.

(a) The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary basis pursuant to §541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

(2) Whose primary duty is management of the [enterprise] <<employing office>> in which the employee is employed or of a customarily recognized department or subdivision thereof;

(3) Who customarily and regularly directs the work of two or more other employees; and

(4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight.

(b) The phrase "salary basis" is defined at §541.602; "board, lodging or other facilities" is defined at §541.606; "primary duty" is defined at §541.700; and "customarily and regularly" is defined at §541.701.

§541.101 Business owner.

The term "employee employed in a bona fide executive capacity" in section 13(a)(1) of the Act also includes any employee who owns at least a bona fide 20-percent equity interest in the enterprise in which the employee is employed, regardless of whether the business is a corporate or other type of organization, and who is actively engaged in its management. The term "management" is defined in §541.102. The requirements of Subpart G (salary requirements) of this part do not apply to the business owners described in this section.]

§541.102 Management.

Generally, "management" includes, but is not limited to, activities such as interviewing, selecting, and training of employees; setting and adjusting their rates of pay and hours of work; directing the work of employees; maintaining production or sales records for use in supervision or control; appraising employees' productivity and efficiency for the purpose of recommending promotions or other changes in status; handling employee complaints and grievances; disciplining employees; planning the work; determining the techniques to be used; apportioning the work among the employees; determining the type of materials, supplies,

machinery, equipment or tools to be used or merchandise to be bought, stocked and sold; controlling the flow and distribution of materials or merchandise and supplies; providing for the safety and security of the employees or the property; planning and controlling the budget; and monitoring or implementing legal compliance measures.

§541.103 Department or subdivision.

(a) The phrase "a customarily recognized department or subdivision" is intended to distinguish between a mere collection of employees assigned from time to time to a specific job or series of jobs and a unit with permanent status and function. A customarily recognized department or subdivision must have a permanent status and a continuing function. For example, a large employer's human resources department might have subdivisions for labor relations, pensions and other benefits, equal employment opportunity, and personnel management, each of which has a permanent status and function.

(b) When an [enterprise] <<employing office>> has more than one [establishment] <<location>>, the employee in charge of each [establishment] <<location>> may be considered in charge of a recognized subdivision of the [enterprise] <<employing office>>.

(c) A recognized department or subdivision need not be physically within the employer's establishment and may move from place to place. The mere fact that the employee works in more than one location does not invalidate the exemption if other factors show that the employee is actually in charge of a recognized unit with a continuing function in the organization.

(d) Continuity of the same subordinate personnel is not essential to the existence of a recognized unit with a continuing function. An otherwise exempt employee will not lose the exemption merely because the employee draws and supervises workers from a pool or supervises a team of workers drawn from other recognized units, if other factors are present that indicate that the employee is in charge of a recognized unit with a continuing function.

§541.104 Two or more other employees.

(a) To qualify as an exempt executive under §541.100, the employee must customarily and regularly direct the work of two or more other employees. The phrase "two or more other employees" means two full-time employees or their equivalent. One full-time and two half-time employees, for example, are equivalent to two full-time employees. Four half-time employees are also equivalent.

(b) The supervision can be distributed among two, three or more employees, but each such employee must customarily and regularly direct the work of two or more other full-time employees or the equivalent. Thus, for example, a department with five full-time nonexempt workers may have up to two exempt supervisors if each such supervisor customarily and regularly directs the work of two of those workers.

(c) An employee who merely assists the manager of a particular department and supervises two or more employees only in the actual manager's absence does not meet this requirement.

(d) Hours worked by an employee cannot be credited more than once for different executives. Thus, a shared responsibility for the supervision of the same two employees in the same department does not satisfy this requirement. However, a full-time employee who works four hours for one supervisor and four hours for a different supervisor, for example, can be credited as a half-time employee for both supervisors.

§ 541.105 Particular weight.

To determine whether an employee's suggestions and recommendations are given "particular weight," factors to be considered include, but are not limited to, whether it is part of the employee's job duties to make such suggestions and recommendations; the frequency with which such suggestions and recommendations are made or requested; and the frequency with which the employee's suggestions and recommendations are relied upon. Generally, an executive's suggestions and recommendations must pertain to employees whom the executive customarily and regularly directs. It does not include an occasional suggestion with regard to the change in status of a co-worker. An employee's suggestions and recommendations may still be deemed to have "particular weight" even if a higher level manager's recommendation has more importance and even if the employee does not have authority to make the ultimate decision as to the employee's change in status.

§ 541.106 Concurrent duties.

(a) Concurrent performance of exempt and nonexempt work does not disqualify an employee from the executive exemption if the requirements of § 541.100 are otherwise met. Whether an employee meets the requirements of § 541.100 when the employee performs concurrent duties is determined on a case-by-case basis and based on the factors set forth in § 541.700. Generally, exempt executives make the decision regarding when to perform nonexempt duties and remain responsible for the success or failure of business operations under their management while performing the nonexempt work. In contrast, the nonexempt employee generally is directed by a supervisor to perform the exempt work or performs the exempt work for defined time periods. An employee whose primary duty is ordinary production work or routine, recurrent or repetitive tasks cannot qualify for exemption as an executive.

(b) For example, an assistant manager in a retail establishment may perform work such as serving customers, cooking food, stocking shelves and cleaning the establishment, but performance of such nonexempt work does not preclude the exemption if the assistant manager's primary duty is management. An assistant manager can supervise employees and serve customers at the same time without losing the exemption. An exempt employee can also simultaneously direct the work of other employees and stock shelves.

(c) In contrast, a relief supervisor or working supervisor whose primary duty is performing nonexempt work on the production line in a manufacturing plant does not become exempt merely because the nonexempt production line employee occasionally has some responsibility for directing the work of other nonexempt production line employees when, for example, the exempt supervisor is unavailable. Similarly, an employee whose primary duty is to work as an electrician is not an exempt executive even if the employee also directs the work of other employees on the job site, orders parts and materials for the job, and handles requests from the prime contractor.

SUBPART C—ADMINISTRATIVE EMPLOYEES (§§ 541.200–541.204)

§ 541.200 General rule for administrative employees.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mar-

iana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities;

(2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>; and

(3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

(b) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§ 541.201 Directly related to management or general business operations.

(a) To qualify for the administrative exemption, an employee's primary duty must be the performance of work directly related to the management or general business operations of the employer or the employer's customers<<, constituents or stakeholders>>. The phrase "directly related to the management or general business operations" refers to the type of work performed by the employee. To meet this requirement, an employee must perform work directly related to assisting with the running or servicing of the [business] <<employing office>>, as distinguished, for example, from working on a manufacturing production line or selling a product in a retail or service establishment.

(b) Work directly related to management or general business operations includes, but is not limited to, work in functional areas such as tax; finance; accounting; budgeting; auditing; insurance; quality control; purchasing; procurement; advertising; marketing; research; safety and health; personnel management; human resources; employee benefits; labor relations; public relations, government relations; computer network, internet and database administration; legal and regulatory compliance; and similar activities. Some of these activities may be performed by employees who also would qualify for another exemption.

(c) An employee may qualify for the administrative exemption if the employee's primary duty is the performance of work directly related to the management or general business operations of the employer's customers<<, constituents and/or stakeholders>>. Thus, for example, employees acting as advisers or consultants to their employer's [clients or] customer<<, constituents or stakeholders>> (as tax experts or financial consultants, for example) may be exempt.

§ 541.202 Discretion and independent judgment.

(a) To qualify for the administrative exemption, an employee's primary duty must include the exercise of discretion and independent judgment with respect to matters of significance. In general, the exercise of discretion and independent judgment involves the comparison and the evaluation of possible courses of conduct, and acting or making a decision after the various possibilities have been considered. The term "matters of significance" refers to the level of importance or consequence of the work performed.

(b) The phrase "discretion and independent judgment" must be applied in the light of all the facts involved in the particular employment situation in which the question arises. Factors to consider when determining whether an employee exercises discretion and independent judgment with respect to

matters of significance include, but are not limited to: whether the employee has authority to formulate, affect, interpret, or implement management policies or operating practices; whether the employee carries out major assignments in conducting the operations of the [business] <<employing office>>; whether the employee performs work that affects business operations <<of the employing office>> to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the [business] <<employing office>>; whether the employee has authority to commit the employer in matters that have significant financial impact; whether the employee has authority to waive or deviate from established policies and procedures without prior approval; whether the employee has authority to negotiate and bind the [company] <<employing office>> on significant matters; whether the employee provides consultation or expert advice to management; whether the employee is involved in planning longer short-term [business] <<employing office>> objectives; whether the employee investigates and resolves matters of significance on behalf of management; and whether the employee represents the [company] <<employing office>> in handling complaints, arbitrating disputes or resolving grievances.

(c) The exercise of discretion and independent judgment implies that the employee has authority to make an independent choice, free from immediate direction or supervision. However, employees can exercise discretion and independent judgment even if their decisions or recommendations are reviewed at a higher level. Thus, the term "discretion and independent judgment" does not require that the decisions made by an employee have a finality that goes with unlimited authority and a complete absence of review. The decisions made as a result of the exercise of discretion and independent judgment may consist of recommendations for action rather than the actual taking of action. The fact that an employee's decision may be subject to review and that upon occasion the decisions are revised or reversed after review does not mean that the employee is not exercising discretion and independent judgment. For example, the policies formulated by the [credit] manager of a <<n>> [large corporation] <<employing office>> may be subject to review by higher [company] <<employing office>> officials who may approve or disapprove these policies. The [management consultant] <<department director>> who has made a study of the operations of a [business] <<department>> and who has drawn a proposed change in organization may have the plan reviewed or revised by superiors before it is [submitted to the client] <<approved>>.

(d) An employer's volume of [business] <<work>> may make it necessary to employ a number of employees to perform the same or similar work. The fact that many employees perform identical work or work of the same relative importance does not mean that the work of each such employee does not involve the exercise of discretion and independent judgment with respect to matters of significance.

(e) The exercise of discretion and independent judgment must be more than the use of skill in applying well-established techniques, procedures or specific standards described in manuals or other sources. See also § 541.704 regarding use of manuals. The exercise of discretion and independent judgment also does not include clerical or secretarial work, recording or tabulating data, or performing other mechanical, repetitive, recurrent or routine work. An employee who simply tabulates data is not exempt, even if labeled as a "statistician."

(f) An employee does not exercise discretion and independent judgment with respect to matters of significance merely because the employer will experience financial losses if the employee fails to perform the job properly. For example, a messenger who is entrusted with carrying large sums of money does not exercise discretion and independent judgment with respect to matters of significance even though serious consequences may flow from the employee's neglect. Similarly, an employee who operates very expensive equipment does not exercise discretion and independent judgment with respect to matters of significance merely because improper performance of the employee's duties may cause serious financial loss to the employer.

§ 541.203 Administrative exemption examples.

(a) [Insurance claims adjusters] <<Employees who investigate claims>> generally meet the duties requirements for the administrative exemption[, whether they work for an insurance company or other type of company,] if their duties include activities such as interviewing [insureds,] witnesses [and physicians]; inspecting property damage; reviewing factual information to prepare damage estimates; evaluating and making recommendations regarding coverage of claims; determining liability and total value of a claim; negotiating settlements; and making recommendations regarding litigation.

(b) Employees in [the] financial services [industry] generally meet the duties requirements for the administrative exemption if their duties include work such as collecting and analyzing information regarding the customer's income, assets, investments or debts; determining which financial products best meet the customer's needs and financial circumstances; advising the customer regarding the advantages and disadvantages of different financial products; and marketing, servicing or promoting the employer's financial products. However, an employee whose primary duty is selling financial products does not qualify for the administrative exemption.

(c) An employee who leads a team of other employees assigned to complete major projects for the employer (such as [purchasing, selling or closing all or part of the business,] negotiating a real estate transaction or a collective bargaining agreement, or designing and implementing productivity improvements) generally meets the duties requirements for the administrative exemption, even if the employee does not have direct supervisory responsibility over the other employees on the team.

(d) An executive assistant or administrative assistant to a [business owner or senior executive of a large business] <<senior management official of an employing office>> generally meets the duties requirements for the administrative exemption if such employee, without specific instructions or prescribed procedures, has been delegated authority regarding matters of significance.

(e) Human resources managers who formulate, interpret or implement employment policies and management consultants who study the operations of a [business] <<employing office>> and propose changes in organization generally meet the duties requirements for the administrative exemption. However, personnel clerks who "screen" applicants to obtain data regarding their minimum qualifications and fitness for employment generally do not meet the duties requirements for the administrative exemption. Such personnel clerks typically will reject all applicants who do not meet minimum standards for the particular job or for employment by the [company] <<employing office>>. The minimum stand-

ards are usually set by the exempt human resources manager or other [company] <<employing office>> officials, and the decision to hire from the group of qualified applicants who do meet the minimum standards is similarly made by the exempt human resources manager or other [company] <<employing office>> officials. Thus, when the interviewing and screening functions are performed by the human resources manager or personnel manager who makes the hiring decision or makes recommendations for hiring from the pool of qualified applicants, such duties constitute exempt work, even though routine, because this work is directly and closely related to the employee's exempt functions.

(f) Purchasing agents with authority to bind the [company] <<employing office>> on significant purchases generally meet the duties requirements for the administrative exemption even if they must consult with top management officials when making a purchase commitment for [raw] materials in excess of the contemplated [plant] needs.

(g) Ordinary inspection work generally does not meet the duties requirements for the administrative exemption. Inspectors normally perform specialized work along standardized lines involving well-established techniques and procedures which may have been catalogued and described in manuals or other sources. Such inspectors rely on techniques and skills acquired by special training or experience. They have some leeway in the performance of their work but only within closely prescribed limits.

(h) Employees usually called examiners or graders, such as employees that grade lumber, generally do not meet the duties requirements for the administrative exemption. Such employees usually perform work involving the comparison of products with established standards which are frequently catalogued. Often, after continued reference to the written standards, or through experience, the employee acquires sufficient knowledge so that reference to written standards is unnecessary. The substitution of the employee's memory for a manual of standards does not convert the character of the work performed to exempt work requiring the exercise of discretion and independent judgment.

(i) [Comparison shopping performed by an employee of a retail store who merely reports to the buyer the prices at a competitor's store does not qualify for the administrative exemption. However, the buyer who evaluates such reports on competitor prices to set the employer's prices generally meets the duties requirements for the administrative exemption.] <<Reserved.>>

(j) [Public sector i] <<[>nspectors or investigators of various types, such as fire prevention or safety, building or construction, health or sanitation, environmental or soils specialists and similar employees, generally do not meet the duties requirements for the administrative exemption because their work typically does not involve work directly related to the management or general business operations of the employer. Such employees also do not qualify for the administrative exemption because their work involves the use of skills and technical abilities in gathering factual information, applying known standards or prescribed procedures, determining which procedure to follow, or determining whether prescribed standards or criteria are met.

§ 541.204 Educational establishments.

(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act also includes employees:

(1) Compensated on a salary or fee basis at a rate of not less than \$684 per week [or \$455

per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the educational establishment by which employed; and

(2) Whose primary duty is performing administrative functions directly related to academic instruction or training in an educational establishment or department or subdivision thereof.

(b) The term "educational establishment" means an elementary or secondary school system, an institution of higher education or other educational institution. Sections 3(v) and 3(w) of the Act define elementary and secondary schools as those day or residential schools that provide elementary or secondary education, as determined under State law. Under the laws of most States, such education includes the curriculums in grades 1 through 12; under many it includes also the introductory programs in kindergarten. Such education in some States may also include nursery school programs in elementary education and junior college curriculums in secondary education. The term "other educational establishment" includes special schools for mentally or physically disabled or gifted children, regardless of any classification of such schools as elementary, secondary or higher. Factors relevant in determining whether post-secondary career programs are educational institutions include whether the school is licensed by a state agency responsible for the state's educational system or accredited by a nationally recognized accrediting organization for career schools. Also, for purposes of the exemption, no distinction is drawn between public and private schools, or between those operated for profit and those that are not for profit.

(c) The phrase "performing administrative functions directly related to academic instruction or training" means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

(1) Employees engaged in academic administrative functions include: the superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program; the principal and any vice-principals responsible for the operation of an elementary or secondary school; department heads in institutions of higher education responsible for the administration of the mathematics department, the English department, the foreign language department, etc.; academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and other employees with similar responsibilities.

(2) Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunch room managers or dietitians do not perform academic administrative functions. Although

such work is not considered academic administration, such employees may qualify for exemption under 541.200 or under other sections of this part, provided the requirements for such exemptions are met.

SUBPART D—PROFESSIONAL EMPLOYEES **(§§ 541.300–541.304)**

§ 541.300 General rule for professional employees.

(a) The term “employee employed in a bona fide professional capacity” in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis pursuant to § 541.600 at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging or other facilities; and

(2) Whose primary duty is the performance of work:

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.

(b) The term “salary basis” is defined at § 541.602; “fee basis” is defined at § 541.605; “board, lodging or other facilities” is defined at § 541.606; and “primary duty” is defined at § 541.700.

§ 541.301 Learned professionals.

(a) To qualify for the learned professional exemption, an employee's primary duty must be the performance of work requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction. This primary duty test includes three elements:

(1) The employee must perform work requiring advanced knowledge;

(2) The advanced knowledge must be in a field of science or learning; and

(3) The advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

(b) The phrase “work requiring advanced knowledge” means work which is predominantly intellectual in character, and which includes work requiring the consistent exercise of discretion and judgment, as distinguished from performance of routine mental, manual, mechanical or physical work. An employee who performs work requiring advanced knowledge generally uses the advanced knowledge to analyze, interpret or make deductions from varying facts or circumstances. Advanced knowledge cannot be attained at the high school level.

(c) The phrase “field of science or learning” includes the traditional professions of law, medicine, theology, accounting, actuarial computation, engineering, architecture, teaching, various types of physical, chemical and biological sciences, pharmacy and other similar occupations that have a recognized professional status as distinguished from the mechanical arts or skilled trades where in some instances the knowledge is of a fairly advanced type, but is not in a field of science or learning.

(d) The phrase “customarily acquired by a prolonged course of specialized intellectual instruction” restricts the exemption to professions where specialized academic training is a standard prerequisite for entrance into the profession. The best prima facie evidence that an employee meets this requirement is possession of the appropriate academic degree. However, the word “customarily”

means that the exemption is also available to employees in such professions who have substantially the same knowledge level and perform substantially the same work as the degreed employees, but who attained the advanced knowledge through a combination of work experience and intellectual instruction. Thus, for example, the learned professional exemption is available to the occasional lawyer who has not gone to law school, or the occasional chemist who is not the possessor of a degree in chemistry. However, the learned professional exemption is not available for occupations that customarily may be performed with only the general knowledge acquired by an academic degree in any field, with knowledge acquired through an apprenticeship, or with training in the performance of routine mental, manual, mechanical or physical processes. The learned professional exemption also does not apply to occupations in which most employees have acquired their skill by experience rather than by advanced specialized intellectual instruction.

(e)(1) *Registered or certified medical technologists.* Registered or certified medical technologists who have successfully completed three academic years of pre-professional study in an accredited college or university plus a fourth year of professional course work in a school of medical technology approved by the Council of Medical Education of the American Medical Association generally meet the duties requirements for the learned professional exemption.

(2) *Nurses.* Registered nurses who are registered by the appropriate State examining board generally meet the duties requirements for the learned professional exemption. Licensed practical nurses and other similar health care employees, however, generally do not qualify as exempt learned professionals because possession of a specialized advanced academic degree is not a standard prerequisite for entry into such occupations.

(3) *Dental hygienists.* Dental hygienists who have successfully completed four academic years of pre-professional and professional study in an accredited college or university approved by the Commission on Accreditation of Dental and Dental Auxiliary Educational Programs of the American Dental Association generally meet the duties requirements for the learned professional exemption.

(4) *Physician assistants.* Physician assistants who have successfully completed four academic years of pre-professional and professional study, including graduation from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, and who are certified by the National Commission on Certification of Physician Assistants generally meet the duties requirements for the learned professional exemption.

(5) *Accountants.* Certified public accountants generally meet the duties requirements for the learned professional exemption. In addition, many other accountants who are not certified public accountants but perform similar job duties may qualify as exempt learned professionals. However, accounting clerks, bookkeepers and other employees who normally perform a great deal of routine work generally will not qualify as exempt professionals.

(6) *Chefs.* Chefs, such as executive chefs and sous chefs, who have attained a four-year specialized academic degree in a culinary arts program, generally meet the duties requirements for the learned professional exemption. The learned professional exemption is not available to cooks who perform predominantly routine mental, manual, mechanical or physical work.

(7) *Paralegals.* Paralegals and legal assistants generally do not qualify as exempt

learned professionals because an advanced specialized academic degree is not a standard prerequisite for entry into the field. Although many paralegals possess general four-year advanced degrees, most specialized paralegal programs are two-year associate degree programs from a community college or equivalent institution. However, the learned professional exemption is available for paralegals who possess advanced specialized degrees in other professional fields and apply advanced knowledge in that field in the performance of their duties. For example, if a law firm hires an engineer as a paralegal to provide expert advice on product liability cases or to assist on patent matters, that engineer would qualify for exemption.

(8) *Athletic trainers.* Athletic trainers who have successfully completed four academic years of pre-professional and professional study in a specialized curriculum accredited by the Commission on Accreditation of Allied Health Education Programs and who are certified by the Board of Certification of the National Athletic Trainers Association Board of Certification generally meet the duties requirements for the learned professional exemption.

(9) *Funeral directors or embalmers.* Licensed funeral directors and embalmers who are licensed by and working in a state that requires successful completion of four academic years of pre-professional and professional study, including graduation from a college of mortuary science accredited by the American Board of Funeral Service Education, generally meet the duties requirements for the learned professional exemption.]

(f) The areas in which the professional exemption may be available are expanding. As knowledge is developed, academic training is broadened and specialized degrees are offered in new and diverse fields, thus creating new specialists in particular fields of science or learning. When an advanced specialized degree has become a standard requirement for a particular occupation, that occupation may have acquired the characteristics of a learned profession. Accrediting and certifying organizations similar to those listed in paragraphs (e)(1), (e)(3), (e)(4) and (e)(8) of this section also may be created in the future. Such organizations may develop similar specialized curriculums and certification programs which, if a standard requirement for a particular occupation, may indicate that the occupation has acquired the characteristics of a learned profession.

§ 541.302 Creative professionals.

(a) To qualify for the creative professional exemption, an employee's primary duty must be the performance of work requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor as opposed to routine mental, manual, mechanical or physical work. The exemption does not apply to work which can be produced by a person with general manual or intellectual ability and training.

(b) To qualify for exemption as a creative professional, the work performed must be “in a recognized field of artistic or creative endeavor.” This includes such fields as music, writing, acting and the graphic arts.

(c) The requirement of “invention, imagination, originality or talent” distinguishes the creative professions from work that primarily depends on intelligence, diligence and accuracy. The duties of employees vary widely, and exemption as a creative professional depends on the extent of the invention, imagination, originality or talent exercised by the employee. Determination of exempt creative professional status, therefore, must be made on a case-by-case basis. This requirement generally is met by actors, musicians, composers, conductors, and soloists;

painters who at most are given the subject matter of their painting; cartoonists who are merely told the title or underlying concept of a cartoon and must rely on their own creative ability to express the concept; essayists, novelists, short-story writers and screen-play writers who choose their own subjects and hand in a finished piece of work to their employers (the majority of such persons are, of course, not employees but self-employed); and persons holding the more responsible writing positions in advertising agencies. This requirement generally is not met by a person who is employed as a copyist, as an "animator" of motion-picture cartoons, or as a retoucher of photographs, since such work is not properly described as creative in character.

(d) Journalists may satisfy the duties requirements for the creative professional exemption if their primary duty is work requiring invention, imagination, originality or talent, as opposed to work which depends primarily on intelligence, diligence and accuracy. Employees of newspapers, magazines, television and other media are not exempt creative professionals if they only collect, organize and record information that is routine or already public, or if they do not contribute a unique interpretation or analysis to a news product. Thus, for example, newspaper reporters who merely rewrite press releases or who write standard recounts of public information by gathering facts on routine community events are not exempt creative professionals. Reporters also do not qualify as exempt creative professionals if their work product is subject to substantial control by the employer. However, journalists may qualify as exempt creative professionals if their primary duty is performing on the air in radio, television or other electronic media; conducting investigative interviews; analyzing or interpreting public events; writing editorials, opinion columns or other commentary; or acting as a narrator or commentator.

§ 541.303 Teachers.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also means any employee with a primary duty of teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an educational establishment by which the employee is employed. The term "educational establishment" is defined in § 541.204(b).

(b) Exempt teachers include, but are not limited to: Regular academic teachers; teachers of kindergarten or nursery school pupils; teachers of gifted or disabled children; teachers of skilled and semi-skilled trades and occupations; teachers engaged in automobile driving instruction; aircraft flight instructors; home economics teachers; and vocal or instrumental music instructors. Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

(c) The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or

unlimited) used by the State to refer to different kinds of certificates. However, private schools and public schools are not uniform in requiring a certificate for employment as an elementary or secondary school teacher, and a teacher's certificate is not generally necessary for employment in institutions of higher education or other educational establishments. Therefore, a teacher who is not certified may be considered for exemption, provided that such individual is employed as a teacher by the employing school or school system.

(d) The requirements of § 541.300 and Subpart G (salary requirements) of this part do not apply to the teaching professionals described in this section.

§ 541.304 Practice of law or medicine.

(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act also shall mean:

(1) Any employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and is actually engaged in the practice thereof; and

(2) Any employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of the profession.

(b) In the case of medicine, the exemption applies to physicians and other practitioners licensed and practicing in the field of medical science and healing or any of the medical specialties practiced by physicians or practitioners. The term "physicians" includes medical doctors including general practitioners and specialists, osteopathic physicians (doctors of osteopathy), podiatrists, dentists (doctors of dental medicine), and optometrists (doctors of optometry or bachelors of science in optometry).

(c) Employees engaged in internship or resident programs, whether or not licensed to practice prior to commencement of the program, qualify as exempt professionals if they enter such internship or resident programs after the earning of the appropriate degree required for the general practice of their profession.

(d) The requirements of § 541.300 and subpart G (salary requirements) of this part do not apply to the employees described in this section.

SUBPART E—COMPUTER EMPLOYEES (§§ 541.400–541.402)

§ 541.400 General rule for computer employees.

(a) Computer systems analysts, computer programmers, software engineers or other similarly skilled workers in the computer field are eligible for exemption as professionals under section 13(a)(1) of the Act and under section 13(a)(17) of the Act. Because job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption.

(b) The section 13(a)(1) exemption applies to any computer employee who is compensated on a salary or fee basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal government, or \$380 per week if employed in American Samoa by employers other than the Federal government)], exclusive of board, lodging, or other facilities.

The section 13(a)(17) exemption applies to any computer employee compensated on an hourly basis at a rate of not less than \$27.63 an hour. In addition, under either section 13(a)(1) or section 13(a)(17) of the Act, the ex-

emptions apply only to computer employees whose primary duty consists of:

(1) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software or system functional specifications;

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills.

(c) The term "salary basis" is defined at § 541.602; "fee basis" is defined at § 541.605; "board, lodging or other facilities" is defined at § 541.606; and "primary duty" is defined at § 541.700.

§ 541.401 Computer manufacture and repair.

The exemption for employees in computer occupations does not include employees engaged in the manufacture or repair of computer hardware and related equipment. Employees whose work is highly dependent upon, or facilitated by, the use of computers and computer software programs (e.g., engineers, drafters and others skilled in computer-aided design software), but who are not primarily engaged in computer systems analysis and programming or other similarly skilled computer-related occupations identified in § 541.400(b), are also not exempt computer professionals.

§ 541.402 Executive and administrative computer employees.

Computer employees within the scope of this exemption, as well as those employees not within its scope, may also have executive and administrative duties which qualify the employees for exemption under subpart B or subpart C of this part. For example, systems analysts and computer programmers generally meet the duties requirements for the administrative exemption if their primary duty includes work such as planning, scheduling, and coordinating activities required to develop systems to solve complex business, scientific or engineering problems of the employer or the employer's customers<<, constituents or stakeholders>>. Similarly, a senior or lead computer programmer who manages the work of two or more other programmers in a customarily recognized department or subdivision of the employer, and whose recommendations as to the hiring, firing, advancement, promotion or other change of status of the other programmers are given particular weight, generally meets the duties requirements for the executive exemption.

<<SUBPART F—Reserved>>[SUBPART F— OUTSIDE SALES EMPLOYEES (§§ 541.500– 541.504)]

§ 541.500 General rule for outside sales employees.

(a) The term "employee employed in the capacity of outside salesman" in section 13(a)(1) of the Act shall mean any employee:

(1) Whose primary duty is:

(i) making sales within the meaning of section 3(k) of the Act, or

(ii) obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer; and

(2) Who is customarily and regularly engaged away from the employer's place or places of business in performing such primary duty.

(b) The term "primary duty" is defined at § 541.700. In determining the primary duty of

an outside sales employee, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including incidental deliveries and collections, shall be regarded as exempt outside sales work. Other work that furthers the employee's sales efforts also shall be regarded as exempt work including, for example, writing sales reports, updating or revising the employee's sales or display catalogue, planning itineraries and attending sales conferences.

(c) The requirements of subpart G (salary requirements) of this part do not apply to the outside sales employees described in this section.

§ 541.501 Making sales or obtaining orders.

(a) Section 541.500 requires that the employee be engaged in:

(1) Making sales within the meaning of section 3(k) of the Act, or

(2) Obtaining orders or contracts for services or for the use of facilities.

(b) Sales within the meaning of section 3(k) of the Act include the transfer of title to tangible property, and in certain cases, of tangible and valuable evidences of intangible property. Section 3(k) of the Act states that "sale" or "sell" includes any sale, exchange, contract to sell, consignment for sale, shipment for sale, or other disposition.

(c) Exempt outside sales work includes not only the sales of commodities, but also "obtaining orders or contracts for services or for the use of facilities for which a consideration will be paid by the client or customer." Obtaining orders for "the use of facilities" includes the selling of time on radio or television, the solicitation of advertising for newspapers and other periodicals, and the solicitation of freight for railroads and other transportation agencies.

(d) The word "services" extends the outside sales exemption to employees who sell or take orders for a service, which may be performed for the customer by someone other than the person taking the order.

§ 541.502 Away from employer's place of business.

An outside sales employee must be customarily and regularly engaged "away from the employer's place or places of business." The outside sales employee is an employee who makes sales at the customer's place of business or, if selling door-to-door, at the customer's home. Outside sales does not include sales made by mail, telephone or the Internet unless such contact is used merely as an adjunct to personal calls. Thus, any fixed site, whether home or office, used by a salesperson as a headquarters or for telephonic solicitation of sales is considered one of the employer's places of business, even though the employer is not in any formal sense the owner or tenant of the property. However, an outside sales employee does not lose the exemption by displaying samples in hotel sample rooms during trips from city to city; these sample rooms should not be considered as the employer's places of business. Similarly, an outside sales employee does not lose the exemption by displaying the employer's products at a trade show. If selling actually occurs, rather than just sales promotion, trade shows of short duration (i.e., one or two weeks) should not be considered as the employer's place of business.

§ 541.503 Promotion work.

(a) Promotion work is one type of activity often performed by persons who make sales, which may or may not be exempt outside sales work, depending upon the circumstances under which it is performed. Promotional work that is actually performed incidental to and in conjunction with an employee's own outside sales or solicitations is

exempt work. On the other hand, promotional work that is incidental to sales made, or to be made, by someone else is not exempt outside sales work. An employee who does not satisfy the requirements of this subpart may still qualify as an exempt employee under other subparts of this rule.

(b) A manufacturer's representative, for example, may perform various types of promotional activities such as putting up displays and posters, removing damaged or spoiled stock from the merchant's shelves or rearranging the merchandise. Such an employee can be considered an exempt outside sales employee if the employee's primary duty is making sales or contracts. Promotion activities directed toward consummation of the employee's own sales are exempt. Promotional activities designed to stimulate sales that will be made by someone else are not exempt outside sales work.

(c) Another example is a company representative who visits chain stores, arranges the merchandise on shelves, replenishes stock by replacing old with new merchandise, sets up displays and consults with the store manager when inventory runs low, but does not obtain a commitment for additional purchases. The arrangement of merchandise on the shelves or the replenishing of stock is not exempt work unless it is incidental to and in conjunction with the employee's own outside sales. Because the employee in this instance does not consummate the sale nor direct efforts toward the consummation of a sale, the work is not exempt outside sales work.

§ 541.504 Drivers who sell.

(a) Drivers who deliver products and also sell such products may qualify as exempt outside sales employees only if the employee has a primary duty of making sales. In determining the primary duty of drivers who sell, work performed incidental to and in conjunction with the employee's own outside sales or solicitations, including loading, driving or delivering products, shall be regarded as exempt outside sales work.

(b) Several factors should be considered in determining if a driver has a primary duty of making sales, including, but not limited to: a comparison of the driver's duties with those of other employees engaged as truck drivers and as salespersons; possession of a selling or solicitor's license when such license is required by law or ordinances; presence or absence of customary or contractual arrangements concerning amounts of products to be delivered; description of the employee's occupation in collective bargaining agreements; the employer's specifications as to qualifications for hiring; sales training; attendance at sales conferences; method of payment; and proportion of earnings directly attributable to sales.

(c) Drivers who may qualify as exempt outside sales employees include:

(1) A driver who provides the only sales contact between the employer and the customers visited, who calls on customers and takes orders for products, who delivers products from stock in the employee's vehicle or procures and delivers the product to the customer on a later trip, and who receives compensation commensurate with the volume of products sold.

(2) A driver who obtains or solicits orders for the employer's products from persons who have authority to commit the customer for purchases.

(3) A driver who calls on new prospects for customers along the employee's route and attempts to convince them of the desirability of accepting regular delivery of goods.

(4) A driver who calls on established customers along the route and persuades reg-

ular customers to accept delivery of increased amounts of goods or of new products, even though the initial sale or agreement for delivery was made by someone else.

(d) Drivers who generally would not qualify as exempt outside sales employees include:

(1) A route driver whose primary duty is to transport products sold by the employer through vending machines and to keep such machines stocked, in good operating condition, and in good locations.

(2) A driver who often calls on established customers day after day or week after week, delivering a quantity of the employer's products at each call when the sale was not significantly affected by solicitations of the customer by the delivering driver or the amount of the sale is determined by the volume of the customer's sales since the previous delivery.

(3) A driver primarily engaged in making deliveries to customers and performing activities intended to promote sales by customers (including placing point-of-sale and other advertising materials, price stamping commodities, arranging merchandise on shelves, in coolers or in cabinets, rotating stock according to date, and cleaning and otherwise servicing display cases), unless such work is in furtherance of the driver's own sales efforts.]

SUBPART G—SALARY REQUIREMENTS (§§ 541.600–541.607)

§ 541.600 Amount of salary required.

(a) To qualify as an exempt executive, administrative or professional employee under section 13(a)(1) of the Act, an employee must be compensated on a salary basis at a rate of not less than \$684 per week [(or \$455 per week if employed in the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the U.S. Virgin Islands by employers other than the Federal Government, or \$380 per week if employed in American Samoa by employers other than the Federal Government)], exclusive of board, lodging or other facilities. Administrative and professional employees may also be paid on a fee basis, as defined in § 541.605.

(b) The required amount of compensation per week may be translated into equivalent amounts for periods longer than one week. For example, the \$684-per-week requirement will be met if the employee is compensated biweekly on a salary basis of not less than \$1,368, semimonthly on a salary basis of not less than \$1,482, or monthly on a salary basis of not less than \$2,964. However, the shortest period of payment that will meet this compensation requirement is one week.

(c) In the case of academic administrative employees, the compensation requirement also may be met by compensation on a salary basis at a rate at least equal to the entrance salary for teachers in the educational establishment by which the employee is employed, as provided in § 541.204(a)(1).

(d) In the case of computer employees, the compensation requirement also may be met by compensation on an hourly basis at a rate not less than \$27.63 an hour, as provided in § 541.400(b).

(e) In the case of professional employees, the compensation requirements in this section shall not apply to employees engaged as teachers (see § 541.303); employees who hold a valid license or certificate permitting the practice of law or medicine or any of their branches and are actually engaged in the practice thereof (see § 541.304); or to employees who hold the requisite academic degree for the general practice of medicine and are engaged in an internship or resident program pursuant to the practice of the profession (see § 541.304). In the case of medical occupations, the exception from the salary or fee

requirement does not apply to pharmacists, nurses, therapists, technologists, sanitarians, dietitians, social workers, psychologists, psychometrists, or other professions which service the medical profession.

§ 541.601 Highly compensated employees.

(a)(1) Beginning on [January 1, 2020]<<the effective date of these Substantive Regulations>>, an employee with total annual compensation of at least \$107,432 is deemed exempt under section 13(a)(1) of the Act if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee as identified in subparts B, C or D of this part.

(2) Where the annual period covers periods both prior to and after [January 1, 2020]<<the effective date of these Substantive Regulations>>, the amount of total annual compensation due will be determined on a proportional basis.

(b)(1) "Total annual compensation" must include at least \$684 per week paid on a salary or fee basis as set forth in §§ 541.602 and 541.605, except that 541.602(a)(3) shall not apply to highly compensated employees. Total annual compensation may also include commissions, nondiscretionary bonuses and other nondiscretionary compensation earned during a 52-week period. Total annual compensation does not include board, lodging and other facilities as defined in § 541.606, and does not include payments for medical insurance, payments for life insurance, contributions to retirement plans and the cost of other fringe benefits.

(2) If an employee's total annual compensation does not total at least the amount specified in the applicable subsection of paragraph (a) by the last pay period of the 52-week period, the employer may, during the last pay period or within one month after the end of the 52-week period, make one final payment sufficient to achieve the required level. For example, for a 52-week period [beginning January 1, 2020], an employee may earn \$90,000 in base salary, and the employer may anticipate [based upon past sales] that the employee also will earn \$17,432 in [commissions]<<other payments>>. However, [due to poor sales] in the final quarter of the year, the employee actually only earns \$12,000 in [commissions]<<other payments>>. In this situation, the employer may within one month after the end of the year make a payment of at least \$5,432 to the employee. Any such final payment made after the end of the 52-week period may count only toward the prior year's total annual compensation and not toward the total annual compensation in the year it was paid. If the employer fails to make such a payment, the employee does not qualify as a highly compensated employee, but may still qualify as exempt under subparts B, C, or D of this part.

(3) An employee who does not work a full year for the employer, either because the employee is newly hired after the beginning of the year or ends the employment before the end of the year, may qualify for exemption under this section if the employee receives a pro rata portion of the minimum amount established in paragraph (a) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (b)(2) of this section within one month after the end of employment.

(4) The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply.

(c) A high level of compensation is a strong indicator of an employee's exempt status, thus eliminating the need for a detailed analysis of the employee's job duties. Thus, a highly compensated employee will qualify for exemption if the employee customarily and regularly performs any one or more of the exempt duties or responsibilities of an executive, administrative or professional employee identified in subparts B, C or D of this part. An employee may qualify as a highly compensated executive employee, for example, if the employee customarily and regularly directs the work of two or more other employees, even though the employee does not meet all of the other requirements for the executive exemption under § 541.100.

(d) This section applies only to employees whose primary duty includes performing office or non-manual work. Thus, for example, non-management production-line workers and non-management employees in maintenance, construction and similar occupations such as carpenters, electricians, mechanics, plumbers, iron workers, craftsmen, operating engineers, longshoremen, construction workers, laborers and other employees who perform work involving repetitive operations with their hands, physical skill and energy are not exempt under this section no matter how highly paid they might be.

§ 541.602 Salary basis.

(a) General rule. An employee will be considered to be paid on a "salary basis" within the meaning of this part if the employee regularly receives each pay period on a weekly, or less frequent basis, a predetermined amount constituting all or part of the employee's compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed.

(1) Subject to the exceptions provided in paragraph (b) of this section, an exempt employee must receive the full salary for any week in which the employee performs any work without regard to the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

(2) An employee is not paid on a salary basis if deductions from the employee's predetermined compensation are made for absences occasioned by the employer or by the operating requirements of the [business] <<employing office>>. If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

(3) Up to ten percent of the salary amount required by § 541.600(a) may be satisfied by the payment of nondiscretionary bonuses, incentives and commissions, that are paid annually or more frequently. The employer may utilize any 52-week period as the year, such as a calendar year, a fiscal year, or an anniversary of hire year. If the employer does not identify some other year period in advance, the calendar year will apply. This provision does not apply to highly compensated employees under § 541.601.

(i) If by the last pay period of the 52-week period the sum of the employee's weekly salary plus nondiscretionary bonus, incentive, and commission payments received is less than 52 times the weekly salary amount required by § 541.600(a), the employer may make one final payment sufficient to achieve the required level no later than the next pay period after the end of the year. Any such final payment made after the end of the 52-week period may count only toward the prior year's salary amount and not toward the salary amount in the year it was paid.

(ii) An employee who does not work a full 52-week period for the employer, either because the employee is newly hired after the

beginning of this period or ends the employment before the end of this period, may qualify for exemption if the employee receives a pro rata portion of the minimum amount established in paragraph (a)(3) of this section, based upon the number of weeks that the employee will be or has been employed. An employer may make one final payment as under paragraph (a)(3)(i) of this section within one pay period after the end of employment.

(b) Exceptions. The prohibition against deductions from pay in the salary basis requirement is subject to the following exceptions:

(1) Deductions from pay may be made when an exempt employee is absent from work for one or more full days for personal reasons, other than sickness or disability. Thus, if an employee is absent for two full days to handle personal affairs, the employee's salaried status will not be affected if deductions are made from the salary for two full-day absences. However, if an exempt employee is absent for one and a half days for personal reasons, the employer can deduct only for the one full-day absence.

(2) Deductions from pay may be made for absences of one or more full days occasioned by sickness or disability (including work-related accidents) if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for loss of salary occasioned by such sickness or disability. The employer is not required to pay any portion of the employee's salary for full-day absences for which the employee receives compensation under the plan, policy or practice. Deductions for such full-day absences also may be made before the employee has qualified under the plan, policy or practice, and after the employee has exhausted the leave allowance thereunder. Thus, for example, if an employer maintains a short-term disability insurance plan providing salary replacement for 12 weeks starting on the fourth day of absence, the employer may make deductions from pay for the three days of absence before the employee qualifies for benefits under the plan; for the twelve weeks in which the employee receives salary replacement benefits under the plan; and for absences after the employee has exhausted the 12 weeks of salary replacement benefits. [Similarly, an employer may make deductions from pay for absences of one or more full days if salary replacement benefits are provided under a State disability insurance law or under a State workers' compensation law.]

(3) While an employer cannot make deductions from pay for absences of an exempt employee occasioned by jury duty, attendance as a witness or temporary military leave, the employer can offset any amounts received by an employee as jury fees, witness fees or military pay for a particular week against the salary due for that particular week without loss of the exemption.

(4) Deductions from pay of exempt employees may be made for penalties imposed in good faith for infractions of safety rules of major significance. Safety rules of major significance include those relating to the prevention of serious danger in the workplace or to other employees, such as rules prohibiting smoking in explosive plants, oil refineries and coal mines.

(5) Deductions from pay of exempt employees may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for infractions of workplace conduct rules. Such suspensions must be imposed pursuant to a written policy applicable to all employees. Thus, for example, an employer may suspend an exempt employee without pay for three days for violating a

generally applicable written policy prohibiting sexual harassment. Similarly, an employer may suspend an exempt employee without pay for twelve days for violating a generally applicable written policy prohibiting workplace violence.

(6) An employer is not required to pay the full salary in the initial or terminal week of employment. Rather, an employer may pay a proportionate part of an employee's full salary for the time actually worked in the first and last week of employment. In such weeks, the payment of an hourly or daily equivalent of the employee's full salary for the time actually worked will meet the requirement. However, employees are not paid on a salary basis within the meaning of these regulations if they are employed occasionally for a few days, and the employer pays them a proportionate part of the weekly salary when so employed.

(7) An employer is not required to pay the full salary for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. Rather, when an exempt employee takes unpaid leave under the Family and Medical Leave Act, an employer may pay a proportionate part of the full salary for time actually worked. For example, if an employee who normally works 40 hours per week uses four hours of unpaid leave under the Family and Medical Leave Act, the employer could deduct 10 percent of the employee's normal salary that week.

(c) When calculating the amount of a deduction from pay allowed under paragraph (b) of this section, the employer may use the hourly or daily equivalent of the employee's full weekly salary or any other amount proportional to the time actually missed by the employee. A deduction from pay as a penalty for violations of major safety rules under paragraph (b)(4) of this section may be made in any amount.

§ 541.603 Effect of improper deductions from salary.

(a) An employer who makes improper deductions from salary shall lose the exemption if the facts demonstrate that the employer did not intend to pay employees on a salary basis. An actual practice of making improper deductions demonstrates that the employer did not intend to pay employees on a salary basis. The factors to consider when determining whether an employer has an actual practice of making improper deductions include, but are not limited to: the number of improper deductions, particularly as compared to the number of employee infractions warranting discipline; the time period during which the employer made improper deductions; the number and geographic location of employees whose salary was improperly reduced; the number and geographic location of managers responsible for taking the improper deductions; and whether the employer has a clearly communicated policy permitting or prohibiting improper deductions.

(b) If the facts demonstrate that the employer has an actual practice of making improper deductions, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. Employees in different job classifications or who work for different managers do not lose their status as exempt employees. Thus, for example, if a manager [at a company facility] routinely docks the pay of engineers at that facility for partial-day personal absences, then all engineers at that facility whose pay could have been improperly docked by the manager would lose the exemption; engineers at other facilities or working for other managers, however, would remain exempt.

(c) Improper deductions that are either isolated or inadvertent will not result in loss of the exemption for any employees subject to such improper deductions, if the employer reimburses the employees for such improper deductions.

(d) If an employer has a clearly communicated policy that prohibits the improper pay deductions specified in § 541.602(a) and includes a complaint mechanism, reimburses employees for any improper deductions and makes a good faith commitment to comply in the future, such employer will not lose the exemption for any employees unless the employer willfully violates the policy by continuing to make improper deductions after receiving employee complaints. If an employer fails to reimburse employees for any improper deductions or continues to make improper deductions after receiving employee complaints, the exemption is lost during the time period in which the improper deductions were made for employees in the same job classification working for the same managers responsible for the actual improper deductions. The best evidence of a clearly communicated policy is a written policy that was distributed to employees prior to the improper pay deductions by, for example, providing a copy of the policy to employees at the time of hire, publishing the policy in an employee handbook or publishing the policy on the employer's Intranet.

(e) This section shall not be construed in an unduly technical manner so as to defeat the exemption.

§ 541.604 Minimum guarantee plus extras.

(a) An employer may provide an exempt employee with additional compensation without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly-required amount paid on a salary basis. Thus, for example, an exempt employee guaranteed at least \$684 each week paid on a salary basis may also receive additional compensation of a one percent commission on sales. An exempt employee also may receive a percentage of the sales or profits of the employer if the employment arrangement also includes a guarantee of at least \$684 each week paid on a salary basis. Similarly, the exemption is not lost if an exempt employee who is guaranteed at least \$684 each week paid on a salary basis also receives additional compensation based on hours worked for work beyond the normal workweek. Such additional compensation may be paid on any basis (e.g., flat sum, bonus payment, straight-time hourly amount, time and one-half or any other basis), and may include paid time off.

(b) An exempt employee's earnings may be computed on an hourly, a daily or a shift basis, without losing the exemption or violating the salary basis requirement, if the employment arrangement also includes a guarantee of at least the minimum weekly required amount paid on a salary basis regardless of the number of hours, days or shifts worked, and a reasonable relationship exists between the guaranteed amount and the amount actually earned. The reasonable relationship test will be met if the weekly guarantee is roughly equivalent to the employee's usual earnings at the assigned hourly, daily or shift rate for the employee's normal scheduled workweek. Thus, for example, an exempt employee guaranteed compensation of at least \$725 for any week in which the employee performs any work, and who normally works four or five shifts each week, may be paid \$210 per shift without violating the \$684-per-week salary basis requirement. The reasonable relationship requirement applies only if the employee's pay is computed

on an hourly, daily or shift basis. It does not apply, for example, to an exempt store manager paid a guaranteed salary per week that exceeds the current salary level who also receives a commission of one-half percent of all sales in the store or five percent of the store's profits, which in some weeks may total as much as, or even more than, the guaranteed salary.

§ 541.605 Fee basis.

(a) Administrative and professional employees may be paid on a fee basis, rather than on a salary basis. An employee will be considered to be paid on a "fee basis" within the meaning of these regulations if the employee is paid an agreed sum for a single job regardless of the time required for its completion. These payments resemble piecework payments with the important distinction that generally a "fee" is paid for the kind of job that is unique rather than for a series of jobs repeated an indefinite number of times and for which payment on an identical basis is made over and over again. Payments based on the number of hours or days worked and not on the accomplishment of a given single task are not considered payments on a fee basis.

(b) To determine whether the fee payment meets the minimum amount of salary required for exemption under these regulations, the amount paid to the employee will be tested by determining the time worked on the job and whether the fee payment is at a rate that would amount to at least the minimum salary per week, as required by §§ 541.600(a) and 541.602(a), if the employee worked 40 hours. Thus, an artist paid \$350 for a picture that took 20 hours to complete meets the \$684 minimum salary requirement for exemption since earnings at this rate would yield the artist \$700 if 40 hours were worked.

§ 541.606 Board, lodging or other facilities.

(a) To qualify for exemption under section 13(a)(1) of the Act, an employee must earn the minimum salary amount set forth in § 541.600, "exclusive of board, lodging or other facilities." The phrase "exclusive of board, lodging or other facilities" means "free and clear" or independent of any claimed credit for non-cash items of value that an employer may provide to an employee. Thus, the costs incurred by an employer to provide an employee with board, lodging or other facilities may not count towards the minimum salary amount required for exemption under this part 541. Such separate transactions are not prohibited between employers and their exempt employees, but the costs to employers associated with such transactions may not be considered when determining if an employee has received the full required minimum salary payment.

(b) Regulations defining what constitutes "board, lodging, or other facilities" are contained in 29 CFR part 531. As described in 29 CFR 531.32, the term "other facilities" refers to items similar to board and lodging, such as meals furnished at company restaurants or cafeterias or by hospitals, hotels, or restaurants to their employees; meals, dormitory rooms, and tuition furnished by a college to its student employees; merchandise furnished at company stores or commissaries, including articles of food, clothing, and household effects; housing furnished for dwelling purposes; and transportation furnished to employees for ordinary commuting between their homes and work.

[§ 541.607][Reserved by 85 FR 34970 Effective: June 8, 2020] <<541.607—Reserved.>>

SUBPART H—DEFINITIONS AND MISCELLANEOUS PROVISIONS (§§ 541.700–541.710)

§ 541.700 Primary duty.

(a) To qualify for exemption under this part, an employee's "primary duty" must be

the performance of exempt work. The term "primary duty" means the principal, main, major or most important duty that the employee performs. Determination of an employee's primary duty must be based on all the facts in a particular case, with the major emphasis on the character of the employee's job as a whole. Factors to consider when determining the primary duty of an employee include, but are not limited to, the relative importance of the exempt duties as compared with other types of duties; the amount of time spent performing exempt work; the employee's relative freedom from direct supervision; and the relationship between the employee's salary and the wages paid to other employees for the kind of nonexempt work performed by the employee.

(b) The amount of time spent performing exempt work can be a useful guide in determining whether exempt work is the primary duty of an employee. Thus, employees who spend more than 50 percent of their time performing exempt work will generally satisfy the primary duty requirement. Time alone, however, is not the sole test, and nothing in this section requires that exempt employees spend more than 50 percent of their time performing exempt work. Employees who do not spend more than 50 percent of their time performing exempt duties may nonetheless meet the primary duty requirement if the other factors support such a conclusion.

(c) Thus, for example, assistant managers in a retail establishment who perform exempt executive work such as supervising and directing the work of other employees, ordering merchandise, managing the budget and authorizing payment of bills may have management as their primary duty even if the assistant managers spend more than 50 percent of the time performing nonexempt work such as running the cash register. However, if such assistant managers are closely supervised and earn little more than the nonexempt employees, the assistant managers generally would not satisfy the primary duty requirement.

§ 541.701 Customarily and regularly.

The phrase "customarily and regularly" means a frequency that must be greater than occasional but which, of course, may be less than constant. Tasks or work performed "customarily and regularly" includes work normally and recurrently performed every workweek; it does not include isolated or one-time tasks.

§ 541.702 Exempt and nonexempt work.

The term "exempt work" means all work described in §§ 541.100, 541.101, 541.200, 541.300, 541.301, 541.302, 541.303, 541.304, <<and>> 541.400 [and 541.500], and the activities directly and closely related to such work. All other work is considered "nonexempt."

§ 541.703 Directly and closely related.

(a) Work that is "directly and closely related" to the performance of exempt work is also considered exempt work. The phrase "directly and closely related" means tasks that are related to exempt duties and that contribute to or facilitate performance of exempt work. Thus, "directly and closely related" work may include physical tasks and menial tasks that arise out of exempt duties, and the routine work without which the exempt employee's exempt work cannot be performed properly. Work "directly and closely related" to the performance of exempt duties may also include recordkeeping; monitoring and adjusting machinery; taking notes; using the computer to create documents or presentations; opening the mail for the purpose of reading it and making decisions; and using a photocopier or fax machine. Work is not "directly and closely related" if the work is remotely related or completely unrelated to exempt duties.

(b) The following examples further illustrate the type of work that is and is not normally considered as directly and closely related to exempt work:

(1) Keeping time, production or sales records for subordinates is work directly and closely related to an exempt executive's function of managing a department and supervising employees.

(2) The distribution of materials, merchandise or supplies to maintain control of the flow of and expenditures for such items is directly and closely related to the performance of exempt duties.

(3) A supervisor who spot checks and examines the work of subordinates to determine whether they are performing their duties properly, and whether the product is satisfactory, is performing work which is directly and closely related to managerial and supervisory functions, so long as the checking is distinguishable from the work ordinarily performed by a nonexempt inspector.

(4) A supervisor who sets up a machine may be engaged in exempt work, depending upon the nature of the industry and the operation. In some cases the setup work, or adjustment of the machine for a particular job, is typically performed by the same employees who operate the machine. Such setup work is part of the production operation and is not exempt. In other cases, the setting up of the work is a highly skilled operation which the ordinary production worker or machine tender typically does not perform. In large plants, non-supervisors may perform such work. However, particularly in small plants, such work may be a regular duty of the executive and is directly and closely related to the executive's responsibility for the work performance of subordinates and for the adequacy of the final product. Under such circumstances, it is exempt work.

(5) A department manager in a retail or service establishment who walks about the sales floor observing the work of sales personnel under the employee's supervision to determine the effectiveness of their sales techniques, checks on the quality of customer service being given, or observes customer preferences is performing work which is directly and closely related to managerial and supervisory functions.

(6) A business consultant may take extensive notes recording the flow of work and materials through the office or plant of the client; after returning to the office of the employer, the consultant may personally use the computer to type a report and create a proposed table of organization. Standing alone, or separated from the primary duty, such note-taking and typing would be routine in nature. However, because this work is necessary for analyzing the data and making recommendations, the work is directly and closely related to exempt work. While it is possible to assign note-taking and typing to nonexempt employees, and in fact it is frequently the practice to do so, delegating such routine tasks is not required as a condition of exemption.

(7) A [credit] manager who makes and administers the [credit]<<budget>> policy of the [employer]<<employing office>>, establishes [credit]<<spending>> limits for [customers]<<the employing office>>, <<and>> authorizes [the shipment of orders on credit, and makes decisions on whether to exceed credit limits]<<expenditures>> would be performing work exempt under § 541.200. Work that is directly and closely related to these exempt duties may include checking the status of accounts to determine whether the credit limit would be exceeded by the shipment of a new order, removing credit reports from the files for analysis, and writing letters giving credit data and experience to other employers or credit agencies.

(8) A traffic manager in charge of planning a company's transportation, including the most economical and quickest routes for shipping merchandise to and from the plant, contracting for common-carrier and other transportation facilities, negotiating with carriers for adjustments for damages to merchandise, and making the necessary rearrangements resulting from delays, damages or irregularities in transit, is performing exempt work. If the employee also spends part of the day taking telephone orders for local deliveries, such order-taking is a routine function and is not directly and closely related to the exempt work.

(9) An example of work directly and closely related to exempt professional duties is a chemist performing menial tasks such as cleaning a test tube in the middle of an original experiment, even though such menial tasks can be assigned to laboratory assistants.

(10) A teacher performs work directly and closely related to exempt duties when, while taking students on a field trip, the teacher drives a school van or monitors the students' behavior in a restaurant.

§ 541.704 Use of manuals.

The use of manuals, guidelines or other established procedures containing or relating to highly technical, scientific, legal, financial or other similarly complex matters that can be understood or interpreted only by those with advanced or specialized knowledge or skills does not preclude exemption under section 13(a)(1) of the Act or the regulations in this part. Such manuals and procedures provide guidance in addressing difficult or novel circumstances and thus use of such reference material would not affect an employee's exempt status. The section 13(a)(1) exemptions are not available, however, for employees who simply apply well-established techniques or procedures described in manuals or other sources within closely prescribed limits to determine the correct response to an inquiry or set of circumstances.

§ 541.705 Trainees.

The executive, administrative, professional, [outside sales] and computer employee exemptions do not apply to employees training for employment in an executive, administrative, professional, [outside sales] or computer employee capacity who are not actually performing the duties of an executive, administrative, professional, [outside sales] or computer employee.

§ 541.706 Emergencies.

(a) An exempt employee will not lose the exemption by performing work of a normally nonexempt nature because of the existence of an emergency. Thus, when emergencies arise that threaten the safety of employees, a cessation of operations or serious damage to the employer's property, any work performed in an effort to prevent such results is considered exempt work.

(b) An "emergency" does not include occurrences that are not beyond control or for which the employer can reasonably provide in the normal course of business. Emergencies generally occur only rarely, and are events that the employer cannot reasonably anticipate.

(c) The following examples illustrate the distinction between emergency work considered exempt work and routine work that is not exempt work:

(1) [A mine superintendent who pitches in after an explosion and digs out workers who are trapped in the mine is still a bona fide executive.] <<Reserved.>>

(2) Assisting nonexempt employees with their work during periods of heavy workload or to handle rush orders is not exempt work.

(3) Replacing a nonexempt employee during the first day or partial day of an illness may be considered exempt emergency work depending on factors such as the size of the [establishment]<<location>> and of the executive's department, the nature of the [industry]<<work performed by the employing office>>, the consequences that would flow from the failure to replace the ailing employee immediately, and the feasibility of filling the employee's place promptly.

(4) Regular repair and cleaning of equipment is not emergency work, even when necessary to prevent fire or explosion; however, repairing equipment may be emergency work if the breakdown of or damage to the equipment was caused by accident or carelessness that the employer could not reasonably anticipate.

§ 541.707 Occasional tasks.

Occasional, infrequently recurring tasks that cannot practically be performed by nonexempt employees, but are the means for an exempt employee to properly carry out exempt functions and responsibilities, are considered exempt work. The following factors should be considered in determining whether such work is exempt work: Whether the same work is performed by any of the exempt employee's subordinates; practicability of delegating the work to a nonexempt employee; whether the exempt employee performs the task frequently or occasionally; and existence of an industry practice for the exempt employee to perform the task.

§ 541.708 Combination exemptions.

Employees who perform a combination of exempt duties as set forth in the regulations in this part for executive, administrative, professional, [outside sales] and computer employees may qualify for exemption. Thus, for example, an employee whose primary duty involves a combination of exempt administrative and exempt executive work may qualify for exemption. In other words, work that is exempt under one section of this part will not defeat the exemption under any other section.

§ [541.709 Motion picture producing industry.

The requirement that the employee be paid "on a salary basis" does not apply to an employee in the motion picture producing industry who is compensated at a base rate of at least \$1,043 per week (exclusive of board, lodging, or other facilities). Thus, an employee in this industry who is otherwise exempt under subparts B, C, or D of this part, and who is employed at a base rate of at least the applicable current minimum amount a week is exempt if paid a proportionate amount (based on a week of not more than 6 days) for any week in which the employee does not work a full workweek for any reason. Moreover, an otherwise exempt employee in this industry qualifies for exemption if the employee is employed at a daily rate under the following circumstances:

(a) The employee is in a job category for which a weekly base rate is not provided and the daily base rate would yield at least the minimum weekly amount if 6 days were worked; or

(b) The employee is in a job category having the minimum weekly base rate and the daily base rate is at least one-sixth of such weekly base rate.] <<541.709 Reserved.>>

§ 541.710 [Employees of public agencies]<<Effect of certain deductions on exempt employee pay>>.

(a) An employee [of a public agency] who otherwise meets the salary basis requirements of § 541.602 shall not be disqualified from exemption under §§ 541.100, 541.200, 541.300 or 541.400 on the basis that such employee is paid according to a pay system es-

tablished by statute, ordinance or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the [public agency] employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when accrued leave is not used by an employee because:

(1) Permission for its use has not been sought or has been sought and denied;

(2) Accrued leave has been exhausted; or

(3) The employee chooses to use leave without pay.

(b) Deductions from the pay of an employee [of a public agency] for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

TECHNOLOGICAL HAZARDS PREPAREDNESS AND TRAINING ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 440, S. 4166.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 4166) to authorize preparedness programs to support communities containing technological hazards and emerging threats.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 4166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technological Hazards Preparedness and Training Act of 2022".

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term "Indian Tribal government" has the meaning given the term "Indian tribal government" in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) LOCAL GOVERNMENT; STATE.—The terms "local government" and "State" have the [meaning] meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term "technological hazard and related emerging threat"—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an accident;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

SEC. 3. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) IN GENERAL.—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) AUTHORITIES.—The Administrator shall carry out subsection (a) in accordance with—

(1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) ASSESSMENT AND NOTIFICATION.—In carrying out subsection (a), the Administrator shall—

(1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

(i) technological hazards and related emerging threats preparedness; and

(ii) building community capability.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, [Territorial] territorial, and local emergency services organizations and private sector stakeholders.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2023 through 2024.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

Mr. SCHUMER. Mr. President, I ask unanimous consent that the committee-reported amendments be agreed

to, the bill, as amended, be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

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

The committee-reported amendments were agreed to.

The bill (S. 4166), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 4166

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Technological Hazards Preparedness and Training Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) **INDIAN TRIBAL GOVERNMENT.**—The term “Indian Tribal government” has the meaning given the term “Indian tribal government” in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) **LOCAL GOVERNMENT; STATE.**—The terms “local government” and “State” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) **TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.**—The term “technological hazard and related emerging threat”—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

- (i) an accident;
- (ii) an emergency caused by another hazard; or
- (iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

SEC. 3. ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.

(a) **IN GENERAL.**—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(b) **AUTHORITIES.**—The Administrator shall carry out subsection (a) in accordance with—

- (1) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);
- (2) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and
- (3) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(c) **ASSESSMENT AND NOTIFICATION.**—In carrying out subsection (a), the Administrator shall—

- (1) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and
- (2) ensure each State and Indian Tribal government is aware of—

(A) the communities identified under paragraph (1); and

(B) the availability of programming under this section for—

- (i) technological hazards and related emerging threats preparedness; and
- (ii) building community capability.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(1) actions taken to implement this section; and

(2) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(e) **CONSULTATION.**—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act \$20,000,000 for each of fiscal years 2023 through 2024.

SEC. 5. SAVINGS PROVISION.

Nothing in this Act shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

COMMUNITY DISASTER RESILIENCE ZONES ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 479, S. 3875.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3875) to require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Disaster Resilience Zones Act of 2022”.

SEC. 2. FINDINGS.

Section 101(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by adding “; and” at the end; and

(3) by adding at the end the following:

“(7) identifying and improving the climate and natural hazard resilience of vulnerable communities.”.

SEC. 3. NATURAL HAZARD RISK ASSESSMENT.

(a) **IN GENERAL.**—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

“SEC. 206. NATURAL HAZARD RISK ASSESSMENT.

“(a) **DEFINITIONS.**—In this section:

“(1) **COMMUNITY DISASTER RESILIENCE ZONE.**—The term ‘community disaster resilience zone’ means a census tract designated by the President under subsection (d)(1).

“(2) **ELIGIBLE ENTITY.**—The term ‘eligible entity’ means—

“(A) a State;

“(B) an Indian tribal government; or

“(C) a local government.

“(b) **PRODUCTS.**—The President shall continue to maintain a natural hazard assessment program that develops and maintains products that—

“(1) are available to the public; and

“(2) define natural hazard risk across the United States.

“(c) **FEATURES.**—The products maintained under subsection (b) shall, for lands within States and areas under the jurisdiction of Indian tribal governments—

“(1) show the risk of natural hazards; and

“(2) include ratings and data for—

“(A) loss exposure, including population equivalence, buildings, and agriculture;

“(B) social vulnerability;

“(C) community resilience; and

“(D) any other element determined by the President.

“(d) **COMMUNITY DISASTER RESILIENCE ZONES DESIGNATION.**—

“(1) **IN GENERAL.**—Not later than 30 days after the date on which the President makes the update and enhancement required under subsection (e)(4), and not less frequently than every 5 years thereafter, the President shall identify and designate community disaster resilience zones, which shall be—

“(A) the 50 census tracts assigned the highest individual hazard risk ratings; and

“(B) subject to paragraph (3), in each State, not less than 1 percent of census tracts that are assigned high individual risk ratings.

“(2) **RISK RATINGS.**—In carrying out paragraph (1), the President shall use census tract risk ratings derived from a product maintained under subsection (b) that—

“(A) reflect—

“(i) high levels of individual hazard risk ratings based on an assessment of the intersection of—

“(I) loss to population equivalence;

“(II) building value; and

“(III) agriculture value;

“(ii) high social vulnerability ratings and low community resilience ratings; and

“(iii) any other elements determined by the President; and

“(B) reflect the principal natural hazard risks identified for the respective census tracts.

“(3) **GEOGRAPHIC BALANCE.**—In identifying and designating the community disaster resilience zones described in paragraph (1)(B)—

“(A) for the purpose of achieving geographic balance, when applicable, the President shall consider making designations in coastal, inland, urban, suburban, and rural areas; and

“(B) the President shall include census tracts on Tribal lands located within a State.

“(4) **DURATION.**—The designation of a community disaster resilience zone under paragraph (1) shall be effective for a period of not less than 5 years.

“(e) **REVIEW AND UPDATE.**—Not later than 180 days after the date of enactment of the Community Disaster Resilience Zones Act of 2022, and not less frequently than every 5 years thereafter, the President shall—

“(1) with respect to any product that is a natural hazard risk assessment—

“(A) review the underlying methodology of the product; and

“(B) receive public input on the methodology and data used for the product;

“(2) consider including additional data in any product that is a natural hazard risk assessment, such as—

“(A) the most recent census tract data;

“(B) data from the American Community Survey of the Bureau of the Census, a successor survey, a similar survey, or another data source, including data by census tract on housing characteristics and income;

“(C) information relating to development, improvements, and hazard mitigation measures;

“(D) data that assesses past and future loss exposure, including analysis on the effects of a changing climate on future loss exposure;

“(E) data from the Resilience Analysis and Planning Tool of the Federal Emergency Management Agency; and

“(F) other information relevant to prioritizing areas that have—

“(i) high risk levels of—

“(I) natural hazard loss exposure, including population equivalence, buildings, infrastructure, and agriculture; and

“(II) social vulnerability; and

“(ii) low levels of community resilience;

“(3) make publicly available any changes in methodology or data used to inform an update to a product maintained under subsection (b); and

“(4) update and enhance the products maintained under subsection (b), as necessary.

“(f) NATURAL HAZARD RISK ASSESSMENT INSIGHTS.—In determining additional data to include in products that are natural hazard risk assessments under subsection (e)(2), the President shall consult with, at a minimum—

“(1) the Administrator of the Federal Emergency Management Agency;

“(2) the Secretary of Agriculture and the Chief of the Forest Service;

“(3) the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of the Census, and the Director of the National Institute of Standards and Technology;

“(4) the Secretary of Defense and the Commanding Officer of the United States Army Corps of Engineers;

“(5) the Administrator of the Environmental Protection Agency;

“(6) the Secretary of the Interior and the Director of the United States Geological Survey;

“(7) the Secretary of Housing and Urban Development; and

“(8) the Director of the Federal Housing Finance Agency.

“(g) COMMUNITY DISASTER RESILIENCE ZONE.—With respect to financial assistance provided under section 203(i) to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone, the President may increase the amount of the Federal share described under section 203(h) to not more than 90 percent of the total cost of the resilience or mitigation project.

“(h) RESILIENCE OR MITIGATION PROJECT PLANNING ASSISTANCE.—

“(1) IN GENERAL.—The President may provide financial, technical, or other assistance under this title to an eligible entity that plans to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone.

“(2) PURPOSE.—The purpose of assistance provided under paragraph (1) shall be to carry out activities in preparation for a resilience or mitigation project or seek an evaluation and certification under subsection (i)(2) for a resilience or mitigation project before the date on which permanent work of the resilience or mitigation project begins.

“(3) APPLICATION.—If required by the President, an eligible entity seeking assistance under paragraph (1) shall submit an application in accordance with subsection (i)(1).

“(4) FUNDING.—In providing assistance under paragraph (1), the President may use amounts set aside under section 203(i).

“(i) COMMUNITY DISASTER RESILIENCE ZONE PROJECT APPLICATIONS.—

“(1) IN GENERAL.—If required by the President or other Federal law, an eligible entity shall submit to the President an application at such time, in such manner, and containing or accompanied by such information as the President may reasonably require.

“(2) EVALUATION AND CERTIFICATION.—

“(A) IN GENERAL.—Not later than 120 days after the date on which an eligible entity submits an application under paragraph (1), the President shall evaluate the application to determine whether the resilience or mitigation project that the entity plans to perform within, or that primarily benefits, a community disaster resilience zone—

“(i) meets or exceeds hazard-resistant, consensus-based codes, specifications, and standards;

“(ii) is designed to reduce injuries, loss of life, and damage and destruction of property, such as damage to critical services and facilities; and

“(iii) substantially reduces the risk of, or increases resilience to, future damage, hardship, loss, or suffering.

“(B) CERTIFICATION.—If the President determines that an application submitted under paragraph (1) meets the criteria described in subparagraph (A), the President shall certify the proposed resilience or mitigation project.

“(C) EFFECT OF CERTIFICATION.—The certification of a proposed resilience or mitigation project under subparagraph (B) shall not be construed to exempt the resilience or mitigation project from the requirements of any other law.

“(3) PROJECTS CAUSING DISPLACEMENT.—With respect to a resilience or mitigation project certified under paragraph (2)(B) that involves the displacement of a resident from any occupied housing unit, the entity performing the resilience or mitigation project shall—

“(A) provide, at the option of the resident, a suitable and habitable housing unit that is, with respect to the housing unit from which the resident is displaced—

“(i) of a comparable size;

“(ii) located in the same local community or a community with reduced hazard risk; and

“(iii) offered under similar costs, conditions, and terms;

“(B) ensure that property acquisitions resulting from the displacement and made in connection with the resilience or mitigation project—

“(i) are deed restricted in perpetuity to preclude future property uses not relating to mitigation or resilience; and

“(ii) are the result of a voluntary decision by the resident; and

“(C) plan for robust public participation in the resilience or mitigation project.”

(b) NATIONAL RISK INDEX FUNDING.—Nothing in section 206 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by subsection (a) of this section, shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from using amounts available to maintain and update the National Risk Index until the earlier of—

(1) the date on which those amounts are transferred to another source; and

(2) 3 years after the date of enactment of this Act.

Mr. SCHUMER. Mr. President, I ask that the committee-reported substitute amendment be withdrawn, the Peters substitute amendment, which is at the desk, be considered and agreed to, that the bill, as amended, be considered and read a third time and passed, and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 6026), in the nature of a substitute, was agreed to as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 3875), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CAPTAIN ROSEMARY BRYANT MARINER OUTPATIENT CLINIC

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7698, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 7698) to designate the outpatient clinic of the Department of Veterans Affairs in Ventura, California, as the "Captain Rosemary Bryant Mariner Outpatient Clinic".

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (H.R. 7698) was ordered to a third reading, was read the third time, and passed.

NATIONAL HYDROGEN AND FUEL CELL DAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 765.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 765) designating October 8, 2022, as "National Hydrogen and Fuel Cell Day".

There being no objection, the committee was discharged and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 765) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 15, 2022, under "Submitted Resolutions.")

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions introduced

earlier today: S. Res. 804, S. Res. 805, S. Res. 806, and S. Res. 807.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. I ask unanimous consent that the resolutions be agreed to, that the preambles be agreed to, and that the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under "Submitted Resolutions.")

APPOINTMENTS

PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 110-315, announces the re-appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Claude Pressnell, of Tennessee.

The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 117-140, appoints the following individuals to serve as members of the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture: Kevin Kim, of New York; Joanne Kwong, of New York.

DISASTER ASSISTANCE FOR RURAL COMMUNITIES ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 278, S. 1617.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1617) to modify the requirements for the Administrator of the Small Business Administration relating to declaring a disaster in a rural area, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disaster Assistance for Rural Communities Act".

SEC. 2. DISASTER DECLARATION IN RURAL AREAS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (15) the following:

"(16) DISASTER DECLARATION IN RURAL AREAS.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'rural area' means any county or other political subdivision of a State, the District of Columbia, or a territory or possession of the United States that is designated as a rural area by the Bureau of the Census; and

"(ii) the term 'significant damage' means, with respect to property, uninsured losses of not

less than 40 percent of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower.

"(B) DISASTER DECLARATION.—For the purpose of making loans under paragraph (1) or (2), the Administrator may declare a disaster in a rural area for which a major disaster was declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) and for which individual assistance was not authorized under section 408 of such Act (42 U.S.C. 5174) if—

"(i) the Governor of the State or the Chief Executive of the Indian tribal government in which the rural area is located requests such a declaration; and

"(ii) any home, small business concern, private nonprofit organization, or small agricultural cooperative has incurred significant damage in the rural area.

"(C) SBA REPORT.—Not later than 120 days after the date of enactment of this paragraph, and every year thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on, with respect to the 1-year period preceding submission of the report—

"(i) any economic injury that resulted from a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) in a rural area;

"(ii) each request for assistance made by the Governor of a State or the Chief Executive of an Indian tribal government under subparagraph (B)(i) and the response of the Administrator, including the timeline for each response; and

"(iii) any regulatory changes that will impact the ability of communities in rural areas to obtain disaster assistance under this subsection."

(b) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue regulations to carry out the amendment made by subsection (a).

(c) GAO REPORT.—

(1) DEFINITION OF RURAL AREA.—In this subsection, the term "rural area" means any county or other political subdivision of a State, the District of Columbia, or a territory or possession of the United States that is designated as a rural area by the Bureau of the Census.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on—

(A) any unique challenges that communities in rural areas face compared to communities in urbanized areas when seeking to obtain disaster assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)); and

(B) legislative recommendations for improving access to disaster assistance for communities in rural areas.

Mr. SCHUMER. I further ask unanimous consent that the committee-reported substitute amendment be agreed to.

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

The committee-reported amendment, in the nature of a substitute, was agreed to.

Mr. SCHUMER. I ask unanimous consent that the bill, as amended, be considered read a third time.

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

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, and the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1617), as amended, was passed.

Mr. SCHUMER. Finally, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

SMALL BUSINESS CYBER TRAINING ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 393, S. 1687.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1687) to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Cyber Training Act of 2022".

SEC. 2. DUTIES OF SMALL BUSINESS DEVELOPMENT CENTER COUNSELORS.

(a) CYBER TRAINING.—Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(o) CYBER STRATEGY TRAINING FOR SMALL BUSINESS DEVELOPMENT CENTERS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'cyber strategy' means resources and tactics to assist in planning for cybersecurity and defending against cyber risks and attacks; and

"(B) the term 'lead small business development center' means a small business development center that receives reimbursement from the Administrator under paragraph (5).

"(2) CERTIFICATION PROGRAM.—The Administrator shall establish a cyber counseling certification program, or designate 1 or more substantially similar governmental or private cybersecurity certification programs, to certify the employees of lead small business development centers in providing cyber planning assistance to small business concerns.

"(3) NUMBER OF CERTIFIED EMPLOYEES.—The Administrator shall ensure that the number of employees of each lead small business development center who are certified in providing cyber planning assistance is not less than the lesser of—

"(A) 5; or

"(B) 10 percent of the total number of employees of the lead small business development center.

"(4) CYBER STRATEGY.—In carrying out paragraph (2), the Administrator, to the extent practicable, shall consider any cyber strategy methods included in the Small Business Development Center Cyber Strategy developed under section

1841(a)(3)(B) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2662).

“(5) REIMBURSEMENT FOR CERTIFICATION.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall reimburse each lead small business development center for costs relating to the certification of 1 or more employees of the lead small business center in providing cyber planning assistance under a program established or designated under paragraph (2).

“(B) LIMITATION.—The total amount reimbursed by the Administrator under subparagraph (A) may not exceed \$350,000 in any fiscal year.

“(6) FUNDING UNDER SBDC PROGRAM.—Amounts made available to fund grants under this section for fiscal year 2022, and each fiscal year thereafter, shall be available for reimbursements under this subsection.”

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall implement paragraphs (2), (3), and (4) of section 21(o) of the Small Business Act, as added by subsection (a).

Mr. SCHUMER. I further ask that the committee-reported substitute amendment be agreed to.

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

The committee-reported amendment in the nature of a substitute was agreed to.

Mr. SCHUMER. I ask that the bill, as amended, be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1687), as amended, was passed.

Mr. SCHUMER. Finally, I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

SMALL BUSINESS BROADBAND AND EMERGING INFORMATION TECHNOLOGY ENHANCEMENT ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 395, S. 3906.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3906) to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface back-

ets, and the parts of the bill intended to be inserted are shown in italics.)

S. 3906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Broadband and Emerging Information Technology Enhancement Act of 2022”.

SEC. 2. BROADBAND AND EMERGING INFORMATION TECHNOLOGY COORDINATOR.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(2) by inserting after section 48 (15 U.S.C. 657u) the following:

“SEC. 49. BROADBAND AND EMERGING INFORMATION TECHNOLOGY.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for the Office of Investment and Innovation;

“(2) the term ‘broadband’ means—

“(A) high-speed wired broadband internet; and

“(B) high-speed wireless internet;

“(3) the term ‘broadband and emerging information technology coordinator’ means the employee designated to carry out the broadband and emerging information technology coordination responsibilities of the Administration under subsection (b)(1); and

“(4) the term ‘emerging information technology’ includes—

“(A) data science technologies such as artificial intelligence and machine learning;

“(B) Internet of Things;

“(C) distributed ledger technologies such as blockchain;

“(D) cloud computing and software as a system technologies;

“(E) computer numerical control technologies such as 3D printing; and

“(F) robotics and automation.

“(b) ASSIGNMENT OF COORDINATOR.—

“(1) ASSIGNMENT OF COORDINATOR.—The Associate Administrator shall designate a senior employee of the Office of Investment and Innovation to serve as the broadband and emerging information technology coordinator, who—

“(A) shall report to the Associate Administrator;

“(B) shall work in coordination with—

“(i) the chief information officer, the chief technology officer, and the head of the Office of Technology of the Administration; and

“(ii) any other Associate Administrator of the Administration determined appropriate by the Associate Administrator;

“(C) has experience developing and implementing telecommunications policy in the private sector or government; and

“(D) has demonstrated significant experience in the area of broadband or emerging information technology.

“(2) RESPONSIBILITIES OF COORDINATOR.—The broadband and emerging information technology coordinator shall—

“(A) coordinate programs of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and other emerging information technologies;

“(B) serve as the primary liaison of the Administration to other Federal agencies involved in broadband and emerging information technology policy, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, and the Federal Communications Commission;

“(C) identify best practices relating to broadband and emerging information tech-

nology that may benefit small business concerns; and

“(D) identify and catalog tools and training available through the resource partners of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and emerging information technologies.

“(3) TRAVEL.—Not more than 20 percent of the hours of service by the broadband and emerging information technology coordinator during any fiscal year shall consist of travel outside the United States to perform official duties.

“(c) BROADBAND AND EMERGING INFORMATION TECHNOLOGY TRAINING.—The Associate Administrator shall provide to employees of the Administration training that—

“(1) familiarizes employees of the Administration with broadband and other emerging information technologies; and

“(2) includes—

“(A) instruction on counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

“(B) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies; and

“(3) to maximum extent practicable, uses the tools and training cataloged and identified under subsection (b)(2)(D).

“(1) TRAINING.—The Associate Administrator shall provide to employees of the Administration training that—

“(A) familiarizes employees of the Administration with broadband and other emerging information technologies;

“(B) includes—

“(i) instruction on counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

“(ii) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies; and

“(C) to maximum extent practicable, uses the tools and training cataloged and identified under subsection (b)(2)(D).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.]

“(d) REPORTS.—

“(1) BIENNIAL REPORT ON ACTIVITIES.—Not later than 2 years after the date on which the Associate Administrator makes the first designation of an employee under subsection (b), and every 2 years thereafter, the broadband and emerging information technology coordinator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the programs and activities of the Administration relating to broadband and other emerging information technologies.

“(2) IMPACT OF BROADBAND AVAILABILITY, SPEED, AND PRICE AND EMERGING INFORMATION TECHNOLOGY DEPLOYMENT ON SMALL BUSINESSES.—

“(A) IN GENERAL.—Subject to appropriations, the Chief Counsel for Advocacy shall conduct a study evaluating the impact of—

“(i) broadband availability, speed, and price on small business concerns; and

“(ii) emerging information technology deployment on small business concerns.

“(B) REPORT.—Not later than 3 years after the date of enactment of the Small Business Broadband and Emerging Information Technology Enhancement Act of 2022, the Chief Counsel for Advocacy shall submit to the

Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subparagraph (A), including—

- “(i) a survey of broadband speeds available to small business concerns;
- “(ii) a survey of the cost of broadband speeds available to small business concerns;
- “(iii) a survey of the type of broadband technology used by small business concerns;
- “(iv) a survey of the types of emerging information technologies used by small business concerns; and
- “(v) any policy recommendations that may improve the access of small business concerns to comparable broadband services or emerging information technologies at comparable rates in all regions of the United States.”.

SEC. 3. ENTREPRENEURIAL DEVELOPMENT.

Section 21(c)(3)(B) of the Small Business Act (15 U.S.C. 648(c)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “accessing broadband and other emerging information technology,” after “technology transfer,”;

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

(3) in clause (iii), by adding “and” at the end; and

(4) by adding at the end the following:

“(iv) increasing the competitiveness and productivity of small business concerns by assisting entrepreneurs in accessing broadband and other emerging information technology.”.

Mr. SCHUMER. I further ask that the committee-reported amendments be withdrawn.

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

The committee-reported amendments were withdrawn.

Mr. SCHUMER. I ask that the Cardin substitute amendment, which is at the desk, be considered and agreed to.

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

The amendment (No. 6027) in the nature of a substitute was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Broadband and Emerging Information Technology Enhancement Act of 2022”.

SEC. 2. BROADBAND AND EMERGING INFORMATION TECHNOLOGY COORDINATOR.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(2) by inserting after section 48 (15 U.S.C. 657u) the following:

“SEC. 49. BROADBAND AND EMERGING INFORMATION TECHNOLOGY.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for the Office of Investment and Innovation;

“(2) the term ‘broadband’ means—

“(A) high-speed wired broadband internet; and

“(B) high-speed wireless internet;

“(3) the term ‘broadband and emerging information technology coordinator’ means the employee designated to carry out the broadband and emerging information tech-

nology coordination responsibilities of the Administration under subsection (b)(1); and

“(4) the term ‘emerging information technology’ includes—

“(A) data science technologies such as artificial intelligence and machine learning;

“(B) Internet of Things;

“(C) distributed ledger technologies such as blockchain;

“(D) cloud computing and software as a system technologies;

“(E) computer numerical control technologies such as 3D printing; and

“(F) robotics and automation.

“(b) ASSIGNMENT OF COORDINATOR.—

“(1) ASSIGNMENT OF COORDINATOR.—The Associate Administrator shall designate a senior employee of the Office of Investment and Innovation to serve as the broadband and emerging information technology coordinator, who—

“(A) shall report to the Associate Administrator;

“(B) shall work in coordination with—

“(i) the chief information officer, the chief technology officer, and the head of the Office of Technology of the Administration; and

“(ii) any other Associate Administrator of the Administration determined appropriate by the Associate Administrator;

“(C) has experience developing and implementing telecommunications policy in the private sector or government; and

“(D) has demonstrated significant experience in the area of broadband or emerging information technology.

“(2) RESPONSIBILITIES OF COORDINATOR.—The broadband and emerging information technology coordinator shall—

“(A) coordinate programs of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and other emerging information technologies;

“(B) serve as the primary liaison of the Administration to other Federal agencies involved in broadband and emerging information technology policy, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, and the Federal Communications Commission;

“(C) identify best practices relating to broadband and emerging information technology that may benefit small business concerns; and

“(D) identify and catalog tools and training available through the resource partners of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and emerging information technologies.

“(3) TRAVEL.—Not more than 20 percent of the hours of service by the broadband and emerging information technology coordinator during any fiscal year shall consist of travel outside the United States to perform official duties.

“(c) BROADBAND AND EMERGING INFORMATION TECHNOLOGY TRAINING.—The broadband and emerging information technology coordinator shall provide to employees of the Administration training that—

“(1) familiarizes employees of the Administration with broadband and other emerging information technologies;

“(2) includes—

“(A) instruction on counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

“(B) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies; and

“(3) to maximum extent practicable, uses the tools and training cataloged and identified under subsection (b)(2)(D).

“(d) REPORTS.—

“(1) BIENNIAL REPORT ON ACTIVITIES.—Not later than 2 years after the date on which the Associate Administrator makes the first designation of an employee under subsection (b), and every 2 years thereafter, the broadband and emerging information technology coordinator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the programs and activities of the Administration relating to broadband and other emerging information technologies.

“(2) IMPACT OF BROADBAND AVAILABILITY, SPEED, AND PRICE AND EMERGING INFORMATION TECHNOLOGY DEPLOYMENT ON SMALL BUSINESSES.—

“(A) IN GENERAL.—Subject to appropriations, the Chief Counsel for Advocacy shall conduct a study evaluating the impact of—

“(i) broadband availability, speed, and price on small business concerns; and

“(ii) emerging information technology deployment on small business concerns.

“(B) REPORT.—Not later than 3 years after the date of enactment of the Small Business Broadband and Emerging Information Technology Enhancement Act of 2022, the Chief Counsel for Advocacy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subparagraph (A), including—

“(i) a survey of broadband speeds available to small business concerns;

“(ii) a survey of the cost of broadband speeds available to small business concerns;

“(iii) a survey of the type of broadband technology used by small business concerns;

“(iv) a survey of the types of emerging information technologies used by small business concerns; and

“(v) any policy recommendations that may improve the access of small business concerns to broadband services or emerging information technologies.”.

SEC. 3. ENTREPRENEURIAL DEVELOPMENT.

Section 21(c)(3)(B) of the Small Business Act (15 U.S.C. 648(c)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “accessing broadband and other emerging information technology,” after “technology transfer,”;

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

(3) in clause (iii), by adding “and” at the end; and

(4) by adding at the end the following:

“(iv) increasing the competitiveness and productivity of small business concerns by assisting entrepreneurs in accessing broadband and other emerging information technology.”.

Mr. SCHUMER. I further ask that the bill, as amended, be considered read a third time.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3906), as amended, was passed.

Mr. SCHUMER. Finally, I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

ONE STOP SHOP FOR SMALL BUSINESS COMPLIANCE ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be discharged from further consideration of H.R. 4877 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4877) to amend the Small Business Act to require the Small Business and Agriculture Regulatory Enforcement Ombudsman to create a centralized website for compliance guides, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask that the bill be considered read a third time.

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

The bill was ordered to a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 4877) was passed.

Mr. SCHUMER. I ask that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

SBA CYBER AWARENESS ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 281, H.R. 3462.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3462) to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship.

Mr. SCHUMER. I further ask that the Cardin substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The amendment (No. 6028), in the nature of a substitute, was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBA Cyber Awareness Act”.

SEC. 2. CYBERSECURITY AWARENESS REPORTING.

(a) IN GENERAL.—Section 10 of the Small Business Act (15 U.S.C. 639) is amended by inserting after subsection (a) the following:

“(b) CYBERSECURITY REPORTS.—

“(1) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Administrator shall submit a report to the appropriate congressional committees that includes—

“(A) a strategy to increase the cybersecurity of information technology infrastructure of the Administration;

“(B) a supply chain risk management strategy and an implementation plan to address the risks of foreign manufactured information technology equipment utilized by the Administration, including specific risk mitigation activities for components originating from entities with principal places of business located in the People’s Republic of China; and

“(C) an account of—

“(i) any incident that occurred at the Administration during the 2-year period preceding the date on which the first report is submitted, and, for subsequent reports, the 1-year period preceding the date of submission; and

“(ii) any action taken by the Administrator to respond to or remediate any such incident.

“(2) FISMA REPORTS.—Each report required under paragraph (1) may be submitted as part of the report required under section 3554 of title 44, United States Code.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the reporting requirements of the Administrator under chapter 35 of title 44, United States Code, in particular the requirement to notify the Federal information security incident center under section 3554(b)(7)(C)(ii) of such title, any guidance issued by the Office of Management and Budget, or any other provision of law or Federal policy.

“(4) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate;

“(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(iii) the Committee on Small Business of the House of Representatives; and

“(iv) the Committee on Oversight and Reform of the House of Representatives.

“(B) INCIDENT.—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(C) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 3502 of title 44, United States Code.”

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall, to the greatest extent practicable, provide to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives a detailed account of information technology (as defined in section 3502 of title 44, United States Code) of the Small

Business Administration that was manufactured by an entity that has its principal place of business located in the People’s Republic of China.

The bill (H.R. 3462), as amended, was ordered to a third reading, was read the third time, and passed.

SBIC ADVISORY COMMITTEE ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 280, S. 2521.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2521) to require the Administrator of the Small Business Administration to establish an SBIC Working Group, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Small Business and Entrepreneurship, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIC Advisory Committee Act of 2022”.

SEC. 2. SBIC ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term “Advisory Committee” means the SBIC Advisory Committee established under subsection (b);

(3) the term “covered Members” means the Chair and Ranking Member of—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives;

(4) the terms “licensee”, “small business investment company”, and “underlicensed State” have the meanings given those terms in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(5) the term “low-income community” has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;

(6) the term “rural area” has the meaning given the term by the Bureau of the Census;

(7) the terms “small business concern”, “small business concern owned and controlled by veterans”, and “small business concern owned and controlled by women” have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(8) the term “socially or economically disadvantaged individual” means a socially disadvantaged individual or economically disadvantaged individual, as described in paragraphs (5) and (6)(A), respectively, of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(9) the term “underfinanced State” means a State that has below median financing, as determined by the Administrator; and

(10) the term “underserved community” means—

(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) a community that has been designated as an empowerment zone or an enterprise community under section 1391 of the Internal Revenue Code of 1986;

(C) a community that has been designated as a promise zone by the Secretary of Housing and Urban Development; and

(D) a community that has been designated as a qualified opportunity zone under section 1400Z-1 of the Internal Revenue Code of 1986.

(b) **ESTABLISHMENT.**—The Administrator shall establish an SBIC Advisory Committee to convene outside experts to advise on the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(c) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Advisory Committee shall be composed of 16 members appointed by the Administrator as follows:

(A) The Associate Administrator of the Office of Investment and Innovation of the Small Business Administration, or another designee of the Administrator as determined by the Administrator.

(B) 7 members with competence, interest, or knowledge of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), of whom—

(i) not fewer than 3 shall have a demonstrated record of expertise in investing in—

(I) low-income communities;

(II) communities that have been designated as qualified opportunity zones under section 1400Z-1 of the Internal Revenue Code of 1986;

(III) businesses primarily engaged in research and development;

(IV) manufacturers;

(V) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee;

(VI) rural areas; or

(VII) underfinanced States; and

(ii) not fewer than 1 member shall be a representative from a trade association for the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(C) 8 members appointed by the Administrator as follows:

(i) 2 members shall be selected from among the individuals on the list submitted by the Chair of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(ii) 2 members shall be selected from among the individuals on the list submitted by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(iii) 2 members shall be selected from among the individuals on the list submitted by the Chair of the Committee on Small Business of the House of Representatives under paragraph (2).

(iv) 2 members shall be selected from among the individuals on the list submitted by the Ranking Member of the Committee on Small Business of the House of Representatives under paragraph (2).

(2) **RECOMMENDATIONS.**—Not later than 30 days after the date of enactment of this Act, each of the covered Members shall provide to the Administrator a list of 3 candidates for membership on the Advisory Committee, who shall be individuals who hold a high-ranking position or senior leadership role, and have no conflict of interest in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), in—

(A) a relevant industry trade association;

(B) the investment industry with expertise in pensions, endowments, and other non-banking institutions;

(C) academia with expertise in the investment industry; or

(D) a nonprofit institution, including one that serves any of the communities, entities, or areas described in subclauses (I) through (VII) of paragraph (1)(B)(i).

(3) **CHAIRPERSON.**—The Chairperson of the Advisory Committee shall be the member of the Advisory Committee appointed under paragraph (1)(A).

(4) **PERIOD OF APPOINTMENT.**—Members of the Advisory Committee shall be appointed for the life of the Advisory Committee.

(5) **VACANCIES.**—Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment.

(d) **DEADLINE FOR APPOINTMENT.**—Not later than 60 days after the date on which the covered Members provide the lists to the Administrator under subsection (c)(2), the Administrator shall—

(1) appoint the members of the Advisory Committee; and

(2) submit to Congress a list of the members so appointed.

(e) **DUTIES.**—The Advisory Committee shall provide advice and recommendations to the Administrator—

(1) concerning policy and program development and other matters of significance concerning activities under the Small Business Act (15 U.S.C. 631 et seq.) and the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), including how the Administrator may increase the number of applicants to become small business investment companies, with a focus on management teams or companies investing in or located in—

(A) low-income communities;

(B) underserved communities;

(C) rural areas; or

(D) underfinanced States;

(2) concerning incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by socially or economically disadvantaged individuals, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women; and

(3) concerning metrics of success, and benchmarks for success, with respect to the goals described in this section.

(f) **REPORT.**—Not later than 18 months after the date on which the Administrator establishes the Advisory Committee under subsection (b), the Advisory Committee shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that includes—

(1) the recommendations of the Advisory Committee; and

(2) a discussion of the impact of State, local, and financial institution investment in small business investment companies on small business concerns in rural areas, low-income communities, underserved communities, and underfinanced States.

(g) **TERMINATION.**—The Advisory Committee shall terminate on the date on which the Advisory Committee submits the report required under subsection (f).

Mr. SCHUMER. I further ask that the committee-reported substitute amendment be withdrawn.

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

The committee-reported amendment in the nature of a substitute was withdrawn.

Mr. SCHUMER. I ask that the Cardin substitute amendment, which is at the desk, be considered and agreed to.

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

The amendment (No. 6029) in the nature of a substitute was agreed to as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIC Advisory Committee Act of 2022”.

SEC. 2. SBIC ADVISORY COMMITTEE.

(a) **DEFINITIONS.**—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Ad-

ministration and the Administrator thereof, respectively;

(2) the term “covered Members” means the Chair and Ranking Member of—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives;

(3) the terms “licensee”, “small business investment company”, and “underlicensed State” have the meanings given those terms in section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(4) the term “low-income community” has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;

(5) the term “rural area” has the meaning given the term by the Bureau of the Census;

(6) the terms “small business concern”, “small business concern owned and controlled by veterans”, and “small business concern owned and controlled by women” have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term “socially or economically disadvantaged individual” means a socially disadvantaged individual or economically disadvantaged individual, as described in paragraphs (5) and (6)(A), respectively, of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(8) the term “underfinanced State” means a State that has below median financing, as determined by the Administrator; and

(9) the term “underserved community” means—

(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) a community that has been designated as an empowerment zone or an enterprise community under section 1391 of the Internal Revenue Code of 1986;

(C) a community that has been designated as a promise zone by the Secretary of Housing and Urban Development; and

(D) a community that has been designated as a qualified opportunity zone under section 1400Z-1 of the Internal Revenue Code of 1986.

(b) **ESTABLISHMENT.**—The Administrator shall establish an SBIC Advisory Committee (referred to in this section as the “Advisory Committee”) to convene outside experts to advise on the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(c) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Advisory Committee shall be composed of 16 members appointed by the Administrator as follows:

(A) The Associate Administrator of the Office of Investment and Innovation of the Small Business Administration, or another designee of the Administrator as determined by the Administrator.

(B) 7 members with competence, interest, or knowledge of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), of whom—

(i) not fewer than 3 shall have a demonstrated record of expertise in investing in—

(I) low-income communities;

(II) communities that have been designated as qualified opportunity zones under section 1400Z-1 of the Internal Revenue Code of 1986;

(III) businesses primarily engaged in research and development;

(IV) manufacturers;

(V) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee;

(VI) rural areas; or

(VII) underfinanced States; and

(ii) not fewer than 1 member shall be a representative from a trade association for the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(C) 8 members appointed by the Administrator as follows:

(i) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(ii) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(iii) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business of the House of Representatives under paragraph (2).

(iv) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business of the House of Representatives under paragraph (2).

(2) RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, each of the covered Members shall provide to the Administrator a list of 3 candidates for membership on the Advisory Committee, who shall be individuals who hold a high-ranking position or senior leadership role, and have no conflict of interest in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), in—

(A) a relevant industry trade association;

(B) the investment industry with expertise in pensions, endowments, and other non-banking institutions;

(C) academia with expertise in the investment industry; or

(D) a nonprofit institution, including one that serves any of the entities described in subclauses (I) through (VII) of paragraph (1)(B)(i).

(3) PRIVATE SECTOR MEMBERS.—Not fewer than 2 and not more than 4 of the members of the Advisory Committee shall be investors in the private sector who—

(A) invest in small business concerns; and

(B) as of the date of appointment, do not participate in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(4) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be the member of the Advisory Committee appointed under paragraph (1)(A).

(5) PERIOD OF APPOINTMENT.—Members of the Advisory Committee shall be appointed for the life of the Advisory Committee.

(6) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the covered Members provide the lists to the Administrator under subsection (c)(2), the Administrator shall—

(1) appoint the members of the Advisory Committee; and

(2) submit to Congress a list of the members so appointed.

(e) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Administrator—

(1) concerning policy and program development and other matters of significance concerning activities under the Small Business Act (15 U.S.C. 631 et seq.) and the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), including diversifying management teams or companies;

(2) concerning incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by socially or economically disadvantaged individuals, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women;

(3) concerning metrics of success, and benchmarks for success, with respect to the goals described in this section; and

(4) concerning the impact of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) on the private investment market, including whether investments under the program compete with the private sector.

(f) REPORT.—Not later than 18 months after the date on which the Administrator establishes the Advisory Committee under subsection (b), the Advisory Committee shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that includes the recommendations of the Advisory Committee described in subsection (e).

(g) TERMINATION.—The Advisory Committee shall terminate on the date on which the Advisory Committee submits the report required under subsection (f).

Mr. SCHUMER. I further ask that the bill, as amended, be considered read a third time.

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

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. SCHUMER. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. If there is no further debate, the bill having been read the third time, the question is, Shall the bill pass, as amended?

The bill (S. 2521), as amended, was passed.

Mr. SCHUMER. Finally, I ask that the committee-reported title amendment be agreed to and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The committee-reported amendment to the title was agreed to as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to require the Administrator of the Small Business Administration to establish an SBIC Advisory Committee, and for other purposes."

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

HISPANIC HERITAGE MONTH

Mr. DURBIN. Mr. President, every year since 1988, we have honored the

achievements of the Latino community in the United States through Hispanic Heritage Month. My friend and mentor, Senator Paul Simon, was part of the effort to establish this important time to honor the contributions of Hispanic and Latino communities throughout American history, filled with stories of inspiration and courage. Today, I continue Paul's work by taking the time to honor this rich history and celebrate the leaders paving the way for a brighter future of this Nation.

Illinois is home to a large and vibrant Latino community. I have had the privilege of meeting Latino people from many walks of life, from Dreamers who grew up here, to newly arrived refugees fleeing tyranny. While their stories all differ, they share common themes of hope, resilience, and determination. In their stories, I see my family's story. My mother and her family escaped oppression to find freedom here in America. Many families have followed that same journey to provide a better life in Illinois and across the country. It is not easy to leave your home to travel to an unfamiliar place. But with their courage, they brought diverse cultures, sharing music, food, traditions, and history. The Latino community has made an indelible mark on Illinois through small businesses, top-performing Hispanic-serving institutions, and beautiful cultural centers and museums.

Commitment to family is a core tenant of Latino culture and extends to care for the community at large, where Latino leaders use their talents to help others. Juan and Maria Pedroza emigrated from Mexico in 1989 to Little Village with their small children. Like the story of many families across the country, they, too, came to the United States in search of the American dream, doing whatever it took to ensure a brighter future for their children. Their children—Juan Manuel Jr., Maria Socorro, Gabriela, and Pedro—went on to attend prestigious colleges and universities, including Harvard, DePauw, Cornell, and the University of Illinois at Champaign-Urbana. Pedro's courage and spirit of service led him to serve in then-Mayor Rahm Emmanuel's office—the first Deferred Action for Childhood Arrivals—DACA—recipient to serve in the mayor's office. Pedro recognized the needs of his community and answered the call to public service so others could grow and succeed. The Pedrozas' success has not come without great sacrifices, similar to those that many Latino families have had to make. But through extraordinary determination and resilience, they go above and beyond out of love of family and community.

Chicago also is home to a vibrant Puerto Rican community that has displayed great resilience in the face of serious challenges. Tragically, more than 900,000 Puerto Ricans have lost power in the aftermath of Hurricane Fiona. Some areas received more than 30 inches of rain and, sadly, this devastation is a trend. Latinos in the United

States are more likely than non-Hispanic Whites to experience heat waves, powerful hurricanes, sea level rises, and floods. It is estimated that Hispanic and Latino people are 43 percent more likely to live in an area expected to be too hot to work a full day outside due to climate change. And communities are responding. Across the United States, thousands of people have joined together to help Puerto Rico—including in Illinois—where the Puerto Rican Agenda is working to provide immediate relief to those affected by natural disasters. I support their efforts and President Biden's approval of a major disaster declaration for Puerto Rico.

Tackling environmental injustice doesn't end there. Earlier this year, activists and community leaders in southeast Chicago raised concerns with the development of a metal shredder facility. The Chicago Health Department and the Environmental Protection Agency conducted a health impact assessment, finding the metal recycling plant would have increased air pollution and negatively impacted the mental health of residents. As a result, the city blocked the development. This story is not unique to Chicago; Latino communities across the United States have mobilized to make their voices heard and protect our communities.

We also saw this tenacity during the pandemic. Millions of Hispanic and Latino people served as frontline workers—treating patients, feeding communities, and working around the clock to disinfect schools, stores, and health centers at a grave personal cost. Today, Hispanic or Latino persons are twice as likely to be hospitalized for COVID-19 and 1.8 times more likely to die from the virus, due to health disparities and continuous exposure. We must never forget the contributions they made, which have supported our Nation during one of its most difficult moments.

Countless Latino leaders have overcome systemic injustices to succeed and inspire the next generation of leaders. As we celebrate Hispanic Heritage Month, we recognize the value the Latino community brings to our country through its work and culture. Resilience and love shine through in all that the community does and will continue to make us a stronger country for years to come.

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. PETERS. Mr. President, I ask unanimous consent to print the following letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS,
Washington, DC, September 28, 2022.
To the Secretary of the Senate:

PN 2457, the nomination of Colleen Joy Shogan, to be Archivist of the United States,

vice David S. Ferriero, having been referred to the Committee on Homeland Security and Governmental Affairs, the Committee with a quorum present, has voted on the nomination as follows—

On the question of reporting the nomination favorably with the recommendation that the nomination be confirmed 7 yeas to 7 nays.

In accordance with section 3, paragraph (1) (A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee on Homeland Security and Governmental Affairs has not reported the nomination because of a tie vote and ask that this notice be printed in the RECORD pursuant to the resolution.

GARY C. PETERS,
Chairman.

INFLATION REDUCTION ACT OF 2022

Ms. CORTEZ MASTO. Mr. President, I rise today to clarify a colloquy between myself and Chairman WYDEN placed in the CONGRESSIONAL RECORD on August 6, 2022. The statement in the RECORD references geothermal energy as applicable to the new "section 48D" of the Tax Code added by section 13702 of the Inflation Reduction Act. The statement should have referenced that section as "section 48E." As explained in that colloquy, geothermal will qualify for the production and investment tax credits included in sections 13701 and 13702 of the Inflation Reduction Act.

FOOD AND DRUG ADMINISTRATION USER FEE REAUTHORIZATION

Mrs. MURRAY. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the transmittal and commitment letters from the Secretary of Health and Human Services to the chair and ranking member of the Committee on Health, Education, Labor, and Pensions of the Senate and the chair and ranking member of the Committee on Energy and Commerce of the House of Representatives regarding reauthorization of the Prescription Drug User Fee Act, Medical Device User Fee Amendments, Generic Drug User Fee Amendments, and Biosimilar User Fee Act.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, January 12, 2022.
Hon. PATTY MURRAY,
*Chair, Committee on Health, Education, Labor
and Pensions, U.S. Senate, Washington,
DC.*

DEAR CHAIR MURRAY: The Prescription Drug User Fee Act [PDUFA] as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P.L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of PDUFA for the Fiscal Years 2023-2027 [PDUFA VII].

Under PDUFA, the revenues generated from fees paid by the pharmaceutical industry have been used to expedite the process for the review of new prescription drugs and to support and augment regulatory science

and drug development. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the Food and Drug Administration [FDA] in consultation with representatives of regulated industry. FDA estimates that the fees negotiated in PDUFA VII will average approximately \$1.4 billion per year. PDUFA has proven to be an extremely effective program that has transformed the U.S. drug review to be the fastest in the world, while setting the global gold standard for quality, efficacy, and safety.

Throughout this process, the FDA has solicited input and worked with various stakeholders, including representatives from consumer and patient advocates, academic research, and health provider groups, and negotiated with the pharmaceutical and biotechnology industries, to develop reauthorization recommendations for PDUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site and enclosed with this letter.

Our recommendations build upon the successes of existing programs and performance goals with improvements and expansions to address areas of emerging regulatory science and drug development. For example, this includes, but is not limited to:

Investing critical resources in the Center for Biologics Evaluation and Research to support development, review, and approval of cell and gene therapy products;

Introducing new pilot programs to expedite patient access to novel uses for existing therapies, advance rare diseases development through efficacy endpoint development, and improve the quality and acceptability of real-world evidence;

Enhancing the drug safety system through optimizing the Sentinel Initiative capabilities and improving Risk Evaluation and Mitigation Strategy (REMS) assessments;

Introducing new enhancements related to product quality reviews, chemistry, manufacturing, and control approaches, and advancing the utilization of innovative manufacturing technologies;

Enhancing the use of digital health technologies to support drug development and review, along with leveraging modern technology to accelerate FDA's data and technology modernization;

Improving management of user fee resources through advancing FDA's Resource Capacity Planning function and continuing activities to enhance financial transparency.

The following five enclosures are provided for your consideration: The proposed PDUFA VII statutory language; a redline of current law; the Justifications of Proposed Statutory Changes for Reauthorization of PDUFA in Fiscal Years 2023 through 2027; the PDUFA Reauthorization Performance Goals and Procedures in Fiscal Years 2023 through 2027; and the summary of public comments.

Thank you for the opportunity to present our recommendations to reauthorize this vital program. We would be pleased to brief your staff on the details and want to work closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accord with the Administration's program.

Sincerely,

XAVIER BECERRA.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES
Washington, DC, January 12, 2022.

Hon. RICHARD BURR,
Raking Member, Committee on Health, Education, Labor and Pensions, U.S. Senate, Washington, DC.

DEAR SENATOR BURR: The Prescription Drug User Fee Act [PDUFA] as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P. L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of PDUFA for the Fiscal Years 2023-2027 [PDUFA VII].

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Enhancing the drug safety system through optimizing the Sentinel Initiative capabilities and improving Risk Evaluation and Mitigation Strategy (REMS) assessments;

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Sincerely,

XAVIER BECERRA.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, January 12, 2022.

Hon. FRANK PALLONE, JR.,
Chairman, Committee on Energy and Commerce, House of Representatives, Washington, DC.

DEAR CHAIR PALLONE: The Prescription Drug User Fee Act [PDUFA] as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P. L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of PDUFA for the Fiscal Years 2023-2027 [PDUFA VII].

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Throughout this process, the FDA has solicited input and worked with various stakeholders, including representatives from consumer and patient advocates, academic research, and health provider groups, and negotiated with the pharmaceutical and biotechnology industries, to develop reauthorization recommendations for PDUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site and enclosed with this letter.

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facturing, and control approaches, and advancing the utilization of innovative manufacturing technologies;

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Thank you for the opportunity to present our recommendations to reauthorize this vital program. We would be pleased to brief your staff on the details and want to work closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accord with the Administration's program.

Sincerely,

XAVIER BECERRA.

THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, January 12, 2022.

Hon. CATHY MCMORRIS RODGERS,
Ranking Member, Committee on Energy and Commerce,

House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCMORRIS RODGERS: The Prescription Drug User Fee Act [PDUFA] as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P.L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of PDUFA for the Fiscal Years 2023-2027 [PDUFA VII].

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Enhancing the use of digital health technologies to support drug development and review, along with leveraging modern technology to accelerate FDA's data and technology modernization;

Improving management of user fee resources through advancing FDA's Resource Capacity Planning function and continuing activities to enhance financial transparency.

The following five enclosures are provided for your consideration: The proposed PDUFA VII statutory language; a redline of current law; the Justifications of Proposed Statutory Changes for Reauthorization of PDUFA in Fiscal Years 2023 through 2027; the PDUFA Reauthorization Performance Goals and Procedures in Fiscal Years 2023 through 2027; and the summary of public comments.

Thank you for the opportunity to present our recommendations to reauthorize this vital program. We would be pleased to brief your staff on the details and want to work closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accord with the Administration's program.

Sincerely,

XAVIER BECERRA.

—
THE SECRETARY OF HEALTH
AND HUMAN SERVICES,
Washington, DC, May 10, 2022.

Hon. PATTY MURRAY,
*Chair, Committee on Health, Education, Labor
and Pensions, U.S. Senate,*
Washington, DC.

DEAR CHAIR MURRAY: The Medical Device User Fee Amendments of 2017 (MDUFA IV), as reauthorized by the Food and Drug Administration Reauthorization Act (P.L. 115-52), expires at the end of Fiscal Year (FY) 2022. With this letter, the Administration is providing our recommendations for the reauthorization of MDUFA for FY 2023-2027 (MDUFA V).

Under MDUFA, the revenues generated from fees paid by the medical device industry have been used to expedite the process for the review of device applications and to support and augment regulatory science and medical device development. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the U.S. Food and Drug Administration (FDA) in consultation with representatives of regulated industry.

FDA estimates that the fees negotiated in MDUFA V provide for the following five-year total revenue, prior to adjustments for inflation. They provide a minimum total revenue of approximately \$1.784 billion. In addition, if specific performance goals are met in FY 2023-2025, FDA may collect up to an additional total of approximately \$116 million in FY 2025-2027, for a maximum potential total of approximately \$1.9 billion.

The MDUFA V package also reflects use of an additional \$118 million in funding from

the current MDUFA IV carryover balance to support MDUFA V activities.

Throughout this process, FDA negotiated with the regulated industry and has solicited input and worked with various stakeholders, including representatives from patient, consumer, academic research, and health provider groups, to develop reauthorization recommendations for MDUFA that would build upon and enhance the success of the program. In addition, FDA complied with the statutory requirements to solicit public comments on the draft recommendations, and the summary of public comments is posted on the agency web site.

Now pending its fourth reauthorization, MDUFA has proven to be a highly effective program for supporting the device review process. The program is designed to help ensure patient access to safe, effective, and high-quality medical devices. During the current reauthorization cycle, negotiations with industry primarily focused on: enhancements to certain performance goals; filling funding needs that had not been adequately addressed in MDUFA IV; the launch of a pilot program designed to speed patient access to certain innovative medical devices; programs to advance the development of regulatory science and to advance opportunities for patient input and collaboration in the device development process; and proposals to enhance FDA's accountability and transparency in its use of fees.

The following enclosures are provided for your consideration: the MDUFA Reauthorization Performance Goals and Procedures—Fiscal Years 2023 through 2027 (the MDUFA V Commitment Letter); a redline showing the proposed MDUFA V statutory changes compared to the current law; the Justifications of Proposed Statutory Changes for reauthorization of MDUFA in FY 2023-2027; and the summary of public comments.

Thank you for the opportunity to present our recommendations to reauthorize this vital program. We were pleased to brief your staff on the details of the Commitment Letter and hope to continue working closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accordance with the Administration's program.

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DEAR CHAIR MURRAY: The Generic Drug User Fee Amendments of 2017 [GDUFA II], as reauthorized by the Food and Drug Administration Reauthorization Act [FDARA P. L. 115–52], expires at the end of Fiscal Year 2022. With this letter, the Administration is providing our recommendations for the reauthorization of GDUFA for the Fiscal Years 2023–2027 [GDUFA III].

Under GDUFA, the revenues generated from fees paid by the generic pharmaceutical industry have been used to expedite the process for the review of generic drugs and to support and augment regulatory science and generic drug development. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the Food and Drug Administration [FDA] in consultation with representatives of regulated industry. FDA estimates that the fees negotiated in GDUFA III will be over \$600 million per year, adjusted annually for inflation.

Throughout this process, FDA has solicited input and worked with various stakeholders, including representatives from consumer, patient, academic research, and health provider groups, and negotiated with the regulated industry, to develop reauthorization recommendations for GDUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site.

Our recommendations build upon the successes of existing programs and performance goals with enhancements to advance approvals in fewer review cycles, proposals to enhance regulatory science and expedite complex generic drug development, and financial proposals to support the generic drug program as it evolves. For example, minimizing the issuance of complete response letters through the use of “imminent actions” to approve an application within 60 days after the goal date will reduce the number of review cycles. The pre-ANDA program, which was initiated as part of GDUFA II, has several enhancements, including new goal dates for Product-Specific Guidances (PSGs) that expedite complex generic drug development. The proposals also include improvements for FDA to enhance the operational agility of the GDUFA program through maturation of the Resource Capacity Planning (RCP) capability and the proposed implementation of a Capacity Planning Adjustment (CPA) in fee-setting to generally allow for up to a three percent increase in inflation-adjusted target revenue for the upcoming fiscal year if sustained increases in the workload are predicted, using a methodology developed and evaluated during GDUFA II.

The following five enclosures are provided for your consideration: the proposed GDUFA III statutory language; a redline of these changes compared to the current law; the Justifications of Proposed Statutory Changes for reauthorization of GDUFA in Fiscal Years 2023 through 2027; the GDUFA Reauthorization Performance Goals and Procedures—Fiscal Years 2023 through 2027 [the GDUFA III Commitment Letter]; and the summary of public comments.

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DEAR CHAIR MURRAY: The Biosimilar User Fee Act [BsUFA] as reauthorized by the FDA Reauthorization Act of 2017 [Pub. L. 115-52], expires at the end of Fiscal Year 2022. With this letter the Administration is providing our recommendations for the reauthorization of BsUFA for the Fiscal Years 2023–2027 [BsUFA III].

Under BsUFA, the revenues generated from fees paid by the pharmaceutical industry have been used to support the process for the review of biosimilar biological products. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the Food and Drug Administration [FDA] in consultation with representatives of regulated industry. FDA estimates that the fees negotiated in BsUFA III will average approximately \$51 million per year.

As part this process, the FDA has negotiated with the pharmaceutical and biotechnology industries to develop reauthorization recommendations for BsUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site and enclosed with this letter.

Our recommendations build upon the successes of the BsUFA program by refining elements of the existing program and including new enhancements where appropriate. For example, these recommendations include, but are not limited to:

Introducing new supplement categories, review timelines, and performance goals to expedite the review of certain supplements, including safety labeling updates

Advancing the development of safe and effective interchangeable biosimilar biological products through foundational guidance development, stakeholder engagement, and other activities

Piloting a regulatory science program focused on enhancing regulatory decision-making and facilitating science-based recommendations in areas foundational to biosimilar and interchangeable biological product development

Improving management of user fee resources through advancing FDA's Resource Capacity Planning function and continuation of activities to enhance financial transparency

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Washington, DC.

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Under BsUFA, the revenues generated from fees paid by the pharmaceutical industry have been used to support the process for the review of biosimilar biological products. The expenditure of these funds is in accordance with the statute and provides resources to meet the performance goals and procedures that were developed by the Food and Drug Administration [FDA] in consultation with representatives of regulated industry. FDA estimates that the fees negotiated in BsUFA III will average approximately \$51 million per year.

As part this process, the FDA has negotiated with the pharmaceutical and biotechnology industries to develop reauthorization recommendations for BsUFA that would build upon and enhance the success of the program. In addition, we have complied with the statutory requirements to solicit public comments on our recommendations, and the summary of public comments is posted on the agency web site and enclosed with this letter.

Our recommendations build upon the successes of the BsUFA program by refining elements of the existing program and including new enhancements where appropriate. For example, these recommendations include, but are not limited to:

Introducing new supplement categories, review timelines, and performance goals to expedite the review of certain supplements, including safety labeling updates

Advancing the development of safe and effective interchangeable biosimilar biological products through foundational guidance development, stakeholder engagement, and other activities

Piloting a regulatory science program focused on enhancing regulatory decision-making and facilitating science-based recommendations in areas foundational to biosimilar and interchangeable biological product development

Improving management of user fee resources through advancing FDA's Resource Capacity Planning function and continuation of activities to enhance financial transparency

The following five enclosures are provided for your consideration: The proposed BsUFA III statutory language; a redline of current law; the Justifications of Proposed Statutory Changes for Reauthorization of BsUFA in Fiscal Years 2023 through 2027; the BsUFA Reauthorization Performance Goals and Procedures in Fiscal Years 2023 through 2027; and the summary of public comments.

Thank you for the opportunity to present our recommendations to reauthorize this vital program. We would be pleased to brief your staff on the details and want to work closely with Congress to reauthorize the program in a timely manner. The Office of Management and Budget has advised that the bill and the enclosed performance goals are in accord with the Administration's program.

Sincerely,

XAVIER BECERRA.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,

Washington, DC, January 12, 2022.

Hon. CATHY MCMORRIS RODGERS,
Ranking Member, Committee on Energy and Commerce,
House of Representatives,
Washington, DC.

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XAVIER BECERRA.

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2023 THROUGH 2027

I. Ensuring the Effectiveness of the Human Drug Review Program

- A. Review Performance Goals
- B. Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs
- C. New Molecular Entity (NME) Milestones and Postmarketing Requirements (PMRs)
- D. Split Real Time Application Review (STAR) Pilot Program
- E. Expedited Reviews
- F. Review of Proprietary Names to Reduce Medication Errors
- G. Major Dispute Resolution
- H. Clinical Holds
- I. Special Protocol Question Assessment and Agreement
- J. Meeting Management Goals
- K. Enhancing Regulatory Science and Expediting Drug Development
- L. Enhancing Regulatory Decision Tools to Support Drug Development and Review
- M. Enhancement and Modernization of the FDA Drug Safety System
- N. Enhancements Related to Product Quality Reviews, Chemistry, Manufacturing, and Controls Approaches, and Advancing the Utilization of Innovative Manufacturing Technologies
- O. Enhancing CBER's Capacity to Support Development, Review, and Approval of Cell and Gene Therapy Products
- P. Supporting Review of New Allergenic Extract Products

II. Continued Enhancement of User Fee Resource Management

- A. Resource Capacity Planning
 - B. Financial Transparency
- ##### III. Improving FDA Hiring and Retention of Review Staff
- A. Set Clear Goals for Human Drug Review Program Hiring
 - B. Assessment of Hiring and Retention
- ##### IV. Information Technology and Bioinformatics Goals
- A. Enhancing Transparency and Leveraging Modern Technology
 - B. Expanding and Enhancing Bioinformatics Support
 - C. Enhancing Use of Digital Health Technologies to Support Drug Development and Review
 - V. Improving FDA Performance Management
 - A. Studies will include:
- ##### VI. Progress Reporting for PDUFA VII and Continuing PDUFA VI Initiatives
- ##### Appendix. Definitions and Explanation of Terms

PDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2023 THROUGH 2027

This document contains the performance goals and procedures for the Prescription

Drug User Fee Act (PDUFA) reauthorization for fiscal years (FYs) 2023-2027, known as PDUFA VII. It is commonly referred to as the "goals letter" or "commitment letter." The goals letter represents the product of FDA's discussions with the regulated industry and public stakeholders, as mandated by Congress. The performance and procedural goals and other commitments specified in this letter apply to aspects of the human drug review program that are important for facilitating timely access to safe, effective, and innovative new medicines for patients. While much of FDA's work is associated with formal tracked performance goals, the Agency and industry mutually agree that it is appropriate to manage some areas of the human drug review program with internally tracked timeframes. This provides FDA the flexibility needed to respond to a highly diverse workload, including unanticipated public health needs. FDA is committed to meeting the performance goals specified in this letter and to continuous improvement of its performance regarding other important areas specified in relevant published documents that relate to preapproval drug development and post-approval activities for marketed products. FDA and the regulated industry will periodically and regularly assess the progress of the human drug review program throughout PDUFA VII. This will allow FDA and the regulated industry to identify emerging challenges and develop strategies to address these challenges to ensure the efficiency and effectiveness of the human drug review program.

Unless otherwise stated, goals apply to cohorts of each fiscal year (FY).

I. ENSURING THE EFFECTIVENESS OF THE HUMAN DRUG REVIEW PROGRAM

A. REVIEW PERFORMANCE GOALS

1. NDA/BLA Submissions and Resubmissions
 - a. Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60-day filing date.
 - b. Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60-day filing date.
 - c. Review and act on 90 percent of standard non-NME original NDA submissions within 10 months of receipt.
 - d. Review and act on 90 percent of priority non-NME original NDA submissions within 6 months of receipt.
 - e. Review and act on 90 percent of Class 1 resubmitted original applications within 2 months of receipt.
 - f. Review and act on 90 percent of Class 2 resubmitted original applications within 6 months of receipt.
2. Original Efficacy Supplements
 - a. Review and act on 90 percent of standard efficacy supplements within 10 months of receipt.
 - b. Review and act on 90 percent of priority efficacy supplements within 6 months of receipt.
3. Resubmitted Efficacy Supplements
 - a. Review and act on 90 percent of Class 1 resubmitted efficacy supplements within 2 months of receipt.
 - b. Review and act on 90 percent of Class 2 resubmitted efficacy supplements within 6 months of receipt.
4. Original Manufacturing Supplements
 - a. Review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.
 - b. Review and act on 90 percent of all other manufacturing supplements within 6 months of receipt.
5. Review Performance Goal Extensions
 - a. Major Amendments
 - i. A major amendment to an original application, efficacy supplement, or resubmission

of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

ii. A major amendment may include, for example, a major new clinical safety/efficacy study report; major re-analysis of previously submitted study(ies); submission of a Risk Evaluation and Mitigation Strategy (REMS) with Element to Assure Safe Use (ETASU) not included in the original application; or significant amendment to a previously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

iii. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

iv. Only one extension can be given per review cycle.

v. Consistent with the underlying principles articulated in the GRMP guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

b. Inspection of Facilities Not Adequately Identified in an Original Application or Supplement

i. All original applications, including those in the "Program," (see Section I.B.2) and supplements are expected to include a comprehensive and readily located list of all manufacturing facilities included or referenced in the application or supplement. This list provides FDA with information needed to schedule inspections of manufacturing facilities that may be necessary before approval of the original application or supplement.

ii. If, during FDA's review of an original application or supplement, the Agency identifies a manufacturing facility that was not included in the comprehensive and readily located list, the goal date may be extended.

1) If FDA identifies the need to inspect a manufacturing facility that is not included as part of the comprehensive and readily located list in an original application or efficacy supplement, the goal date may be extended by three months.

2) If FDA identifies the need to inspect a manufacturing facility that is not included as part of the comprehensive and readily located list in a manufacturing supplement, the goal date may be extended by two months.

6. These review goals are summarized in the following tables:

TABLE 1

Submission Cohort	Standard	Priority
NME NDAs and original BLAs	90% in 10 months of the 60-day filing date	90% in 6 months of the 60-day filing date
Non NME NDAs	90% in 10 months of the receipt date	90% in 6 months of the receipt date
Class 1 Resubmissions	90% in 2 months of the receipt date	90% in 2 months of the receipt date
Class 2 Resubmissions	90% in 6 months of the receipt date	90% in 6 months of the receipt date
Original Efficacy Supplements	90% in 10 months of the receipt date	90% in 6 months of the receipt date
Class 1 Resubmitted Efficacy Supplements	90% in 2 months of the receipt date	90% in 2 months of the receipt date
Class 2 Resubmitted Efficacy Supplements	90% in 6 months of the receipt date	90% in 6 months of the receipt date

TABLE 2

	Prior Approval	All Other
Manufacturing Supplements	90% in 4 months of the receipt date	90% in 6 months of the receipt date

B. Program for Enhanced Review Transparency and Communication for NME NDAs and Original BLAs

To promote transparency and communication between the FDA review team and the applicant, FDA will apply the following model ("the Program") to the review of all New Molecular Entity New Drug Applications (NME NDAs) and original Biologics License Applications (BLAs), including applications that are resubmitted following a Refuse-to-File decision, received from October 1, 2022, through September 30, 2027. The goal of the Program is to promote the efficiency and effectiveness of the first cycle review process and minimize the number of review cycles necessary for approval, ensuring that patients have timely access to safe, effective, and high quality new drugs and biologics.

Approach to Application Review. The standard approach for the review of NME NDAs and original BLAs is described in this section. However, the FDA review team and the applicant may discuss and reach mutual agreement on an alternative approach to the timing and nature of interactions and information exchange between the applicant and FDA, i.e., a Formal Communication Plan for the review of the NME NDA or original BLA. The Formal Communication Plan may include elements of the standard approach (e.g., a mid-cycle communication or a late-cycle meeting) as well as other interactions that sometimes occur during the review process (e.g., a meeting during the filing period to discuss the application, i.e., an "application orientation meeting"). If appropriate, the Formal Communication Plan should specify those elements of the Program that FDA and the applicant agree are unnecessary for the application under review. If the review team and the applicant anticipate developing a Formal Communication Plan, the elements of the plan should be discussed and agreed to at the pre-submission meeting (see Section I.B.1) and reflected in the meeting minutes. The Formal Communication Plan may be reviewed and

amended at any time based on the progress of the review and the mutual agreement of the review team and the applicant. For example, the review team and the applicant may mutually agree at any time to cancel future specified interactions in the Program (e.g., the late-cycle meeting) that become unnecessary (e.g., because previous communications between the review team and the applicant are sufficient). Any amendments made to the Formal Communication Plan should be consistent with the goal of an efficient and timely first cycle review process and not impede the review team's ability to conduct its review.

The remainder of Section I.B describes the parameters that will apply to FDA's review of applications in the Program.

1. Pre-submission meeting: The applicant is strongly encouraged to discuss the planned content of the application with the appropriate FDA review division at a pre-NDA/BLA meeting. This meeting will be attended by the FDA review team, including appropriate senior FDA staff.

a. The pre-NDA/BLA meeting should be held sufficiently in advance of the planned submission of the application to allow for meaningful response to FDA feedback and should generally occur not less than 2 months prior to the planned submission of the application.

b. In addition to FDA's preliminary responses to the applicant's questions, other potential discussion topics include preliminary discussions on the need for REMS or other risk management actions, and, where applicable, the development of a Formal Communication Plan and a timeline for review activities associated with a scheduling recommendation under the Controlled Substances Act for drugs with abuse potential. These discussions will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

c. The FDA and the applicant will agree on the content of a complete application for the proposed indication(s) at the pre-submission meeting. The FDA and the applicant may

also reach agreement on submission of a limited number of application components not later than 30 calendar days after the submission of the original application. These submissions must be of a type that would not be expected to materially impact the ability of the review team to begin its review. These agreements will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

i. Examples of application components that may be appropriate for delayed submission include updated stability data (e.g., 15-month data to update 12-month data submitted with the original submission) or the final audited report of a preclinical study (e.g., carcinogenicity) where the final draft report is submitted with the original application.

ii. Major components of the application (e.g., the complete study report of a Phase 3 clinical trial or the full study report of required long-term safety data) are expected to be submitted with the original application and are not subject to agreement for late submission.

2. Original application submission: Applications are expected to be complete, as agreed between the FDA review team and the applicant at the pre-NDA/BLA meeting, at the time of original submission of the application. If the applicant does not have a pre-NDA/BLA meeting with FDA, and no agreement exists between FDA and the applicant on the contents of a complete application or delayed submission of certain components of the application, the applicant's submission is expected to be complete at the time of original submission.

a. All applications are expected to include a comprehensive and readily located list of all clinical sites and manufacturing facilities included or referenced in the application.

b. Any components of the application that FDA agreed at the pre-submission meeting could be submitted after the original application are expected to be received not later than 30 calendar days after receipt of the original application.

c. Incomplete applications, including applications with components that are not received within 30 calendar days after receipt of the original submission, will be subject to a Refuse-to-File decision.

d. The following parameters will apply to applications that are subject to a Refuse-to-File decision and are subsequently filed over protest:

i. The original submission of the application will be subject to the review performance goal as described in Section I.B.4.

ii. The application will not be eligible for the other parameters of the Program (e.g., mid-cycle communication, late-cycle meeting).

iii. FDA generally will not review amendments to the application during any review cycle. FDA also generally will not issue information requests to the applicant during the agency's review.

iv. The resubmission goals described in Sections I.A.1.e and I.A.1.f will not apply to any resubmission of the application following an FDA complete response action. Any such resubmission will be reviewed as available resources permit.

e. Since applications are expected to be complete at the time of submission, unsolicited amendments are expected to be rare and not to contain major new information or analyses. Review of unsolicited amendments, including those submitted in response to an FDA communication of deficiencies, will be handled in accordance with the GRMP guidance. This guidance includes the underlying principle that FDA will consider the most efficient path toward completion of a comprehensive review that addresses application deficiencies and leads toward a first cycle approval when possible.

3. Day 74 Letter: FDA will follow existing procedures regarding identification and communication of filing review issues in the "Day 74 letter." For applications subject to the Program, the timeline for this communication will be within 74 calendar days from the date of FDA receipt of the original submission. The planned review timeline included in the Day 74 letter for applications in the Program will include the planned date for the internal mid-cycle review meeting. The letter will also include preliminary plans on whether to hold an Advisory Committee (AC) meeting to discuss the application. If applicable, the Day 74 letter will serve as notification to the applicant that the review division intends to conduct an expedited review (See Section I.E).

4. Review performance goals: For NME NDA and original BLA submissions that are filed by FDA under the Program, the PDUFA review clock will begin at the conclusion of the 60-day filing review period that begins on the date of FDA receipt of the original submission. The review performance goals for these applications are as follows:

a. Review and act on 90 percent of standard NME NDA and original BLA submissions within 10 months of the 60-day filing date.

b. Review and act on 90 percent of priority NME NDA and original BLA submissions within 6 months of the 60-day filing date.

5. Mid-Cycle Communication: The FDA Regulatory Project Manager (RPM), and other appropriate members of the FDA review team (e.g., Cross Discipline Team Leader (CDTL)), will call the applicant, generally within 2 weeks following the Agency's internal mid-cycle review meeting, to provide the applicant with an update on the status of the review of their application. An agenda will be sent to the applicant prior to the mid-cycle communication. Scheduling of the internal mid-cycle review meeting will be handled in accordance with the GRMP guidance. The RPM will coordinate the specific date and time of the telephone call with the applicant.

a. The update should include any significant issues identified by the review team to date, any information requests, information regarding major safety concerns and preliminary review team thinking and rationale regarding:

1. risk management,

2. the potential need for any post-marketing requirement(s) (PMRs), and

3. the ability of adverse event reporting and FDA's Active Risk Identification and Analysis (ARIA) system under the Sentinel Initiative to provide sufficient information about product risk.

b. The update should also include proposed date(s) for the late-cycle meeting, updates regarding plans for the AC meeting (if an AC meeting is anticipated), an update regarding FDA's review activities associated with a scheduling recommendation under the Controlled Substances Act (if applicable), and other projected milestone dates for the remainder of the review cycle.

c. In the case of an expedited review, FDA will communicate the timelines for the Late-Cycle Meeting and the Late-Cycle Meeting background package (see Section I.B.6) which may occur earlier with more condensed timeframes compared to a review that is not expedited.

6. Late-Cycle and Advisory Committee Meetings: A meeting will be held between the FDA review team and the applicant to discuss the status of the review of the application late in the review cycle. Late-cycle meetings will generally be face-to-face meetings; however, the meeting may be held by teleconference if FDA and the applicant agree. Since the application is expected to be complete at the time of submission, FDA intends to complete primary and secondary reviews of the application in advance of the planned late-cycle meeting.

a. FDA representatives at the late-cycle meeting are expected to include the signatory authority for the application, review team members from appropriate disciplines, and appropriate team leaders and/or supervisors from disciplines for which substantive issues have been identified in the review to date.

b. For applications that will be discussed at an AC meeting, the following parameters apply:

1. FDA intends to convene AC meetings no later than 2 months (standard review) or no later than 6 weeks (priority review) prior to the PDUFA goal date. The late-cycle meeting will occur not less than 12 calendar days before the date of the AC meeting.

2. FDA intends to provide final questions for the AC to the applicant and the AC not less than 2 calendar days before the AC meeting.

3. Following an AC Meeting, FDA and the applicant may agree on the need to discuss feedback from the AC for the purpose of facilitating the remainder of the review. Such a meeting will generally be held by teleconference without a commitment for formal meeting minutes issued by the agency.

c. For applications that will not be discussed at an AC meeting, the late-cycle meeting will generally occur not later than 3 months (standard review) or two months (priority review) prior to the PDUFA goal date.

d. Late-Cycle Meeting Background Packages: The Agency background package for the late-cycle meeting will be sent to the applicant not less than 10 calendar days (or 2 calendar days for an expedited review) before the late-cycle meeting. The package will consist of a brief memorandum from the review team outlining substantive application issues (e.g., deficiencies identified by primary and secondary reviews), the Agency's background package for the AC meeting (in-

corporated by reference if previously sent to the applicant), potential questions and/or points for discussion for the AC meeting (if planned) and the current assessment of the need for REMS or other risk management actions. If the application is subject to an expedited review, the background package may be streamlined using a bulleted list to identify issues to be discussed.

e. Late-Cycle Meeting Discussion Topics: Potential topics for discussion at the late-cycle meeting include major deficiencies identified to date; issues to be discussed at the AC meeting (if planned); current assessment of the need for REMS and current assessment of the sufficiency of adverse event reporting and the ARIA system to provide information on product risk and the rationale for potential need for a PMR to characterize product risk or other risk management actions; status update of FDA's review activities associated with a scheduling recommendation under the Controlled Substances Act, if applicable; information requests from the review team to the applicant; and additional data or analyses the applicant may wish to submit.

i. With regard to submission of additional data or analyses, the FDA review team and the applicant will discuss whether such data will be reviewed by the Agency in the current review cycle and, if so, whether the submission will be considered a major amendment and trigger an extension of the PDUFA goal date.

7. Inspections: FDA's goal is to complete all GCP, GLP, and GMP inspections for applications in the Program within 6 months of the date of original receipt for priority applications and within 10 months of the date of original receipt for standard applications. This will allow 2 months at the end of the review cycle to attempt to address any deficiencies identified by the inspections.

C. New Molecular Entity (NME) Milestones and Postmarketing Requirements (PMRs)

FDA will continue to review, oversee, track, and communicate postmarketing drug safety issues.

1. Pre-approval review of PMRs: The Agency recognizes the importance of PMRs to ensure the timely availability of information on the safety and efficacy of therapies to the United States public. Therefore, FDA will establish processes to support consistency and predictability for both the Agency and applicants throughout the identification, determination, and evaluation of postmarketing studies.

FDA will establish the following pre-approval process enhancements and guidelines in PDUFA VII:

a. For standard NME NDAs and original BLAs, FDA will communicate details on anticipated PMRs required under Section 505(o)(3), PREA, Accelerated Approval, and the Animal Rule to the applicant no later than 8 weeks prior to the PDUFA action goal date.

b. For priority NME NDAs and original BLAs, FDA will communicate details on anticipated PMRs required under Section 505(o)(3), PREA, Accelerated Approval, and the Animal Rule to the applicant no later than 6 weeks prior to the PDUFA action goal date.

c. The communications described above in clauses (a) and (b) will summarize FDA's preliminary evaluation of required postmarketing studies, including the study purpose, critical study design elements including type of study and study population, timelines for discussions and engagement on the PMR for the remainder of the review cycle, and for 505(o)(3) PMRs the specific serious risk.

d. If a major safety issue which requires a PMR is identified based on data submitted

subsequent to submission of the application these timelines may not apply.

FDA's performance goals for standard NME NDAs and original BLAs will be phased in, starting in FY 2023 as follows:

a. In FY 2023, communicate anticipated PMRs to the applicant no later than 8 weeks prior to the PDUFA action goal date for 60% of standard NME NDAs and original BLAs.

b. In FY 2024, communicate anticipated PMRs to the applicant no later than 8 weeks prior to the PDUFA action goal date for 70% of standard NME NDAs and original BLAs.

c. In FY 2025, communicate anticipated PMRs to the applicant no later than 8 weeks prior to the PDUFA action goal date for 80% of standard NME NDAs and original BLAs.

d. In FY 2026, communicate anticipated PMRs to the applicant no later than 8 weeks prior to the PDUFA action goal date for 80% of standard NME NDAs and original BLAs.

e. In FY 2027, communicate anticipated PMRs to the applicant no later than 8 weeks prior to the PDUFA action goal date for 80% of standard NME NDAs and original BLAs.

FDA's performance goals for priority NME NDAs and original BLAs will be phased in, starting in FY 2023 as follows:

a. In FY 2023, communicate anticipated PMRs to the applicant no later than 6 weeks prior to the PDUFA action goal date for 60% of priority NME NDAs and original BLAs.

b. In FY 2024, communicate anticipated PMRs to the applicant no later than 6 weeks prior to the PDUFA action goal date for 70% of priority NME NDAs and original BLAs.

c. In FY 2025, communicate anticipated PMRs to the applicant no later than 6 weeks prior to the PDUFA action goal date for 80% of priority NME NDAs and original BLAs.

d. In FY 2026, communicate anticipated PMRs to the applicant no later than 6 weeks prior to the PDUFA action goal date for 80% of priority NME NDAs and original BLAs.

e. In FY 2027, communicate anticipated PMRs to the applicant no later than 6 weeks prior to the PDUFA action goal date for 80% of priority NME NDAs and original BLAs.

For the purposes of tracking and reporting metrics on all PMR goals described above, FDA will calculate metrics based on all NME and original BLA applications with issued PMRs, including Section 505(o)(3), PREA, Accelerated Approval, and the Animal Rule.

In addition, FDA will enhance clarity and transparency for the NME Review Program by updating all relevant Manuals of Policies and Procedures (MAPPs), Standard Operating Procedures and Policies (SOPPs), and guidances regarding the pre-approval processes for establishing PMRs beginning FY 2023 and finalizing by the end of FY 2027. The Agency will also conduct training for all relevant review and program support staff on updated processes related to postmarketing studies beginning FY 2023, including:

a. Preliminary communication with applicants at mid-cycle for PMRs, PMCs, and REMS.

b. Processes and procedures for ARIA sufficiency determination.

2. Post-approval review of existing PMRs: In addition to mechanisms currently in place for FDA to review existing PMRs (e.g., Annual Status Reports (ASRs), protocol submissions), applicants may also request review of existing PMRs for release. FDA will establish an additional process for reviewing sponsor-initiated requests as summarized below:

a. The applicant will submit a request summarizing their rationale for why an existing PMR is no longer needed, including all necessary supporting data and information.

b. The relevant FDA review division/office and discipline will initiate review of the request. FDA will notify the applicant of any additional information considered necessary

to evaluate the request within 45 days of receipt.

c. FDA will respond to the applicant with a decision within 60 days of receipt of the original request or within 60 days of receipt of the additional information requested by FDA described in the previous step, whichever is later. FDA's response can be an agreement letter or a non-agreement letter. In a case of a non-agreement letter, the FDA will provide a rationale for their decision.

d. If FDA's response is a non-agreement letter, the applicant may submit a request to the review division for reconsideration by the appropriate committee(s) described in (e) below with justification, and any additional information, and/or data if appropriate.

e. Upon receipt of a reconsideration request, the review division/office will discuss with the appropriate internal committee that includes senior Agency leadership (e.g., Medical Policy and Program Review Committee, Medical Policy Coordinating Committee, and Pediatric Review Committee).

f. The review division/office will issue a written response within 45 days of receipt of the reconsideration request. FDA's response can be an agreement letter or a non-agreement letter. In a case of a non-agreement letter, the FDA will provide a rationale for their decision.

The process and timelines described above will be incorporated into all relevant MAPPs, SOPPs, and guidances beginning FY 2023 and finalizing by the end of FY 2027 and will not be PDUFA-tracked metrics or subject to performance goals.

D. Split Real Time Application Review (STAR) Pilot Program

FDA will establish a STAR pilot program, which has the goal of shortening the time from the date of complete submission to the action date, in order to allow earlier patient access to therapies that address an unmet medical need. The STAR pilot program will apply to efficacy supplements across all therapeutic areas and review disciplines that meet specific criteria. Accepted STAR applications will be submitted in a "split" fashion, specifically in two parts (with the components submitted approximately 2 months apart).

1. Scope: The STAR program will seek to expedite patient access to novel uses for existing therapies by supporting initiation of review earlier than would otherwise occur and therefore allowing earlier approval for qualified efficacy supplements. This program will apply across all therapeutic areas and review disciplines for applications that meet specific criteria. An application will be considered eligible for STAR if each of the following criteria are met:

a. Clinical evidence from adequate and well-controlled investigation(s) indicates that the drug may demonstrate substantial improvement on a clinically relevant endpoint(s) over available therapies.

i. Breakthrough Therapy Designation (BTD) or Regenerative Medicine Advanced Therapy Designation (RMAT) is not required, but above criteria must be met.

b. The application is for a drug intended to treat a serious condition with an unmet medical need.

c. No aspect of the submission is likely to require a longer review time (e.g., requirement for new REMS, etc.).

d. There is no chemistry, manufacturing, or control information that would require a foreign manufacturing site inspection (i.e., domestic site inspections may be allowed if it does not affect the expedited timeframe).

2. Process and Timeline: The following steps summarize the process for applying to and participating in the STAR program:

a. An applicant who believes an efficacy supplement qualifies for review under the

STAR program will request an informal pre-submission teleconference with FDA and provide FDA with topline trial results and proposed labeling.

i. Alternatively, the preliminary discussion may take place as part of a pre-sNDA/sBLA meeting.

b. If FDA agrees that the pre-submission request meets the STAR program eligibility criteria, the application will be accepted into the STAR program, and the applicant will agree to provide the complete application in two parts (these two parts are described in the Split Submission Components section below or as agreed to with the Review Division).

c. FDA will initiate review of the data upon receipt of the Part 1 submission.

d. The PDUFA timeline will begin upon receipt of the Part 2 submission (which completes the application). FDA intends to follow the expedited review timelines (as described in Section I.E below). These timelines target taking an action at least 1 month earlier than the applicable PDUFA goal date.

e. The filing meeting will be scheduled within 30 days of FDA's receipt of the Part 2 submission. During the filing meeting, FDA will determine an action date at least 1 month in advance of the priority 6-month PDUFA goal date.

i. FDA will notify the applicant of the intended action date in the filing letter. The PDUFA goal date will remain unchanged.

3. Split Submission Components: Applications reviewed under the STAR program will comprise two separate submissions.

a. The Part 1 submission initiates FDA's review and will contain:

i. All components of the NDA/BLA efficacy supplement (e.g., complete datasets, proposed labeling, clinical protocols and amendments, topline efficacy and safety results), except for final clinical study reports for the adequate and well-controlled investigation(s) supporting the proposed claim and the eCTD module 2 clinical summaries, and

ii. A document providing topline results for each of the adequate and well-controlled investigations will also be provided in the Part 1 submission.

Any modifications to submission content are at the discretion of the OND/CDER clinical division or CBER review office and must be agreed to in advance.

b. The Part 2 submission initiates the PDUFA timeline and will contain:

i. The clinical study reports for the adequate and well-controlled investigation(s) (e.g., Phase 3 studies) intended to support the proposed indication, and

ii. The eCTD module 2 clinical summaries not included in the Part 1 submission.

Part 1 will be submitted approximately 2 months, and not longer than 3 months, in advance of Part 2. If the Part 1 submission is incomplete (i.e., it does not include every component described in Section D.3.a. above, except for easily correctable minor deficiencies of components not essential to initiating review, as determined by the OND/CDER division or CBER review office), the review will not be initiated until the application is complete and the application will no longer be considered within the STAR program.

4. Transparency: The Agency will develop a public-facing webpage outlining detailed criteria for potential acceptance and participation in the STAR program by October 1, 2022. FDA will conduct an interim assessment that includes internal activities related to STAR by the end of FY 2025. FDA will also conduct a public workshop by the end of Q2 in FY 2026 to discuss the potential value and feasibility of expanding the pilot program to select NME NDAs and BLAs and solicit feedback on experiences with the pilot program

from industry stakeholders. Outputs from the assessment and workshop will be published in a publicly available report summarizing both overall metrics for the pilot program and external stakeholder feedback, including the percentage of applications accepted into the program based on the number of requests and the percentage of applications that had an action date at least 1 month in advance of the priority 6-month PDUFA goal date. FDA will also commit to training review staff on STAR processes and providing a publicly available report summarizing training activities conducted.

5. Implementation: The STAR program will be available to applicants beginning in FY 2023. Expediting reviews will be fully implemented by FY 2024 to allow time for FDA to hire necessary staff to support the expedited timeline.

E. Expedited Reviews

The term “expedited review” in this letter refers to FDA’s review of either 1) a human drug application in the Program that has received priority review designation and the FDA review team identifies as meeting an important public health need, or 2) an efficacy supplement in the STAR pilot program, where the review team plans to act at least 1 month before the PDUFA goal date provided that no significant application deficiencies prevent an early action. In such cases the FDA review team intends to make every effort to conduct an expedited review and act early on the application. FDA conducts expedited reviews to promote timely access to critically needed therapies for patients without compromising FDA’s high standards for demonstrating the safety, efficacy, and quality of new medicines. If significant application deficiencies are identified by the review team at any time during an expedited review, FDA intends to revert, for the remainder of the review, to the normal priority review approach, and will inform the applicant accordingly.

F. Review of Proprietary Names to Reduce Medication Errors

To enhance patient safety, FDA is committed to various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error-prone label and packaging design. The following performance goals apply to FDA’s review of drug and biological product proprietary names during development (as early as end-of-phase 2) and during FDA’s review of a marketing application:

1. Proprietary Name Review Performance Goals During Drug Development

a. Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.

b. In the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

c. In the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

d. A complete submission is required to begin the review clock.

2. Proprietary Name Review Performance Goals During Application Review

a. Review 90% of NDA/BLA proprietary name submissions filed within 90 days of receipt. Notify applicant of tentative acceptance/non-acceptance.

b. A supplemental review will be done meeting the above review performance goals

if the proprietary name has been submitted previously (investigational new drug (IND) phase after end-of-phase 2) and has received tentative acceptance.

c. In the proprietary name is found to be unacceptable, the applicant can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).

d. In the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.

e. A complete submission is required to begin the review clock.

G. Major Dispute Resolution

1. Procedure:

For procedural or scientific matters involving the review of human drug applications and supplements (as defined in PDUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to appeals of decisions will occur within 30 calendar days of the Center’s receipt of the written appeal.

2. Performance goal:

90% of such answers are provided within 30 calendar days of the Center’s receipt of the written appeal.

3. Conditions:

a. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

b. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

c. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

d. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the “response” should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee (AC)).

e. In these cases, once the required information is received by the Agency (including any advice from an AC), the person to whom the appeal was made again has 30 calendar days from the receipt of the required information in which to either grant or deny the appeal.

f. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

g. N.B. If the Agency decides to present the issue to an AC and there are not 30 days before the next scheduled AC, the issue will be presented at the following scheduled committee meeting to allow conformance with AC administrative procedures.

H. Clinical Holds

1. Procedure:

The Center should respond to a sponsor’s complete response to a clinical hold within 30 days of the Agency’s receipt of the submission of such sponsor response.

2. Performance goal:

90% of such responses are provided within 30 calendar days of the Agency’s receipt of the sponsor’s response.

I. Special Protocol Question Assessment and Agreement

1. Procedure:

Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

a. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., is the dose range in the carcinogenicity study adequate, considering the intended clinical dosage; are the clinical endpoints adequate to support a specific efficacy claim).

b. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

c. Protocols that qualify for this program include: carcinogenicity protocols, stability protocols, and Phase 3 protocols for clinical trials that will form the primary basis of an efficacy claim. For such Phase 3 protocols to qualify for this comprehensive protocol assessment, the sponsor must have had an end-of-Phase 2/pre-Phase 3 meeting with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

d. N.B. For products that will be using Subpart E or Subpart H development schemes, the Phase 3 protocols mentioned in this paragraph should be construed to mean those protocols for trials that will form the primary basis of an efficacy claim no matter what phase of drug development in which they happen to be conducted.

e. If a protocol is reviewed under the process outlined above and agreement with the Agency is reached on design, execution, and analyses and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

2. Performance goal:

90% of special protocol assessments and agreement requests completed and returned to sponsor within the timeframe.

3. Reporting:

The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

J. Meeting Management Goals

Formal PDUFA meetings between sponsors and FDA consist of Type A, B, B(EOP), C, Type D and INTERACT meetings. FDA plays an active role during drug development by providing advice and feedback to sponsors on the overall drug development programs during meetings conducted between sponsors

and FDA. In general, FDA’s guidance provided at these meetings describe the Agency’s current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited. These meetings are further described below.

Type A meetings are those meetings that are necessary for an otherwise stalled drug development program to proceed (i.e., a “critical path” meeting) or to address an important safety issue. Post-action meetings requested within three months after an FDA regulatory action other than approval (i.e., issuance of a complete response letter) will also generally be considered Type A meetings.

Type B meetings include pre-IND meetings and pre-NDA/BLA meetings, while Type B(EOP) meetings are reserved for certain End-of-Phase 1 meetings (i.e., for 21 CFR Part 312 Subpart E or 21 CFR Part 314 Subpart H or similar products) and End-of-Phase 2/pre-Phase 3 meetings. Meetings regarding REMS or postmarketing requirements that occur outside the context of the review of a marketing application will also generally be considered Type B meetings.

A Type C meeting is any type of meeting other than Type A, B, B(EOP), D, or INTERACT.

A Type D meeting is focused on a narrow set of issues (e.g., often one, but typically not more than two issues and associated questions). Requests could include:

A follow-up question that raises a new issue after a formal meeting (i.e., more than just a clarifying question about an FDA response from a prior meeting);

A narrow issue on which the sponsor is seeking Agency input with only a few associated questions; or

A general question about an innovative development approach that does not require extensive, detailed advice.

Type D meetings should be limited to no more than 2 focused topics. If the sponsor has several issues or a complex single issue with multiple questions, a Type C meeting should be requested rather than requesting several Type D meetings. In addition, the issue should not require input from more than 3 disciplines or Divisions. If the scope of the meeting is broad or includes complex questions/issues that require input from more than 3 disciplines or Divisions, then FDA will inform the sponsor that the Agency will be converting the meeting to the appropriate meeting type (Type B or C) and the sponsor can either withdraw their request or accept the FDA’s meeting-type conversion without re-submitting a new meeting request.

1. Initial Targeted Engagement for Regulatory Advice on CBER/CDER Products (INTERACT) meetings are intended for novel questions and unique challenges in early development (i.e., prior to filing of an IND). The issues typically relate to IND requirements for example: questions regarding design of IND-enabling toxicity studies (e.g., species, endpoints), complex manufacturing technologies or processes, development of innovative devices used with a drug or biologic, or the use of cutting-edge testing methodologies. INTERACT meetings are intended to facilitate IND-enabling efforts where the sponsor is facing a novel, challenging issue that might otherwise delay progress of the product towards entry into the clinic in the absence of this early FDA input. Typically, the issue is early in a development program—prior to when a pre-IND meeting might be requested—and the issue may delay initiation of, or progress of, IND-enabling studies. The sponsor needs to have selected a specific investigational product or a product-derivation strategy to evaluate in a clinical

study before requesting an INTERACT meeting.

a. Questions and topics within the scope of an INTERACT meeting include:

i. Novel questions for all CDER and CBER products (i.e., questions where there is no existing guidance or other information in writing the company could reference from FDA).

ii. These meetings are intended to provide FDA input on issues that a sponsor needs to address prior to a pre-IND meeting, including issues such as:

1) Choice of appropriate preclinical models or necessary toxicology studies for novel drug platforms or drug candidates;

2) CMC issues or testing strategies aimed to demonstrate product safety, adequate to support first-in-human study;

3) Overall advice related to the design of proof-of-concept or other pilot safety/biodistribution studies necessary to support administration of an investigational product in a first-in-human clinical trial;

4) General recommendations regarding a future first-in-human trial in a target clinical population where the population is novel and there is no prior precedent or guidance;

5) Recommendations on approach for further development of an early-stage product with limited CMC, pharmacology/toxicology, and/or clinical data that were collected outside of a US IND; and

6) Other topics that would be agreed upon by FDA.

2. Responses to Meeting Requests

a. Procedure: FDA will notify the requester in writing of the date, time, and place for the meeting, as well as expected Center participants following receipt of a formal meeting request. Table 3 below indicates the timeframes for FDA’s response to a meeting request.

TABLE 3

Meeting Type	Response Time (calendar days)
A	14
B	21
B(EOP)	14
C	21
D	14
INTERACT	21

i. For any type of meeting, the sponsor may request a written response to its questions rather than a face-to-face or teleconference meeting. FDA will review the request and make a determination on whether a written response is appropriate or whether a face-to-face or teleconference meeting is necessary. If a written response is deemed appropriate, FDA will notify the requester of the date it intends to send the written response in the Agency’s response to the meeting request. This date will be consistent with the timeframes specified in Table 4 below for the specific meeting type.

ii. For pre-IND, Type C, Type D, and INTERACT meetings, while the sponsor may request a face-to-face meeting, the Agency may determine that a written response to the sponsor’s questions would be the most appropriate means for providing feedback and advice to the sponsor. When it is determined that the meeting request can be appropriately addressed through a written response, FDA will notify the requester of the date it intends to send the written response in the Agency’s response to the meeting request. This date will be consistent with the timeframes specified in Table 4 below for the specific meeting type. If the sponsor believes a face-to-face Pre-IND meeting is valuable and warranted, then the sponsor may provide a rationale in a follow-up correspondence explaining why a face-to-face meeting is valuable and warranted, and FDA will convert

where possible WRO to a face-to-face meeting for requests that includes novel approaches to clinical development and/or where precedents are not well established.

b. Performance Goal: FDA will respond to meeting requests and provide notification within the response times noted in Table 3 for 90% of each meeting type.

3. Scheduling Meetings

a. Procedure: FDA will schedule the meeting on the next available date at which all applicable Center personnel are available to attend, consistent with the component’s other business; however, the meeting should be scheduled consistent with the type of meeting requested. Table 4 below indicates the timeframes for the scheduled meeting date following receipt of a formal meeting request, or in the case of a written response, the timeframes for the Agency to send the written response. If the requested date for any meeting type is greater than the specified timeframe, the meeting date should be within 14 calendar days of the requested date.

Table 4

Meeting Type	Meeting Scheduling or Written Response Time
A	30 calendar days from receipt of meeting request
B	60 calendar days from receipt of meeting request
B(EOP)	70 calendar days from receipt of meeting request
C	75 calendar days from receipt of meeting request
D	50 calendar days from receipt of meeting request
INTERACT	75 calendar days from receipt of meeting request

b. Performance goal:

i. Type A, B, B(EOP) and C meetings: 90% of meetings are held within the timeframe for each meeting type, and 90% of written responses are sent within the timeframe for each meeting type.

ii. Type D meeting: performance goals for FDA will be phased in, starting in FY 2023 as follows:

1) By FY 2023, hold 50% of Type D meetings, or send written response, within 50 calendar days from receipt of meeting request.

2) By FY 2024, hold 60% of Type D meetings, or send written response, within 50 calendar days from receipt of meeting request.

3) By FY 2025, hold 70% of Type D meetings, or send written response, within 50 calendar days from receipt of meeting request.

4) By FY 2026, hold 80% of Type D meetings, or send written response, within 50 calendar days from receipt of meeting request.

5) By FY 2027, hold 90% of Type D meetings, or send written response, within 50 calendar days from receipt of meeting request.

INTERACT meeting: performance goals for FDA will be phased in, starting in FY 2023 as follows:

1) By FY 2023, hold 50% of INTERACT meetings, or send written response, within 75 calendar days from receipt of meeting request.

2) By FY 2024, hold 60% of INTERACT meetings, or send written response, within 75 calendar days from receipt of meeting request.

3) By FY 2025, hold 70% of INTERACT meetings, or send written response, within 75 calendar days from receipt of meeting request.

4) By FY 2026, hold 80% of INTERACT meetings, or send written response, within 75 calendar days from receipt of meeting request.

5) By FY 2027, hold 90% of INTERACT meetings, or send written response, within 75 calendar days from receipt of meeting request.

4. Meeting Background Packages

The timing of the Agency’s receipt of the sponsor background package for each meeting type (including those meetings for which a written response will be provided) is specified in Table 5 below.

TABLE 5

Meeting Type	Receipt of Background Package
A	At the time of the meeting request
B	30 calendar days before the date of the meeting or expected written response
B(EOP)	50 calendar days before the date of the meeting or expected written response*
C	47 calendar days before the date of the meeting or expected written response*
D	At the time of the meeting request
INTERACT	At the time of the meeting request

* If the scheduled date of a Type B(EOP) or C meeting is earlier than the timeframes specified in Table 4, the meeting background package will be due no sooner than 6 calendar days and 7 calendar days following the response time for Type B(EOP) and C meetings specified in Table 3, respectively.

5. Preliminary Responses to Sponsor Questions

a. Procedure: The Agency will send preliminary responses to the sponsor's questions contained in the background package no later than five calendar days before the meeting date for Type B(EOP), C, D, and INTERACT meetings. For all other meeting types, the FDA intends to send the requester its preliminary responses no later than 2 calendar days before the meeting.

b. Performance goal: 90% of preliminary responses to questions for Type B(EOP), D, and INTERACT meetings are issued by FDA no later than five calendar days before the meeting date.

6. Sponsor Notification to FDA

Not later than three calendar days following the sponsor's receipt of FDA's preliminary responses for a Type B(EOP), D, INTERACT, or C meeting, the sponsor will notify FDA of whether the meeting is still needed, and if it is, the anticipated agenda of the meeting given the sponsor's review of the preliminary responses.

7. Meeting Minutes

a. Procedure: The Agency will prepare minutes that will be available to the sponsor 30 calendar days after the meeting for Type A, B, B(EOP), C, and D. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail. Meeting minutes are not required if the Agency transmits a written response for any meeting type. For INTERACT meetings, preliminary responses will be annotated and resent within 30 calendar days if advice provided changes as a result of the meeting. In cases of a WRO, the WRO will serve as meeting minutes from FDA.

b. Performance goal: 90% of minutes are issued within 30 calendar days of the date of the meeting.

8. Conditions

For a meeting to qualify for these performance goals:

A written request must be submitted to the review division.

b. The written request must provide:

i. A brief statement of the purpose of the meeting and the sponsor's proposal for either a face-to-face/virtual/teleconference meeting or a written response from the Agency;

ii. A listing of the specific objectives/outcomes the requester expects from the meeting;

iii. A proposed agenda, including estimated times needed for each agenda item;

iv. A listing of planned external attendees;

v. A listing of requested participants/disciplines representative(s) from the Center with an explanation for the request as appropriate; and

vi. The date that the meeting background package will be sent to the Center. Refer to Table 5 for timeframes for the Agency's receipt of background packages.

c. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, re-

quests for a Type B or B(EOP) meeting will be honored except in the most unusual circumstances.

9. Guidance, Clarity, and Transparency

a. By September 30, 2023, FDA will issue a revised draft of the existing draft guidance on "Formal Meetings Between the FDA and Sponsors or Applicants of PDUFA Products" with information pertaining to INTERACT, Type D meetings, and the follow-up opportunity described below. In addition, FDA will update relevant MAPPs and SOPPs.

b. Follow-up opportunity: For all meeting types, to ensure the sponsor's understanding of FDA feedback from meeting discussions or a WRO, sponsors may submit clarifying questions to the agency. Only questions of a clarifying nature will be permitted, i.e., to confirm something in minutes or a WRO issued by FDA, rather than raising new issues or new proposals. FDA will develop criteria and parameters for permissible requests, and FDA may exercise discretion about whether requests are in-scope. The clarifying questions should be sent in writing as a "Request for Clarification" to the FDA within 20 calendar days following receipt of meeting minutes or a WRO. For questions that meet the criteria, FDA will issue a response in writing within 20 calendar days of receipt of the clarifying questions. FDA's response will reference the original meeting minutes or WRO.

c. Training: FDA will conduct external training to ensure the best practices outlined in the draft guidances are communicated to Industry.

K. Enhancing Regulatory Science and Expediting Drug Development

To ensure that new and innovative products are developed and available to patients in a timely manner, FDA will continue to advance the use of biomarkers and pharmacogenomics, enhancing communications between FDA and sponsors during drug development, and advancing the development of drugs for rare diseases. The extension and continuation of this work will encompass further evaluation and enhancement of FDA-sponsor communications, ensuring the sustained success of the breakthrough therapy program, continuing early consultations between FDA and sponsors on the use of new surrogate endpoints as the primary basis for product approval, advancing rare disease drug development, advancing the development of combination products, and exploring the use of real world evidence for use in regulatory decision-making.

1. Promoting Innovation Through Enhanced Communication Between FDA and Sponsors During Drug Development

FDA's philosophy is that timely interactive communication with sponsors during drug development is a core Agency activity to help achieve the Agency's mission to facilitate the conduct of efficient and effective drug development programs, which can enhance public health by making new safe and effective drugs available to the American public in a timely manner. Accordingly, FDA will maintain dedicated drug development communication and training staffs in CDER and CBER, focused on enhancing communication between FDA and sponsors during drug development.

One function of the staff is to serve as a liaison that will facilitate general and, in some cases, specific interactions between sponsors and each Center. The liaison will serve as a point of contact for sponsors who have general questions about drug development or who need clarification on which review division to contact with their questions. The liaison will also serve as a secondary point of contact in each Center for sponsors who are encountering challenges in

communication with the review team for their IND (e.g., in instances when they have not received a response from the review team to a simple or clarifying question or referral to the formal meeting process within 30 days of the sponsor's initial request). In such cases, the liaison will work with the review team and the sponsor to facilitate resolution of the issue.

The second function of the staff is to provide ongoing training to the review organizations on best practices in communication with sponsors. The content of training includes, but is not limited to, FDA's philosophy regarding timely interactive communication with sponsors during drug development as a core Agency activity, best practices for addressing sponsor requests for advice and timely communication of responses through appropriate mechanisms (e.g., teleconferences, secure email, or when questions are best addressed through the formal meetings process), and the role of the liaison staff in each Center in facilitating communication between the review staff and sponsor community, including the staff's role in facilitating resolution of individual communication requests. The staff will also collaborate with sponsor stakeholders (e.g., through participation in workshops, webinars, and other meetings) to communicate FDA's philosophy and best practices regarding communication with sponsors during drug development.

Best Practices for meetings are the responsibility of both Industry and FDA. Efforts from both Industry and FDA are needed in order to continue advancement, improvement, and updating of best practices. To continue to enhance timely interactive communication with sponsors during drug development in PDUFA VII, FDA will do the following:

a. Public Workshop. FDA will hold a public meeting to discuss best practices for meeting management by July 30, 2024, including issues related to submission of meeting requests, efficient time management, coordinating meeting agenda, development and submission of meeting background packages and lessons learned from the Coronavirus Disease 2019 ("COVID-19") pandemic including virtual meeting platforms. Learnings from the public meeting could inform FDA's internal process improvement efforts and, as appropriate, be reflected in updating guidances, as noted below. This public workshop will also discuss and share experience and metrics related to all PDUFA meeting activities, including Type D and INTERACT meetings. FDA will discuss the number of meeting requests granted and denied for INTERACT meetings, including a summary of rationales for denied meeting requests. Reported metrics will include the number of requests granted and denied for in-person pre-IND, Type C, Type D, and INTERACT meetings. FDA and Industry will agree on the information that FDA may share publicly in this meeting.

b. Guidance. Based on the discussion at the public meeting mentioned above in paragraph (a), and FDA's experience with conducting meetings effectively, FDA will update public documents, as appropriate, including publishing revised draft or final version of the Best Practices for Communication Between IND Sponsors and FDA During Drug Development guidance mentioned below, 18 months after the public meeting is held.

c. Training. FDA will conduct external training to ensure the best practices outlined in the guidances are communicated to Industry.

2. Ensuring Sustained Success of Breakthrough Therapy Program

Breakthrough therapy designation is intended to expedite the development and review of drug and biological products, alone or in combination, for serious or life-threatening diseases or conditions when preliminary clinical evidence indicates that the drug may demonstrate substantial improvement over existing therapies. A breakthrough therapy designation includes the features of the fast track program, intensive FDA guidance on an efficient drug development program, and an organizational commitment by FDA involving senior managers. FDA will continue to retain current resources to enable the Agency to continue to work closely with sponsors throughout the breakthrough therapy designation, development, and review processes. Both FDA and the regulated industry are committed to ensuring the expedited development and review of innovative therapies for serious or life-threatening diseases or conditions by investing additional resources into the breakthrough therapy program.

3. Early Consultation on the Use of New Surrogate Endpoints

FDA and industry believe that early consultation between review teams and sponsors is important for development programs where the sponsor intends to use a biomarker as a new surrogate endpoint that has never been previously used as the primary basis for product approval in the proposed context of use. Early consultation in the drug development program allows the review team to consult with FDA senior management to evaluate the sponsor's proposal before providing advice regarding the proposed biomarker as a new surrogate endpoint to support accelerated or traditional approval. Requests to engage with FDA on this topic will be considered a Type C meeting request. The purpose of this meeting is to discuss the feasibility of the surrogate as a primary endpoint and identify any gaps in knowledge and how they might be addressed. The outcome of this meeting may require further investigation by the sponsor and discussion and agreement with the agency before the surrogate endpoint could be used as the primary basis for product approval. To qualify for this consultation, these Type C meeting requests must be accompanied by the complete meeting background package at the time the request is made that includes preliminary human data indicating impact of the drug on the biomarker at a dose that appears to be generally tolerable. The remaining meeting procedures as described in Section I.J of this document will apply.

4. Advancing Development of Drugs for Rare Diseases

FDA will build on the success of rare disease programs in CDER and CBER by continuing to advance and facilitate the development and timely approval of drugs and biologics for rare diseases, including rare diseases in children. The Rare Diseases Team staff in CDER will continue to be integrated into review teams for rare disease development programs and application review to provide their unique expertise on flexible and feasible approaches to studying and reviewing such drugs to include, for example, innovative use of biomarkers, consideration of non-traditional clinical development programs, use of adaptive study designs, evaluation of novel endpoints, application of new approaches to statistical analysis, and appropriate use of FDA's expedited development and review programs (i.e., Fast Track, Breakthrough, Priority Review, and Accelerated Approval). CBER, through its Rare Disease Program Staff, will also ensure that its review offices consider such flexible and feasible approaches in review.

The rare disease staff will also continue to provide training to all CDER and CBER re-

view staff related to development, review, and approval of drugs for rare diseases as part of the reviewer training core curriculum. The objective of the training will be to familiarize review staff with the challenges associated with rare disease applications and strategies to address these challenges; to promote best practices for review and regulation of rare disease applications; and to encourage flexibility and scientific judgment among reviewers in the review and regulation of rare disease drug development and application review. The training will also emphasize the important role of the rare disease staff as members of the core review team to help ensure consistency of scientific and regulatory approaches across applications and review teams.

Rare disease staff will continue to engage in outreach to industry, patient groups, and other stakeholders to provide training on FDA's rare disease programs. The staff will continue to foster collaborations in the development of tools (e.g., patient reported outcome measures) and data (e.g., natural history studies) to support development of drugs for rare diseases. In addition, the staff will also facilitate interactions between stakeholders and FDA review divisions to increase awareness of FDA regulatory programs and engagement of patients in FDA's regulatory decision-making.

FDA will include updates on the activities and success of the rare disease programs in the PDUFA annual performance report to include, for example, the number of training courses offered and staff trained, the number of review programs where rare disease staff participated as core team members, and metrics related to engagement with external stakeholders. FDA will also continue to include information on rare disease approvals in its annual reports on innovative drug approvals, including utilization of expedited programs and regulatory flexibility and appropriate comparative metrics to non-rare disease innovative approvals.

a. Rare Disease Endpoint Advancement (RDEA) Pilot Program

The lack of regulatory precedent, small trial populations, and/or limited understanding of disease natural history associated with rare diseases creates unique challenges when determining the appropriate efficacy endpoint(s) for clinical trials intended to evaluate the effectiveness of rare disease therapies.

Though difficult to establish, well-developed efficacy endpoints, especially those that could apply to other rare diseases with similar manifestations, drive the general advancement of rare disease drug development. In addition to challenges associated with developing endpoints that appropriately capture key signs and symptoms of a rare disease and directly measure how patients feel, function, or survive, surrogate endpoint development is also challenging in diseases with slow progression, small patient populations, or other challenges commonly associated with drug development in rare diseases.

Current mechanisms for sponsors of rare disease drug development programs to collaborate with FDA are not structured to provide repeated, intensive interactions with the Agency. To support the advancement of rare disease treatments, FDA will establish a pilot program for supporting efficacy endpoint development for drugs that treat rare diseases by offering additional engagement opportunities with the Agency to sponsors of development programs that meet specific criteria. In addition, FDA will develop the staff capacity to enable and facilitate appropriate development and use of these types of novel endpoints. This staff will support the complex and intensive review work nec-

essary to evaluate novel endpoint development with a focus on the challenges of trial designs utilizing small populations.

Scope. The RDEA pilot program will seek to advance rare disease drug development programs by providing a mechanism for sponsors to collaborate with FDA throughout the efficacy endpoint development process. An endpoint, or endpoints, will be considered eligible for proposal submission to RDEA if each of the following criteria are met:

(1) The associated development program should be active and address a rare disease, with an active IND or pre-IND for the rare disease.

(a) Sponsors who do not yet have an active development program but have, or are initiating, a natural history study where the proposed endpoint is intended to be studied are also eligible to apply.

(b) The FDA may also consider accepting a proposal for a development program for a common disease that includes innovative or novel endpoint elements, including the specific endpoint and/or the methodology being developed, if there is sufficient justification that the proposal could be applicable to a rare disease.

(2) The proposed endpoint is a novel efficacy endpoint intended to establish substantial evidence of effectiveness for a rare disease treatment.

(a) An endpoint is considered novel if it has never been used to support drug approval or if it has been substantially modified from previous use to support drug approval.

(b) Preference will be given to proposals that have the potential to impact drug development more broadly, such as one that uses a novel approach to develop an efficacy endpoint or an endpoint that could potentially be relevant to other diseases. Preference will also be given to accepting proposals that reflect a range of different types of endpoints.

(c) For surrogate endpoint proposals, preference will be given to those with novel approaches for collecting additional clinical data in the pre-market stage to advance the validation of these endpoints. If the sponsor is proposing to develop a surrogate endpoint as part of a rare disease application, participation in a prior Type C Surrogate Endpoint meeting is encouraged.

(3) FDA will select a limited number of qualified proposals for admission into RDEA that increases after the first year of PDUFA VII:

(a) FY 2023: Sponsors may submit proposals beginning in Q4, and FDA will accept a maximum of 1 proposal.

(b) FY 2024-FY 2027: FDA will accept up to 1 proposal per quarter with a maximum of 3 proposals per year.

(c) Expansion of the program may be dependent on FDA staffing.

Process and Timeline. The following steps summarize the process for applying to and participating in the RDEA pilot program:

(1) A sponsor who believes a development program qualifies for participation in RDEA will submit a proposal to FDA that includes a justification addressing each of the criteria described above, including scientific justification for why the endpoint is being explored to measure meaningful clinical benefit in the disease/condition, relevant summaries of pertinent information related to the endpoint from prior studies, as well as a statement indicating if the company is willing to allow disclosure of information for broader development and educational purposes.

(2) FDA will confirm receipt of the sponsor's proposal within 14 days of receipt.

(3) FDA will notify the sponsor with a final selection decision no later than 60 days following the end of the FY quarter during which it is submitted.

(4) Before FDA grants the initial meeting, FDA and the sponsor will agree on the information that FDA may share publicly. When feasible, FDA will notify a sponsor in advance when the sponsor's program is the planned focus of a public discussion. Participation in the pilot program, including such agreement on information disclosure, will be voluntary and at the discretion of the sponsor. If FDA and the sponsor of an accepted proposal are unable to reach agreement on elements for public disclosure, however, that proposal will no longer be part of the RDEA pilot program and the Agency will proceed with an alternate submission.

(5) Sponsors admitted to the RDEA pilot may participate in up to 4 focused meetings with relevant FDA staff to discuss endpoint development.

(a) The sponsor will provide a briefing document upon submission of each meeting request.

(b) Each meeting will be scheduled within 45 days following FDA's receipt of the sponsor's meeting request and complete briefing document.

(c) The scheduling timeline may be shortened for meeting requests to discuss narrow issues and/or questions at FDA's discretion.

(d) The timing between each meeting is flexible and depends on how much time the sponsor needs to identify new issues and/or questions and prepare required materials for the next meeting.

(6) Sponsors who have completed the maximum of 4 RDEA meetings or do not have additional endpoint-focused questions or issues to discuss with FDA may proceed with the standard regulatory submission process.

(a) FDA's advice provided during and between RDEA meetings does not constitute a regulatory decision and is considered non-binding. Completing the 4 RDEA meetings does not guarantee approval for a regulatory submission that includes efficacy endpoints discussed during RDEA meetings.

(b) After completion of 4 RDEA meetings, the sponsor can request additional input from FDA, as needed, through other formal meeting mechanisms, such as Type B, Type C, Type C Surrogate Endpoint, or Type D meetings.

(7) Sponsors who do not participate in the pilot will have an opportunity to interact with the Agency through traditional channels.

iii. Transparency and Endpoint Advancement. As part of RDEA, FDA will conduct up to 3 public workshops by the end of FY 2027 to discuss various topics relevant to endpoint development for rare diseases, such as the use of multidomain analysis methods. To promote innovation and evolving science, novel endpoints developed through RDEA may be presented by FDA, such as in guidance documents, on a public-facing website, or at public workshops as case studies, including prior to FDA's approval for the drug studied in the trial. However, as noted above, before FDA grants the initial RDEA meeting the Agency and the sponsor will agree on the information that FDA may share publicly in these case studies. When feasible, FDA will notify a sponsor in advance when the sponsor's program is the planned focus of a public discussion.

5. Advancing Development of Drug-Device and Biologic-Device Combination Products Regulated by CBER and CDER

a. For Use-Related Risk Analysis (URRA)
Sponsors employ URRA to identify the need for risk mitigation strategies and to design a human factors (HF) validation study. Based on a URRA, a sponsor may propose that a HF validation study is not needed to be submitted to support the safe and effective use of a drug-device or biologic-device combination product. FDA will establish the

following procedures for review of URRA for combination products:

i. The sponsor should submit a request for review of their URRA to their IND. The submission should include specific questions, justification that a HF validation study is not needed to be submitted including any supporting information, and scientific and regulatory requirements for which the sponsor seeks agreement.

ii. Within 60 days of Agency receipt of the URRA and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the URRA and answers to the questions posed by the sponsor. If the Agency does not agree that either the URRA or the sponsor's justification are adequate to support the absence of a HF validation study, the reasons for the disagreement will be explained in the response.

iii. URRA submission: performance goals for FDA will be phased in, starting FY 2024 as follows:

1) By FY 2024, review and notify sponsor of agreement or non-agreement with comments for 50% of filed submissions, within 60 days of receipt of submission.

2) By FY 2025, review and notify sponsor of agreement or non-agreement with comments for 70% of filed submissions, within 60 days of receipt of submission.

3) By FY 2026, review and notify sponsor of agreement or non-agreement with comments for 90% of filed submissions, within 60 days of receipt of submission.

4) By FY 2027, review and notify sponsor of agreement or non-agreement with comments for 90% of filed submissions, within 60 days of receipt of submission.

iv. By the end of FY 2024, FDA will publish new draft or revised guidance for review staff and industry describing considerations related to drug-device and biologic-device combination products on the topics noted below.

Guidance that will convey FDA's current thinking regarding how a URRA along with other information can be used to inform when the results from an HF validation study may need to be submitted to a marketing application. The guidance will provide a comprehensive, systematic and stepwise approach with examples, when applicable, to illustrate how to make this determination.

v. Sponsors may still elect to submit a URRA with a HF validation protocol and will only be subject to timelines in Section I.K.5.b, For Human Factor Validation Study Protocols.

b. For Human Factor Validation Study Protocols

Human factors studies are conducted to evaluate the user interface of a drug-device or biologic-device combination product to eliminate or mitigate use-related hazards that may affect the safe and effective use of the combination product. Over the past decade, more combination products have been developed to deliver therapeutics via different routes of administration (e.g., parenteral, inhalation) with complex engineering designs. HF validation protocols are reviewed during the IND stage with the goal towards developing a final finished combination product that supports the marketing application. To achieve this objective, FDA will establish the following procedures for review of HF validation study protocols:

i. The sponsor should submit a human factors protocol to the IND with specific questions, including scientific and regulatory requirements for which the sponsor seeks agreement (e.g., are the study participant groups appropriate to represent intended users, is the study endpoint adequate, are the critical tasks that should be evaluated appropriately identified).

ii. Within 60 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

Performance goals for FDA will be as follows:

i. Beginning in FY 2023, review and provide sponsor with written comments for 90% of human factors validation protocol submissions within 60 days of receipt of protocol submission.

6. Advancing Real-World Evidence for Use in Regulatory Decision-Making

In accordance with Section 3022 of the 21st Century Cures Act, and by providing earlier and increased Agency advice, the Advancing RWE Program seeks to improve the quality and acceptability of RWE-based approaches in support of new intended labeling claims, including approval of new indications of approved medical products or to satisfy post-approval study requirements. Specifically, FDA will do the following:

a. By no later than December 31, 2022, FDA will establish and communicate publicly a pilot Advancing RWE Program intended to:

i. Identify approaches for generating RWE that meet regulatory requirements in support of labeling for effectiveness (e.g., new indications, populations, dosing information) or for meeting post-approval study requirements;

ii. Develop agency processes that promote consistent decision-making and shared learning regarding RWE;

iii. Promote awareness of characteristics of RWE that can support regulatory decisions by allowing FDA to discuss study designs considered in the Advancing RWE Program in a public forum.

b. The Advancing RWE Program will include but not be limited to the following activities and components:

i. FDA will solicit applications for the Advancing RWE Program twice (i.e., two cycles) each year, asking sponsors to describe—before protocol development or study initiation—the regulatory question(s) they seek to address with RWE, the proposed RWE study design, and the potential real-world data (RWD) source(s) to support that design;

ii. FDA will use a structured review process to evaluate and rank applications, based on the information they present that the data may be fit-for-use, the study design will be adequate, and the proposed study conduct can be anticipated to meet regulatory requirements. Consideration will be given to promoting diversity of data sources, study designs, analytical methodologies and regulatory indications, as well as to diversity of diseases under study and FDA Centers and Offices involved;

iii. FDA will accept one to two eligible and appropriate proposals each cycle in the first and second year (FY 2023–2024) of the Advancing RWE Program and one to four eligible and appropriate proposals each cycle thereafter (FY 2025–2027);

iv. FDA will notify sponsors regarding acceptance or non-acceptance of their submission within 45 days of the application deadline;

v. FDA will convene the first of up to four dedicated Advancing RWE Program meetings within 75 days of the application deadline, with subsequent meetings to be scheduled within 45 days after receiving a request for such meetings from the sponsor;

vi. The Advancing RWE Program represents an optional pathway for sponsors

submitting RWE proposals to an IND with CDER or CBER. Regardless of whether an Advancing RWE application is accepted, not accepted, or was never submitted to the Advancing RWE Program, established procedures (e.g., formal PDUFA meetings with the review division) will continue to be available;

vii. Before FDA grants the initial meeting, FDA and the sponsor will agree on the information that FDA may share publicly. When feasible, FDA will notify a sponsor in advance when the sponsor's program is the planned focus of a public discussion. Participation in the pilot program, including such agreement on information disclosure, will be voluntary and at the discretion of the sponsor;

viii. If FDA and the sponsor of an accepted proposal are unable to reach agreement on elements for public disclosure, however, that proposal will no longer be part of the Advancing RWE Program and the Agency will proceed with an alternate submission (The timelines for meetings described above would shift based on the dates of accepting alternate submissions, if applicable.);

ix. Discussions at Advancing RWE program-related meetings will focus on data, design, and regulatory issues that have the potential to generate RWE in support of a proposed regulatory decision;

x. FDA participation in the Advancing RWE Program, including the selection process and program-related meetings, will include representatives from relevant review divisions, other offices with RWE expertise, and senior leadership with expertise in RWE;

xi. Sponsors and FDA can decide that four meetings may not be necessary if an agreed-upon protocol is identified. Conversely, if FDA determines that key data- or design-related problems make the protocol unlikely to support the intended regulatory decision, then subsequent meetings within the Advancing RWE Program may not be conducted;

xii. FDA and sponsors agree that the goal of the Advancing RWE Program is general agreement on key design elements. The acceptability of evidence generated from any completed study is a subsequent review issue;

xiii. Sponsors who do not participate in the pilot will have an opportunity to interact with the Agency through traditional channels.

c. By no later than June 30, 2024, FDA will report aggregate and anonymized information, on at least an annual basis and based on available sources (e.g., information provided by review divisions), describing RWE submissions to CDER and CBER. The reports will describe application type (e.g., primary focus on safety or effectiveness), data sources used (e.g., medical claims, electronic health records, registries, digital health technologies), study design employed (e.g., randomized trial, externally controlled trial, observational study), and regulatory request (e.g., new indication, population, dosing information, post-approval study requirement for a marketed product). This reporting will include but not be limited to protocols emerging from the Advancing RWE Program.

d. By no later than December 31, 2025, FDA will convene a public workshop or meeting to discuss RWE case studies with a particular focus on approaches for generating RWE that can potentially meet regulatory requirements in support of labeling for effectiveness (e.g., new indications, populations, dosing information) or for meeting post-approval study requirements.

e. By no later than December 31, 2026, experience gained with the Advancing RWE Program, as well as CDER's and CBER's RWE program in general, will be used to update

existing RWE-related guidance documents or generate new draft guidance, as appropriate.

L. Enhancing Regulatory Decision Tools to Support Drug Development and Review

Delivering new medicines to patients through biomedical innovation requires advances in regulatory decision tools to support drug development and review. FDA will build on the successes of its efforts on Patient Focused Drug Development (PFDD), benefit-risk assessment in regulatory decision-making, and the drug development tools qualification pathway for biomarkers. FDA will also continue to advance modern approaches to enhance the efficiency of the drug development and review processes, such as complex adaptive, Bayesian, and other novel clinical trial designs and model-informed drug development (MIDD).

1. Enhancing the Incorporation of the Patient's Voice in Drug Development and Decision-Making

To facilitate the advancement and use of systematic approaches to collect and utilize robust and meaningful patient and caregiver input that can more consistently inform drug development and, as appropriate, regulatory decision making, FDA will conduct the following activities during PDUFA VII:

a. FDA will continue to strengthen capacity to facilitate development and use of Patient-Focused methods to inform drug development and regulatory decisions. This includes expanded internal staff training and external outreach to industry sponsors and other involved stakeholders with emphasis on patient-focused drug development (PFDD) methods and tools-related guidance and practice to achieve broad acceptance and integration into regulatory decision making across review divisions and industry development programs. FDA will also engage external experts, through a mechanism called the Intergovernmental Personnel Act, to support the review of patient experience data. These external methodological experts will possess extensive knowledge in methods and approaches related to patient experience data and will augment existing internal expertise.

i. FDA will undertake a broad-based effort to conduct outreach and training across review divisions, with follow-up consultation as these methods gain broad acceptance and integration, including development of methodology training courses for review staff that will be conducted at least two times per year.

ii. FDA will conduct targeted outreach to industry and methodological consulting organizations to provide presentations, sessions, and resources to increase understanding, acceptance, and integration into development programs.

b. FDA will issue a Request for Information (RFI) to elicit public input on methodological issues, including the submission and evaluation of patient experience data in the context of the benefit-risk assessment and product labeling, and other areas of greatest interest or concern to public stakeholders. This RFI will be issued by no later than the end of June 2023.

i. FDA will issue a Federal Register Notice summarizing the input to the RFI by no later than the end of December 2023 and, based on the input received in response to the RFI, FDA will plan to conduct at least 2 public workshops focused on methodological issues.

ii. The first workshop will be held no later than the end of FY 2024.

iii. The second workshop will be held no later than the end of FY 2025.

iv. Based on the RFI and the learnings from the workshops, FDA will produce a written summary with identified priorities for future work no later than the end of FY 2026.

c. FDA will continue to work to develop a virtual catalog of standard core sets of Clinical Outcome Assessments (COAs) and Related Endpoints, pursuing non-user fee funding for the work to develop standard core sets, which will be available for public use. FDA will also work to enhance understanding of how patient preference informs meaningful benefit or benefit-risk tradeoffs in therapeutic areas.

d. A public input process through either the Federal Register or Public Meetings will allow FDA to understand stakeholder's perspectives on diseases and domains of greatest need or highest priority for development of Standard Core COAs and Endpoints as well as priority areas where decisions are preference-sensitive and patient preference information (PPI) data can inform regulatory decision-making.

e. By September 30, 2026, FDA will publish draft guidance on use and submission of patient preference information to support regulatory decision making. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

2. Benefit-Risk Assessment in Regulatory Decision-Making

Benefit-risk assessment is a foundation of FDA's regulatory review of marketing applications for new human drugs and biologics. FDA currently includes the Benefit-Risk Framework in its NDA and BLA review training, processes, and templates to support the conduct and communication of its benefit-risk assessment. CBER incorporates benefit-risk assessment through interdisciplinary review and has integrated the Benefit-Risk Framework into its clinical review template for its new BLA and supplement assessments. CDER has similarly integrated the Benefit-Risk Framework into its clinical review and decisional memo templates.

FDA is committed to continuing its implementation and application of structured benefit-risk assessment in its regulatory review processes and documentation. FDA will continue to explore additional opportunities to enhance its use and communication of its benefit-risk assessments for new drug and biological review.

3. Advancing Model-Informed Drug Development

FDA will build on the success of the "model-informed drug development" (MIDD) approaches by continuing to advance and integrate the development and application of exposure-based, biological, and statistical models derived from preclinical and clinical data sources in drug development and regulatory review. FDA will conduct the following activities during PDUFA VII:

a. By no later than the end of 1st Quarter of FY 2023, FDA will publish a Federal Register Notice announcing the continuation of the MIDD paired meeting program, outlining program eligibility, and describing the proposal submission and selection process.

b. For sponsors participating in the MIDD paired meeting program, FDA will grant a pair of meetings specifically designed for this program, consisting of an initial and a follow-up meeting on the same drug development issues. The second meeting will occur within approximately 60 days of receiving the briefing materials. These meetings will be led by the clinical pharmacology or biostatistical review components within CDER

or CBER in partnership with clinical staff at the relevant center to ensure alignment with decision makers.

c. Starting in FY 2023, FDA will select 1-2 eligible and appropriate proposals per quarter each year (i.e. up to 8 per year). Additional proposals that meet the eligibility criteria may be selected depending upon the availability of resources. The internal review group instituted by FDA will continue to review proposals on a quarterly basis and provide recommendations on prioritization and selection of proposals and share knowledge and experience.

d. Sponsors who do not participate in the MIDD paired meeting program will have an opportunity to interact with the Agency through traditional channels.

e. FDA will issue a Request for Information (RFI) to elicit public input for identifying priority focus areas for future policy or guidance development and stakeholder engagement. This RFI will be issued by no later than the end of FY 2024.

4. Enhancing Capacity to Review Complex Innovative Designs

To facilitate the advancement and use of complex adaptive, Bayesian, and other novel clinical trial designs, FDA will conduct the following activities during PDUFA VII:

a. FDA will continue to develop CDER and CBER staff capacity to enable processes to facilitate appropriate use of these types of methods. This staff will support the computationally intensive review work necessary to evaluate complex adaptive, Bayesian, and other novel clinical trial designs, with a particular focus on clinical trial designs for which simulations are necessary to evaluate the operating characteristics. FDA will also engage external experts through existing FDA mechanisms (e.g., Intergovernmental Personnel Act assignment) to support the review of complex innovative designs. These methodological experts will possess extensive knowledge in the aforementioned topics and will augment existing internal expertise.

b. FDA will maintain the paired meeting program, selecting 1-2 eligible and appropriate proposals per quarter each year (i.e. up to 8 per year) for highly innovative trial designs for which analytically derived properties (e.g., Type I error) may not be feasible, and simulations are necessary to determine trial operating characteristics. Additional proposals that meet the eligibility criteria may be selected depending upon the availability of resources. For INDs in the program, FDA will grant a pair of meetings, consisting of an initial and follow-up meeting on the same design. The second meeting will occur within approximately 90 days of receiving the briefing materials. Management of the overall program as well as specific meetings to discuss innovative designs will be led by the biostatistical review components within CDER or CBER in partnership with clinical staff at each center. The opportunity for increased interaction with the agency will provide better understanding of the agency's requirements for trial simulations involved in the use of the pilot study design and allow for iteration of design modifications, if needed. In return, FDA's ability to publicly discuss example designs as agreed upon with participating sponsors will provide better clarity on the acceptance of different types of trial designs that should facilitate their use in future development programs.

i. By no later than the end of 1st Quarter of FY 2023, FDA will publish a Federal Register Notice announcing the continuation of the paired meeting program, outlining program eligibility, and describing the proposal submission, selection process, and example topics that will advance the use of complex

innovative designs and inform the development of a guidance document.

ii. FDA will select up to 8 proposals each year from proposals submitted to either CDER or CBER. The selections are expected to be made on a quarterly basis. Program selection will be prioritized based on trial design features and therapeutic areas of high unmet need.

iii. To promote innovation in this area, trial designs developed through the paired meeting program may be presented by FDA (e.g., in a guidance, at public workshops and conferences, on the Complex Innovative Design website) as case studies, including while the drug studied in the trial has not yet been approved by FDA. Before FDA grants the initial meeting, FDA and the sponsor will agree on the information that FDA may share publicly in these case studies. When feasible, FDA will notify a sponsor in advance when the sponsor's program is the planned focus of a public discussion. Participation in the paired meeting program, including such agreement on information disclosure, will be voluntary and at the discretion of the sponsor.

c. In order to encourage increased submissions by CBER-regulated sponsors to the complex innovative design (CID) paired meeting program, CBER staff will continue to engage in outreach to industry and other stakeholders. Such outreach will include providing information on the paired meeting program and its benefits, such as enhanced attention regarding CID proposals and advancing the leveraging and sharing of knowledge to support efficient product development; clarifying policies and procedures for submitting CID proposals for review; and presenting FDA's current thinking on CID-related technical topics.

d. Sponsors who do not participate in this paired meeting program will have an opportunity to interact with the Agency through traditional channels. This program will not affect FDA's existing procedures for providing advice on trial designs.

e. By the end of 2nd Quarter FY 2024, FDA will convene a public workshop to discuss aspects of complex adaptive, Bayesian, and other novel clinical trial designs. Discussion topics will include considerations for external data sources, Bayesian statistical methods, simulations, and clinical trial implementation (e.g. examples of defining and mitigating bias when using select trial design methods) and will be based on FDA accumulated experience both within and outside of the paired meeting program.

f. By the end of FY 2025, FDA will publish draft guidance on the Use of Bayesian Methodology in Clinical Trials of Drugs and Biologics. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

5. Enhancing Drug Development Tools Qualification Pathway for Biomarkers

To facilitate the enhancement of the drug development tools qualification pathway for biomarkers, FDA will conduct the following activities during PDUFA VII:

a. FDA will continue to retain and enhance the staff capacity to enhance biomarker qualification review by increasing base capacity. FDA will also pilot processes to engage external experts to support review of biomarker qualification submissions.

b. FDA will continue to publish information on its website regarding biomarker qualification submissions under section 507 of the FD&C Act, consistent with the requirements in section 507(c), and to update the website quarterly.

c. Sponsors who do not use this qualification pathway will have an opportunity to interact with the Agency through traditional channels.

M. Enhancement and Modernization of the FDA Drug Safety System

FDA will continue to use user fees to enhance the drug safety system, including adopting new scientific approaches, improving the utility of existing tools for the detection, evaluation, prevention, and mitigation of adverse events, modernizing REMS assessments, and coordinating regulatory activity in the pre-market and post-market settings. Enhancements to the drug safety system will improve public health by increasing patient protection while continuing to enable access to needed medical products.

User fees will provide support for 1) modernization and improvement of REMS assessments and 2) optimization of the Sentinel Initiative through a) maintenance of Sentinel Initiative capabilities and continued integration into FDA drug safety activities and b) enhancement of the analytic capabilities of the Sentinel Initiative to address questions of product safety and advance the understanding of how real-world evidence can be used for studying effectiveness.

1. Modernization and Improvement of REMS Assessments

FDA will use user fee funds to modernize and improve REMS assessments by incorporating REMS assessment planning into the design of REMS, clarifying its expectations regarding methods to evaluate the performance of REMS, increasing the efficiency of FDA's review of REMS assessment reports, and establishing FDA performance goals for review of REMS assessment methods and study protocols.

a. By March 31, 2024, update relevant guidances to incorporate REMS assessment planning into the design of the REMS by providing recommendations regarding: 1) linking the design with the assessments 2) ensuring sufficient and appropriate data collection, and 3) identifying key metrics for success (e.g., primary and secondary).

b. By March 31, 2024, FDA will issue new or update existing policies and procedures for reviewing methodological approaches and study protocols used to assess a REMS program.

c. Improve the efficiency of FDA's review of REMS assessment reports.

i. By March 31, 2024, FDA will issue new or update existing policies and procedures to systematically determine, as part of the review of REMS assessment reports, if modifications to the REMS or revisions to the REMS assessment plan are needed, including the timing of the REMS assessments and to determine whether the REMS is still necessary to ensure the benefits outweigh the risks of the drug.

ii. By March 31, 2026, FDA will develop draft guidance regarding the format and content of a REMS assessment report, including the type of data that can support elimination of a REMS. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months

after the close of the public comment period on the revised draft guidance.

d. Establish FDA review performance goals and provide feedback and comments on REMS methodological approaches and study protocols used to assess a REMS program for products within 90 days of receipt. FDA proposes the following staged implementation of review performance goals for review of methodological approaches and study protocols for REMS assessments in PDUFA VII:

i. FY 2024, review and notify sponsor with concurrence or comments within 90 days of receipt for 50% of REMS assessment methods and protocols

ii. FY 2025, review and notify sponsor with concurrence or comments within 90 days of receipt for 70% of REMS assessment methods and protocols

iii. FY 2026 and FY 2027, review and notify sponsor with concurrence or comments within 90 days of receipt for 90% of REMS assessment methods and protocols

2. Optimization of the Sentinel Initiative

The user fee funds initially provided in PDUFA VI to expand the Sentinel program will continue to systematically implement and integrate Sentinel and BEST (Biologics Effectiveness and Safety) Systems in FDA drug safety activities by sustaining the high quality and large quantity of data available, allowing continued application of advanced methods for determining when and how those data are utilized, and ensuring comprehensive training of review staff on the use of Sentinel and BEST. These capabilities will support the use of the Sentinel Initiative for regulatory decision making to address questions of product safety and advance our understanding of how real-world evidence can be used for studying effectiveness.

a. Maintenance of the Sentinel Initiative Capabilities and Continued Integration into FDA Drug Safety Activities

FDA will use user fee funds to maintain the quality and quantity of data available through the Sentinel Initiative (Sentinel and BEST), to maintain the processes and tools for determining when and how those data are utilized, and to support comprehensive training of review staff on the use of Sentinel.

i. FDA will maintain the Sentinel's sources of data and core capabilities for the safety surveillance of drugs and biologics, including the multisite ARIA system.

ii. FDA will continue its communication with sponsors and the public regarding general methodologies for Sentinel queries, including what the Agency has learned regarding the most appropriate ways to query and use Sentinel data.

iii. By the end of FY 2025, FDA will publish on its website an update on facilitation of public and sponsor access to Sentinel's distributed data network to conduct safety surveillance.

iv. FDA will continue to post study results, study parameters and analysis code online and maintain a strong Sentinel web presence to host this information.

v. FDA will continue to maintain a comprehensive FDA Sentinel training program for all relevant staff (e.g., epidemiologists, statisticians, project managers, medical officers, clinical analysts, and other review team members) to ensure that staff have a working knowledge of Sentinel, can identify when Sentinel can inform important regulatory questions and decisions, and are able to consistently participate in use of Sentinel to evaluate safety issues.

vi. By the end of FY 2025, FDA will analyze, and report on the use of Sentinel for regulatory purposes, e.g., in the contexts of labeling changes, PMRs, or PMCs.

vii. For FY 2023–2027, FDA will report its obligations for updated PDUFA VI commit-

ments for PDUFA VII Sentinel Initiative annually in the PDUFA Financial Report. This reporting will provide detail for spending categories (e.g., data infrastructure, analytical capabilities, safety issue analyses, dissemination of relevant product and safety information, and Sentinel system development).

b. Enhancement of the Analytic Capabilities of the Sentinel Initiative to Address Questions of Product Safety and Advance the Understanding of How Real-World Evidence Can Be Used for Studying Effectiveness

FDA will use user fee funds to advance the analytic capabilities of the Sentinel Initiative by i) developing a consistent approach to post-market requirements and commitments during NDA and BLA review related to assessing the outcomes of pregnancies in women exposed to drugs and biological products and clarifying the optimal use and value of pregnancy registries and electronic healthcare data for assessing pregnancy safety and ii) supporting the use of real-world evidence to address questions of product safety and advancing our understanding of how real-world evidence may be used for studying effectiveness.

i. Pregnancy Safety

The goal of pregnancy safety post-market requirements and commitments studies is to inform labeling on the safety of use in pregnancy and to detect or evaluate safety signals in a timely manner.

(1) FDA will develop a framework describing how data from different types of post-market pregnancy safety studies might optimally be used, incorporating knowledge of how different types of postmarket studies have been used by FDA and industry and identifying gaps in knowledge needed to be filled by demonstration projects. The framework would consider factors such as, but not limited to, purpose of study, types of post-market studies, anticipated exposure in females of reproductive potential (FRP) and pregnant women, potential toxicity of the drug and proposed risk mitigation, benefits of the drug, and magnitude and type of risk to be detected. The framework would specifically address the use of pregnancy registries and electronic healthcare data sources including Sentinel, with a goal of ensuring the most efficient means of obtaining highest quality safety data available.

(a) FDA will review published literature and conduct a review of types of post-market pregnancy data that have been included in pregnancy labeling.

(b) By September 30, 2023, FDA will hold a public workshop on post-market safety studies in pregnant women to facilitate determination of the ideal post-market study design(s), including industry experience and use of Sentinel Initiative and other real-world data resources.

(c) By September 30, 2024, FDA will publish a workshop report describing the proposed framework.

(2) Incorporating feedback from (1), conduct 5 demonstration projects to address gaps in knowledge about performance characteristics of different study designs. FDA will initiate the following demonstration projects which may be modified as needed, before September 30, 2024:

(a) Assess the performance of pregnancy registries versus electronic healthcare database studies to detect a signal when the exposure to medication in pregnancy is relatively common.

(b) Assess the performance of single arm safety studies versus signal identification methods using electronic healthcare data to detect a signal when the exposure to medication in pregnancy is anticipated to be low.

(c) Assess the performance of pregnancy registries versus electronic healthcare data-

base studies to evaluate a signal when the exposure to medication in pregnancy is relatively common.

(d) Assess the performance of major congenital malformations

(MCM) as a composite outcome in signal detection and evaluation when there is true risk for some but not all specific malformations.

(e) Assess the performance of an algorithm using electronic health record (EHR) and claims-linked healthcare data for a pregnancy-related outcome, or composite of outcomes (e.g., spontaneous abortion, stillbirth, congenital malformations), after use of vaccines in pregnant women. The parameters of the pregnancy-outcome algorithm will be developed to have general usability with therapeutic products.

(3) By September 30, 2027, based on the results of demonstration projects in (2) update the proposed framework and develop a guidance or MAPP/SOPP as appropriate to implement a standardized process for determining necessity and type of pregnancy post-marketing studies including PMRs.

ii. Use of Real-World Evidence—Negative Controls

FDA is building Sentinel/BEST methodology to improve understanding of robustness evaluations used to address the consistency of RWE with respect to study design, analysis, or variable measurement. FDA will develop new methods to support causal inference in Sentinel/BEST that could address product safety questions and advance our understanding of how RWE may be used for studying effectiveness.

(1) By September 30, 2023, FDA will hold a public workshop on use of negative controls for assessing the validity of non-interventional studies of treatment and the proposed Sentinel Initiative projects.

(2) FDA will initiate two methods development projects by September 30, 2024 to 1) develop an empirical method to automate the negative control identification process in Sentinel and integrate it into the Sentinel System tools; and 2) develop a method to use a double negative control adjustment to reduce unmeasured confounding in studying effectiveness of vaccines.

(3) By September 30, 2027, FDA will publish a report on the results of the development projects.

N. Enhancements Related to Product Quality Reviews, Chemistry, Manufacturing, and Controls Approaches, and Advancing the Utilization of Innovative Manufacturing Technologies

To ensure new and innovative products are developed and available to patients in a timely manner, FDA and industry will focus on enhancing communications during drug development and application review, enhancing support for CMC development and facilitating the CMC readiness of products with accelerated clinical development timelines, and advancing the implementation of innovative manufacturing technologies.

1. Enhancing Communication Between FDA and Sponsors During Application Review

To promote an efficient and effective application review process, FDA will conduct the following activities during PDUFA VII to enhance communication between the FDA review teams and sponsors:

a. The four essential components of CMC information requests (referred to as Four-Part Harmony) are intended to ensure that the FDA requests information that is appropriate to address the question or issue, in an efficient manner, and at the appropriate timepoint within the review cycle or product lifecycle, as applicable. Use of Four-Part Harmony includes acknowledging what was

provided and where (e.g., modules, page numbers, as applicable), identifying the issue or deficiency, clearly identifying the information needed to achieve resolution and make a regulatory decision, and identifying specific references or other information to support FDA's request. These four essential components of Four-Part Harmony are:

- i. What was provided
- ii. What is the issue or deficiency
- iii. What is needed
- v. Why it is needed

By the end of FY 2023, to promote FDA reviewers' use of Four-Part Harmony, FDA will update and conduct training on CDER MAPP 5016.8, "Communication Guidelines for Quality-Related Information Request and Deficiencies" and CDER SOPP 8401.1, "Issuance of and Review of Responses to Information Request Communications to Pending Applications" describing the guidelines for the content of information requests, based on the principles of Four-Part Harmony.

b. By the end of FY 2023, FDA will update and conduct training on CMC assessment processes associated with mid-cycle and late-cycle review meetings with the goal of ensuring that mid-cycle and late-cycle meeting expectations are met, including communicating the status of the NDA and BLA CMC assessment and any identified issues that would preclude approval.

c. FDA will contract with an independent third party to assess current practices of FDA (CDER and CDER) and sponsors in communicating through product quality information requests (IRs) during application review, not including supplements.

The assessment will focus on the application of Four-Part Harmony as described in the MAPPs and SOPPs (e.g., did FDA state why the information is needed for the review of the application) as well as seek to identify trends across IRs. The statement of work for this effort will be published for public comment prior to beginning the assessment. The third party will be expected to separately engage both FDA staff and individual sponsors through contractor-led interviews as part of the assessment. The contractor-led interviews will be designed to provide feedback from individual sponsors on the effectiveness of Four-Part Harmony. Due to the significant volume of IRs in a given year, the assessment will be based on a subset of drug and biologic applications, not including supplements, balanced across CDER and CDER, proportional to the number of applications received by each Center. The third party will identify best practices and areas for improvement in communication between FDA review staff and sponsors through IRs. FDA will publish the final report of the assessment on FDA's website no later than June 30, 2025, for public comment.

2. Enhancing Inspection Communication for Applications, not Including Supplements

FDA and industry believe enhanced communication between review teams and industry on certain pre-license inspections and pre-approval inspections can facilitate an efficient application review process.

When FDA determines for an application, not including supplements, that it is necessary to conduct the inspection at a time when the product identified in the application is being manufactured, FDA's goal is to communicate its intent to inspect a manufacturing facility at least 60 days in advance of BLA Pre-license Inspections and NDA Pre-approval Inspections and no later than mid-cycle. FDA reserves the right to conduct manufacturing facility inspections at any time during the review cycle, whether or not FDA has communicated to the facility the intent to inspect.

3. Alternative Tools to Assess Manufacturing Facilities Named in Pending Applications

During the COVID-19 public health emergency, the FDA expanded its use of alternate tools for assessing facilities named in applications, including exercising its authority to request records and other information in advance of or in lieu of an inspection, granted per section 704(a)(4) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 374(a)). Where appropriate, the agency also increased the use of information, including inspection reports, shared by trusted foreign regulatory partners through mutual recognition agreements and other confidentiality agreements. As FDA continues to gain experience and lessons learned from the use of these tools, FDA will communicate its thinking on the use of such methods beyond the pandemic.

By September 30, 2023, FDA will issue draft guidance on the use of alternative tools to assess manufacturing facilities named in pending applications (e.g., requesting existing inspection reports from other trusted foreign regulatory partners through mutual recognition and confidentiality agreements, requesting information from applicants, requesting records and other information directly from facilities and other inspected entities, and, as appropriate, utilizing new or existing technology platforms to assess manufacturing facilities). The guidance will incorporate best practices, including those in existing published documents, from the use of such tools during the COVID-19 pandemic. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

4. Facilitating Chemistry, Manufacturing, and Controls Readiness for Products with Accelerated Clinical Development

Development programs for CDER- and CDER-regulated drugs and biologics intended to diagnose, treat, or prevent a serious disease or condition where there is an unmet medical need may have accelerated clinical development timelines. Products with accelerated clinical development activities often face challenges in expediting CMC development activities to align with the accelerated clinical timelines. Overcoming these CMC challenges often requires additional interaction with FDA during product development and the use of science- and risk-based regulatory approaches so that the clinical benefits of earlier patient access to these products can be realized.

a. MAPP: By December 31, 2022, FDA will issue a new MAPP on approaches to address CMC challenges for CDER-regulated products (drugs, biologics) with accelerated clinical development timelines (e.g., products used to diagnose, treat, or prevent a serious disease or condition where there is unmet medical need). To address the CMC challenges, the MAPP will describe early engagement with sponsors of such products and the different science- and risk-based approaches, including those described in the FDA Guidance for Industry: Expedited Programs for Serious Conditions-Drugs and Biologics, that may be warranted and utilized in CMC development based upon the anticipated clinical benefit of earlier patient access to the product. The MAPP will incorporate modern pharmaceutical principles as well as modern regulatory tools, such as those detailed in ICH Q12.

b. Pilot: Starting in FY 2023, FDA (CDER and CDER) will conduct a CMC Development

and Readiness Pilot (CDRP) to facilitate the expedited CMC development of products under an IND application, where warranted, based upon the anticipated clinical benefit of earlier patient access to the products. The goal of the Pilot will be to facilitate CMC readiness for CDER- and CDER-regulated products with accelerated clinical development timelines. Due to the differences in product complexity between CDER- and CDER-regulated products, Pilot selection criteria may differ between the Centers. In order to accelerate CMC development and facilitate CMC readiness, the Pilot will incorporate, as applicable, contemporary learnings and the use of science- and risk-based approaches and submission strategies, such as those described in the FDA Guidance for Industry: Expedited Programs for Serious Conditions-Drugs and Biologics.

For sponsors participating in the CMC Development and Readiness Pilot, FDA will provide specific CMC advice during product development by providing two additional CMC-focused Type B meetings and an additional limited number of CMC-focused discussions based on readiness and defined CMC milestones. The increased communication between FDA review staff and applicants is intended to ensure a mutual understanding of what activities must be completed, and what information should be provided at the appropriate timepoint (i.e., at the time of NDA or BLA submission, prior to the end of the review cycle, or post-approval), to ensure CMC readiness of the product.

i. By December 31, 2022, FDA will publish a Federal Register Notice (FRN) announcing the Pilot and outlining the eligibility criteria and process for submitting a request to participate in the Pilot. For CDER, the eligibility criteria will focus on the selection of products with accelerated clinical development timelines that could expand or enhance the approaches in the CDER MAPP described above. For CDER, the eligibility criteria will include considerations for products with accelerated clinical development timelines (e.g., vaccines and cell and gene therapies).

The FRN will give more specifics on products to be included in the Pilot and will consider Industry's interest in CDER-regulated products such as cell and gene therapies. FDA will select between 8-10 proposals per fiscal year over a 4-year period.

ii. To promote innovation and understanding in this area, lessons learned through the Pilot may be presented by FDA (e.g., in a public workshop) as case studies, including when the product studied in the Pilot has not yet been approved by FDA. To be eligible for the Pilot, the sponsor and FDA will reach an agreement on the information to be publicly disclosed. When feasible, FDA will notify a sponsor in advance when the sponsor's program is the planned focus of a public discussion. Participation in the pilot program, including such agreement on information disclosure, will be voluntary and at the discretion of the sponsor.

iii. Sponsors who do not participate in the Pilot will have an opportunity to interact with the Agency through existing channels.

c. Public Workshop: By July 31, 2025, FDA will conduct a public workshop, potentially through a qualified third party, focused on CMC aspects of expedited development including case studies, lessons learned, and stakeholder input regarding the CMC Development and Readiness Pilot. The workshop will solicit and include industry and public feedback.

Topics for the workshop will include, but are not limited to, the use of science and risk-based approaches and submission strategies to accelerate CMC development, including predictive stability modeling, risk-based approaches to product specification setting,

and alternate process validation approaches, as well as experiences related to quality by design and platform technologies.

d. Strategy Document: Following the close of the public comment period for the public workshop, and no later than April 30, 2026, FDA will issue a strategy document outlining the Agency's plans, including proposed timeframes, to develop or revise, as appropriate, relevant MAPPs or SOPPs, and other applicable documents (e.g., guidance and process documents) to incorporate lessons learned from the Agency's experiences with the CMC Development and Readiness Pilot and other submissions for products with accelerated clinical development timelines, as well as industry and public input, including feedback from the public workshop.

5. Advancing Utilization and Implementation of Innovative Manufacturing

By the end of FY 2023, FDA will conduct a public workshop on the utilization of innovative manufacturing technologies for CDER- and CBER-regulated products, including barriers to their adoption and submission strategies. The workshop will solicit and include industry and public feedback.

Topics for the workshop will include but are not limited to:

a. Best practices and lessons learned from both the CDER Emerging Technology Team and CBER Advanced Technology Team programs from both industry and regulatory perspectives;

b. Case studies from previous innovative technology submissions presented by sponsors;

c. Barriers (technical, regulatory, etc.) to the adoption of innovative manufacturing technologies;

d. Regulatory strategies for the adoption of advanced manufacturing technologies, including, but not limited to, submission strategies for the implementation of certain innovative technologies across multiple commercial products and/or multiple manufacturing sites; and

e. Science- and risk-based approaches for developing and assessing innovative technologies across platform products and sites to streamline adoption.

Following the close of the public comment period for the public workshop, and no later than September 30, 2024, FDA will issue a draft strategy document for public comment that outlines the specific actions the agency will take over the course of PDUFA VII to facilitate the utilization of innovative manufacturing technologies, including addressing barriers to their adoption. The actions described in the draft strategy document will be based on lessons learned from the Agency's experiences with submissions involving advanced manufacturing technologies as well as feedback from the workshop and other public input. The strategy document may include updating or creating new procedures, MAPPs, SOPPs, guidances, and scientific/other relevant programs related to the topics discussed in the workshop. The strategy document will also include proposed timeframes for the specific actions outlined in the document.

FDA will consider public input and finalize the strategy document within 9 months after the close of the public comment period on the draft strategy document.

O. Enhancing CBER's Capacity to Support Development, Review, and Approval of Cell and Gene Therapy Products

To ensure that new and innovative cell and gene therapy products are developed and available to patients in a timely manner, FDA will build on the success of the Cell and Gene Therapy Program (CGTP) in CBER to further support and advance a balanced approach to product development and regula-

tion. To this end, FDA will substantially strengthen staff capacity and capability in order to meet the increasing challenges and demands in this growing field. Increasing staff capacity will overcome existing resource limitations, allowing staff to spend additional time on meetings and submission reviews including those with breakthrough or regenerative medicine advanced therapy designations, expand stakeholder outreach, invest in new policy and guidance, and facilitate development and use of regulatory tools and scientific technologies.

The CGTP will be augmented with additional resources to sustain and expand the program. Staff will be hired for direct review activities, indirect activities (e.g., policy, external outreach, postmarket safety), and supporting activities in the CGTP, with a focus on hiring staff with technical, scientific, clinical, or other specialized expertise necessary to understand and advance cell and gene therapies. Recruiting and hiring of staff will be actively pursued as a CBER priority and be facilitated by support staff whose dedicated focus will be attracting and retaining talent for the CGTP. CBER recognizes the importance of integration of new staff into the CGTP and will effectively facilitate growth in staffing using external consultants when appropriate. For PDUFA VII, resources will also support onboarding and integration of new staff, regulatory support and outreach (e.g., webinars, recorded training) to facilitate industry and stakeholder education and interaction.

CBER will continue to maintain a highly trained and experienced CGTP staff, with an emphasis on remaining current in regulatory science, and the latest scientific, manufacturing, and clinical advances. The current staff training will be reviewed, with input from external consultants, and modified as needed to accommodate and facilitate training of new staff and maintain the competency of existing staff.

CBER will continue to organize and manage the CGTP for optimal performance, leveraging and implementing best practices from relevant sources. The current CGTP organization will be evaluated, with input from external consultants, to determine the optimal organization to effectively integrate new staff and facilitate operations and customer service. As part of CBER's modernization program, CBER will evaluate, streamline, and harmonize CGTP procedures, processes, and interactions to facilitate communications, enhance regulatory consistency and review standards, reduce regulatory burden, optimize operational efficiency, and update relevant SOPPs and documents as needed. Change management will be tailored to ensure success of organizational changes and business modernization.

The CGTP staff will enhance communications with stakeholders, on an individual and collective level, by refining and improving best practices for communication, through public meetings and workshops, and issuance of guidance, updating relevant SOPPs, and other mechanisms. CBER will continue to issue new guidance on current cell and gene therapy topics and update existing guidance to be current with evolving science and approaches. Staff will increase awareness of FDA's regulatory programs through on-demand training (e.g., recorded webcast), to facilitate navigation by industry through the phases of product development and approval. CGTP staff will continue to engage in outreach to industry, patient groups, and other stakeholders in several areas soliciting views on specific topics and proposals.

Staff will continue to participate in external collaborations, including public-private partnerships and international organizations in a variety of areas, including development

of tools (e.g., standards), technologies, and approaches that support development of cell and gene therapies. Interactions will also focus on advancing manufacturing and testing, including facilitating implementation of new technologies. With stakeholders, staff will continue discussing use of existing approaches (e.g., surrogate endpoints, real world evidence, complex innovative designs, natural histories) and explore new approaches for obtaining efficacy and safety information with specific consideration and attention to rare and ultra-rare diseases.

To advance the field and support the next generation of cell and gene therapy products, CBER will conduct the following activities during PDUFA VII.

1. Patient Focused Drug Development

a. By the end of FY 2023, FDA will convene a public patient focused drug development meeting with key stakeholders, including patients and patient advocacy organizations, to better understand patient perspectives on gene therapy products, including cell-mediated gene therapy. This meeting should address, among other things, the patient and caregiver's level of understanding and expectations regarding the benefits and risks of these therapies, and their involvement in clinical study design and execution. Within 6 months of the public meeting, FDA will issue a report summarizing the views expressed at the meeting including:

i. Analysis of current tools or methods used to capture patient experience data, and/or patient involvement in clinical studies, including identification of existing challenges and gaps;

ii. Whether there is a need for the community to develop specific tools or methods to capture patient experience data, and/or patient involvement in clinical studies that are unique to these products, and if so, suggestions for community engagement strategies; and

iii. Approaches to leveraging existing tools or methods to capture patient experience and patient preference data that are unique to these products;

2. Novel Approaches to Development of Cell and Gene Therapy

a. FDA will continue to work with stakeholders including public-private partnerships to seek public input on questions and challenges faced by cell and gene therapy developers, including the use of novel endpoints and the role of less defined natural histories, and to facilitate development and approval for cell and gene therapies, including but not limited to, individualized therapies, rare disease and therapies for small patient populations.

b. By the end of FY 2025, FDA will issue a draft guidance on the evaluation of efficacy in small patient populations using novel trial designs and statistical methods, and how these concepts can be applied to more common diseases. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

c. In order to promote development of cell and gene therapy products, FDA will issue a Questions and Answers draft guidance by the end of FY 2024 based on frequently asked questions, and commonly faced-issues identified by sponsors or by public-private partnerships. FDA will work towards the goal of publishing final guidance within 18 months

after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

d. By the end of FY 2024, FDA will convene a public meeting to solicit input on methods and approaches (e.g., use of RWE, registries) for capturing post-approval safety and efficacy data for cell and gene therapy products. Within 6 months of the public meeting, FDA will issue a summary report or a transcript of the meeting. Input from this meeting will be used to inform development of a draft guidance on this topic. FDA will issue a draft guidance on this topic by the end of FY 2025. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

3. Expedited Programs for the Development of Regenerative Medicine Therapies:

a. By the end of FY 2025, FDA will update the Guidance for Industry: Expedited Programs for Regenerative Medicine Therapies for Serious Conditions. Updates will include, for example, additional thinking on post-approval requirements, including the use of real-world evidence to confirm clinical benefit, for products approved under accelerated approval, as well as for safety monitoring and long-term follow-up. Updates will also include additional thinking on approaches and processes relating to CMC including considerations regarding CMC readiness to take advantage of the expedited programs. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

4. Leveraging Knowledge

a. FDA will continue to work with organizations, including public-private partnerships, that foster development and accessibility of non-proprietary knowledge (e.g., standards), manufacturing advances, and manufacturing components for use in cell and gene therapy products. FDA will continue to participate in international organizations sharing knowledge and perspective to harmonize cell and gene therapy guidance as appropriate.

b. By the end of FY 2025, FDA will convene a public meeting to solicit the perspective of cell and gene therapy manufacturers on how individual sponsors might leverage internal prior knowledge and public knowledge, including Chemistry, Manufacturing, and Controls, non-clinical, and clinical knowledge, across therapeutic contexts in order to facilitate product development and application review. Input from this meeting will be used to inform development of a draft guidance on this topic that FDA will issue by the end of

FY 2026. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

P. Supporting Review of New Allergenic Extract Products

FDA will use fee revenues to support the review of new allergenic extract products that have been incorporated in the PDUFA program by PDUFA VII. Allergenic extract products licensed after October 1, 2022 will generally be included in user fees. Allergenic extract products licensed before October 1, 2022, and standardized allergenic extract products submitted pursuant to a notification to the applicant from the Secretary regarding the existence of a potency test that measures the allergenic activity of an allergenic extract product licensed by the applicant before October 1, 2022 will remain excluded from PDUFA. All performance goals, procedures, and commitments in this letter apply to the allergenic products included in the PDUFA program under PDUFA VII.

II. CONTINUED ENHANCEMENT OF USER FEE RESOURCE MANAGEMENT

FDA is committed to ensuring the sustainability of PDUFA program resources and to enhancing the operational agility of the PDUFA program. FDA will build on the financial enhancements included in PDUFA VI and continue activities in PDUFA VII to ensure optimal use of user fee resources and the alignment of staff to workload through the continued maturation and assessment of the Agency's resource capacity planning capability. FDA will also continue activities to promote transparency of the use of financial resources in support of the PDUFA program.

A. Resource Capacity Planning

FDA will continue activities to mature the Agency's resource capacity planning function, including utilization of modernized time reporting, to support enhanced management of PDUFA resources in PDUFA VII and help ensure alignment of user fee resources to staff workload.

1. Resource Capacity Planning Implementation

a. By the end of the 2nd quarter of FY 2023, FDA will publish an implementation plan that will describe how resource capacity planning and time reporting will continue to be implemented during PDUFA VII. This implementation plan will address topics relevant to the maturation of resource capacity planning, including, but not limited to, detailing FDA's approach to:

i. The continued implementation of the Agency's resource capacity planning capability, including:

1) The continual improvement of the Capacity Planning Adjustment (CPA); and
2) The continual improvement of time reporting and its utilization in the CPA.

ii. The integration of resource capacity planning analyses in the Agency's resource and operational decision-making processes.

b. FDA will provide annual updates on the FDA website on the Agency's progress relative to activities detailed in this implementation plan by the end of the 2nd quarter of each subsequent fiscal year.

c. FDA will document in the annual PDUFA Financial Report how the CPA fee revenues are being utilized.

2. Resource Capacity Planning Assessment

By the end of FY 2025, an independent contractor will complete and publish an evaluation of the resource capacity planning capability. This will include an assessment of the following topics:

a. The ability of the CPA to forecast resource needs for the PDUFA program, including an assessment of the scope of the workload drivers in the CPA and their ability to represent the overall workload of the PDUFA program;

b. Opportunities for the enhancement of time reporting toward informing resource needs; and

c. The integration and utilization of resource capacity planning information within resource and operational decision-making processes of the PDUFA program.

The contractor will provide options and recommendations in the evaluation regarding the continued enhancement of the above topics as warranted. The evaluation findings and any related recommendations will be discussed at the FY 2026 PDUFA 5-year financial plan public meeting. After review of the findings and recommendations of the evaluation, FDA will, as appropriate, continue improving the resource capacity planning capability and the CPA.

B. Financial Transparency

1. FDA will publish a PDUFA 5-year financial plan no later than the end of the 2nd quarter of FY 2023. The plan shall recognize that the retention of the strategic hiring and retention adjustment required by section 736(b)(1)(C) of the FD&C Act is subject to renegotiation under a subsequent reauthorization of PDUFA. FDA will publish updates to the 5-year plan no later than the end of the 2nd quarter of each subsequent fiscal year. The annual updates will include the following topics:

a. The changes in the personnel compensation and benefit costs for the process for the review of human drug applications that exceed the amounts provided by the personnel compensation and benefit costs portion of the inflation adjustment; and

b. FDA's plan for managing costs related to strategic hiring and retention after the adjustment required by section 736(b)(1)(C) of the FD&C Act expires at the end of fiscal year 2027, given this adjustment is not intended to be reauthorized in a subsequent reauthorization of PDUFA.

2. FDA will convene a public meeting no later than the end of the 3rd quarter of each fiscal year to discuss the PDUFA 5-year financial plan and the Agency's progress in implementing resource capacity planning, including the continual improvement of the CPA and time reporting, and the integration of resource capacity planning in resource and operational decision-making processes.

3. FDA will include in the annual PDUFA Financial Report an accounting of appropriated user fee funds included in the operating reserve at the end of each fiscal year, as well as the carryover balance of user fee funds that are considered unappropriated and therefore not included in the operating reserve.

III. IMPROVING FDA HIRING AND RETENTION OF REVIEW STAFF

Enhancements to the human drug review program require that FDA hire and retain sufficient numbers and types of technical and scientific experts to efficiently conduct reviews of human drug applications. During PDUFA VII, FDA will commit to do the following:

A. Set Clear Goals for Human Drug Review Program Hiring

1. FDA will establish priorities for management of the metric goals for targeted hires within the human drug review program staff

for the years of PDUFA VII. These goals for targeted hires are summarized in Table 6 below:

TABLE 6

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
CBER	132	48	29	15	4
CDER	77	31	15	0	0
Other FDA	1	0	0	0	0
Total FTE	210	79	44	15	4

2. FDA will confirm progress in the hiring of PDUFA VI new staff. FDA will also report on progress against the hiring goals for FY 2023–2027 on a quarterly basis posting updates to the FDA website PDUFA Performance webpage.

B. Assessment of Hiring and Retention

The Directors of CDER and CBER will utilize a qualified, independent contractor with expertise in assessing HR operations to conduct a targeted assessment of the hiring and retention of staff for the human drug review program. The contractor will assess the factors that contribute to HR successes and challenges, including factors outside of FDA’s control. The assessment will build upon the findings of previous evaluations conducted under PDUFA VI with a focus on the changes and adjustments that have improved FDA’s hiring and retention outcomes and which challenges remain. In addition to evaluating the outcomes of various hiring changes, the assessment will include metrics related to recruiting and retention in the human drug review program, including, but not limited to, specific targeted scientific disciplines, attrition, and utilization of pay authorities. The report will include the contractor’s findings and recommendations on further enhancements to hiring and retention of staff for the human drug review program, if warranted.

The assessment will be published on FDA’s website no later than the June 30th, 2025 for public comment. FDA will also hold a public meeting no later than the September 30th, 2025 to discuss the report, its findings, and the Agency’s specific plans to address the report recommendations.

IV. INFORMATION TECHNOLOGY AND BIOINFORMATICS GOALS

A. Enhancing Transparency and Leveraging Modern Technology

Under PDUFA VII, FDA will:

1. Enhance Transparency

FDA will further enhance transparency of its IT activities and modernization plans, as well as continue to ensure the usability and improvement of the electronic submissions gateway (ESG):

a. Quarterly, FDA and industry will jointly plan and conduct meetings on challenges, emerging needs, and progress on initiatives relevant to PDUFA, including continued sustainability of initiatives after completion in PDUFA VII, progress or activities on harmonization and convergence, where appropriate, across Center systems for streamlined compatibility, interoperability, and extensibility. Agendas and meeting materials will be shared prior to each meeting.

b. Annually, appropriate FDA and industry IT leadership (e.g., enterprise IT leadership, Center IT leadership) will participate in a review of PDUFA IT initiatives and provide an opportunity for industry input.

c. FDA will engage industry to provide feedback and/or participate in pilot testing in advance of implementing significant changes that impact industry’s interaction with the enterprise-wide systems.

d. FDA will maintain a current published FDA Data Standards Catalog, and quarterly publish an updated data standards action plan.

2. Develop Data and Technology Modernization Strategy

FDA will progress a Data and Technology Modernization Strategy (“Strategy”) that provides FDA’s strategic direction for current and future state data-driven regulatory initiatives.

a. No later than Q4 FY 2023, FDA will establish a Data and Technology Modernization Strategy that reflects the vision in FDA’s Technology and Data Modernization Action Plans, including:

i. outlining key areas of focus and approach including leveraging cloud technologies to support Applicant-FDA regulatory interaction;

ii. articulating enterprise-wide approaches for both technology and data governance; and

iii. aligning strategic initiatives in support of PDUFA review goals, drawing a line of sight between initiatives and the enterprise strategy (i.e. the agency-wide strategy also supporting components outside PDUFA).

b. The Strategy will be shared and annually updated to reflect progress and any needed adjustments. Milestones and metrics for PDUFA initiatives will be included in the updates.

3. Promote Convergence

As appropriate, FDA will engage with stakeholders and international consortia (e.g., ICH, ICMRA) on technology and innovation initiatives that promote convergence in data interoperability and interpretability for current and future FDA initiatives throughout the regulatory lifecycle.

a. FDA will seek to adopt international standards where feasible and appropriate, giving considerations to cybersecurity risk, international commitments, legal constraints, and other relevant factors.

4. Accelerate CBER Modernization

During PDUFA VII, CBER will retire its older IT systems and capabilities, leverage capabilities in other Centers where feasible, and utilize new data management tools and technologies in line with Agency strategic plans and effective use of resources.

In coordination with CDER and CDRH, CBER will accelerate its data and IT modernization in order to leverage or develop state-of-the-art IT technology to provide cloud-based, agile, and stable integrated platforms, to streamline and improve its ability to perform complex reviews, access, utilize and protect data, and redirect IT spending from maintenance of older IT systems to improving the reviewer experience. Modernization efforts will enable new capabilities such as knowledge management, data and analytic reporting, decision tools, and, workflow and workload management to be developed sooner. CBER will share its experience and new capabilities with other Centers.

b. By the end of Q4 FY 2022, CBER will have established a multi-year modernization roadmap, including concrete implementation phases and milestones with defined success and performance criteria and anticipated costs.

i. Criteria may include, for example, retiring a minimum 25% of CBER legacy systems and capabilities by the end of PDUFA VII; leveraging existing adverse events reporting capabilities for CBER adverse event report-

ing; transitioning regulatory data and analytics to a new shared environment; using a new electronic review management tool and knowledge management system.

ii. These and other modernization efforts will allow for measurable improved review and internal management of novel and scientifically complex PDUFA biologics, leading to enhanced review efficiency, effectiveness and quality.

iii. Modernization outcomes will facilitate external interactions with developers, manufacturers, and other stakeholders—resulting in faster information exchange, data analysis, and dissemination of safety information; and better consistency of advice and decisions to guide and foster product development and review.

c. Annually and at key milestones, CBER will share its roadmap, provide updates on its progress including successes, issues, performance metrics, accomplishments and any issues or necessary adjustments to accommodate unexpected events (e.g., contracting, delays outside of CBER control) or reasonable deviations from its modernization roadmap. This information will be shared at regularly scheduled FDA-industry meetings.

d. In order to ensure successful modernization, CBER maintains active management and oversight of its IT and Data projects through a structured system of controls that covers all phases of projects. CBER will not progress to the next phase of implementation for an IT modernization project without successful completion of the previous phase.

e. CBER will scope and plan its IT modernization activities to conclude by the end of FY 2027 with no expectation of continued additional direct costs funding to support the effort beyond PDUFA VII.

5. Monitor and Modernize ESG

FDA will continue to ensure the usability and improvement of the ESG.

a. Annually, FDA will provide on the ESG website historic and current metrics on ESG performance in relation to published targets, characterizations and volume of submissions, and standards adoption and conformance.

FDA will advance the ESG cloud-based modernization with an improved architecture that supports greatly expanding data submission bandwidth and storage, while continuing to ensure its stable operation.

a. By the end of FY 2025, FDA will complete ESG transition to the cloud, including set-up and integration of an enterprise Identity and Access Management solution that will streamline applicant access to FDA resources.

b. Annually, FDA will share progress against the implementation project plan.

c. FDA will engage industry to provide feedback and/or participate in pilot testing in advance of implementing significant changes that impact industry’s interaction with the enterprise-wide systems.

6. Leverage Cloud Technology to Progress Regulatory Digital Transformation

Cloud and cloud-based technology offer significant advantages over traditional on-premise data repositories and analytics. Combined with interoperable information exchange mechanisms, these advantages open a host of new opportunities to explore, promote and implement innovation in the drug development and regulatory review process.

The outcomes of demonstration projects in PDUFA VII will be the building blocks, informing and positioning FDA and regulated industry to take best advantage of third-party hosted capabilities in conjunction with their own infrastructure, as well as investigating the potential for such capabilities to be jointly leveraged by other regulatory authorities and applicants.

a. FDA will engage with external parties to develop and test reusable and portable core capabilities that can be supported both with FDA's environment and in trusted third-party environments. This engagement will be through mechanisms such as, but not limited to, cooperative agreements, contracts, Cooperative Research and Development Agreements (CRADAs) and public-private partnerships.

b. By the end of Q3 FY 2023, FDA will assess challenges or barriers in FDA's adoption of cloud-based technologies in applicant-regulator interactions and within 6 months will publish the findings of this assessment.

c. In FY 2023, FDA, in consultation with industry, will prioritize and initiate the first of at least 3 demonstration projects to explore application of cloud-based technologies to streamline, improve and enable a variety of applicant-regulator interactions.

i. In support of the use of DHT-derived data in applications, FDA will enhance its capability to effectively receive, aggregate, store, and process large volumes of static or continuously updated DHT-derived data captured as part of a clinical trial.

ii. Projects will demonstrate applications of cloud technology to applicant-regulator interactions and secure shared environments for specific regulatory activities (e.g., support labeling negotiations between FDA and applicants, develop a standard protocol template to accelerate review and provide usable archive, improve statistical analysis plan between FDA and applicants).

iii. Projects will develop increasingly rich and flexible technical capabilities that can be leveraged for multiple purposes by regulators and industry, either internally within a regulator's or industry's environment, or through a trusted third-party, thus promoting convergence through common components such as Cloud-hosted Individualized Secure Collaboration Hubs (ISCH) which provide secure and effective environments for various cloud-based collaboration initiatives;

1) An example might be to utilize an ISCH for applicant-regulator label negotiations; another might be to hold continuously updated DHT-derived data for analysis.

d. Within 6 months of completion of a demonstration project, a summary of outcomes and next steps will be compiled and shared with industry at the regularly scheduled FDA-industry meetings. A description of the project and summary of outcomes will be posted on the FDA website.

e. FDA will engage industry to provide feedback and/or participate in testing in advance of implementing significant changes that impact industry's interaction with the enterprise-wide systems.

i. FDA will review progress and plans at quarterly meetings with industry.

f. Demonstration projects and associated capabilities development will be completed by the end of FY 2027 with no expectation of additional funding for those activities beyond PDUFA VII.

7. Provide Bioinformatics IT Support

CDER and CBER are seeing increasing volume and diversity of bioinformatics and computational biology information and data, such as Next Generation Sequencing, in sponsor-regulator interactions. Bioinformaticists play an essential and expanding role in new drug and biologic appli-

cation reviews, providing in-depth independent analysis of submitted data to support review decisions in close coordination with clinical and product experts. To be effective entails appropriate IT support.

a. FDA will assess its bioinformatics capabilities, and annually, ensure that IT resources are provided to support bioinformatics activities, including software licensing, cloud-based storage and computing capacity, operations support and maintenance.

b. Outcomes will be shared at regularly scheduled FDA-industry meetings.

B. Expanding and Enhancing Bioinformatics Support

Bioinformatics and computational biology are increasingly being used to assess product quality, safety and efficacy and facilitate the development, characterization and manufacture of human drugs and biologics. Recognizing the substantial increase in the volume and diversity of bioinformatics and computational biology information and data, such as Next Generation Sequencing, in regulatory submissions, FDA will develop additional expertise and staff capacity in both CDER and CBER to efficiently review and provide technical and timely feedback on information and accompanying data in submissions and meet performance goals, especially for those submitted early in development. FDA will hire technical expertise necessary to assess the approaches and evaluate data as appropriate, validating the results and/or analytic process using existing tools or through independent analysis when necessary. Staff with specialized expertise in specific product/therapeutic areas will also be developed to facilitate translation of bioinformatic information to subject matter review experts. FDA will also assess and strengthen its computational infrastructure to support and advance its informatics platforms, allowing FDA to remain current with the most recent technology in the field. To facilitate submission and review of bioinformatics and computational biology information, FDA will continue to develop data standards and revise guidance or issue draft guidance on this topic including how to submit, and format submissions, and technical validation criteria. FDA will work globally to advance harmonization of these standards and methodologies.

C. Enhancing use of Digital Health Technologies to Support Drug Development and Review

A Digital Health Technology (DHT) in the context of this commitment may be considered as a system that uses computing platforms, connectivity, software, and sensors for healthcare and related uses. These technologies may span a wide range of uses, from applications in general wellness to applications as a medical device to applications generating data that may be used in the evaluation of drug or biologic products.

DHTs can allow for remote data acquisition from patients and clinical trial participants to measure a wide range of activities, behaviors, and functioning in real life settings that can inform important clinical endpoints. DHTs may include wearable, implantable, ingestible, and environmental sensors or software applications on mobile devices, among other approaches. The use of DHTs can support and enable the conduct of decentralized clinical trials (DCTs), the clinical investigations in which some or all trial-related procedures and data acquisition take place at locations remote from the investigator.

While the biomedical field has experienced rapid development and implementation of DHTs, FDA has limited experience evaluating novel DHT-based measurements in

human drug development. FDA recognizes the potential for DHTs to provide scientific and practical advantages in supporting the assessment of patients by generating information outside of the traditional clinic visit and needs to build capacity and expertise to advise the biopharmaceutical industry in their development and implementation and to evaluate DHT outputs including the impact of regulatory initiatives (or regulatory science). To support new drug registration, label expansion, and safety monitoring, DHT-based data need to be fit for the intended purpose. Toward these ends, FDA will do the following:

1. By the end of Q2 FY 2023, FDA will establish a DHT framework document guide the use of DHT-derived data in regulatory decision-makings for drugs and biological products. The framework will guide activities such as to:

a. Define objectives for workshops and demonstration projects;

b. Develop methodologies for evaluating DHTs proposed as measuring key (primary or important secondary) endpoints or other important measures (e.g., for safety monitoring, or baseline characterization) in clinical trials;

c. Manage submissions with extensive and continuous data, e.g., in order to develop acceptable approaches to capture adverse events; and

d. Develop a standardized process for data management and analysis of large datasets from DHTs.

2. By the end of Q2 FY 2023, FDA will establish a committee including members from CDER and CBER to support implementation of the commitments in this section. The establishment of the committee and its purpose will be made public on the FDA website. Responsibilities will include, but not be limited to:

a. Oversee the design and implementation of the DHT framework;

b. Promote consistency across centers regarding DHT-based policy, procedure, and analytic tool development;

c. Work with the FDA Digital Health Center of Excellence (DHCoE) to increase consistency across regulatory programs, to incorporate relevant learnings from review of digital tools and devices by CDRH, and to consider cross-center topics;

d. Gather information about the present state of DHTs, including specific challenges in their use; and

e. Engage with external stakeholders on DHT-related issues.

3. By the end of Q2 FY 2023, FDA will convene the first of a series of 5 public meetings or workshops with key stakeholders including patients, biopharmaceutical companies, DHT companies, and academia to gather input into issues related to the use of DHTs in regulatory decision-making. The meetings and workshops will be designed with objectives such as to:

a. Understand priorities for development of DHTs to support clinical trials, including the potential for DHTs to increase diverse patient populations in clinical trials;

b. Identify approaches to DHT validation;

c. Gain understanding of DHT data processing and analysis and inform need for novel analytical techniques; and

d. Address the regulatory acceptance of safety monitoring tools that utilize artificial intelligence/machine learning-based algorithms for pharmacovigilance purposes, e.g., continuous data streams from DHT.

4. FDA will identify at least 3 issue-focused demonstration projects to inform methodologies for efficient DHT evaluation. These projects may include engagement with researchers from academia, biopharmaceutical industry, patient groups and other stakeholders, and will:

a. Cover key issues to inform regulatory policy development and regulatory advice. E.g., the projects may examine such areas as validation methods, analytic approaches to missing data, the use of multi-channel inputs to characterize an endpoint, evaluation of continuous data vs discrete measurements, use and limitations of use of DHTs in DCTs, and other related efforts.

5. By the end of Q1 FY 2023, FDA will publish draft, revised or final guidance on the use of DHTs in traditional and decentralized clinical trials, addressing the validation of measurements made by DHTs, the development of novel endpoints using DHTs, the use of DHTs as new ways to measure existing endpoints, approaches to using the patients' own DHTs such as cell phones or smart watches, usability considerations for patients, detection of safety signals during continuous data acquisition, and issues related to security and confidentiality of data.

a. Beginning in FY 2024, FDA will publish additional draft guidances in identified areas of need informed by stakeholder engagement.

i. For example, acceptable approaches to capturing and reporting adverse events in clinical trials using DHTs.

b. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

6. By the end of FY 2023, FDA will publish draft, revised or final guidance on regulatory considerations for Prescription Drug Use-Related Software that includes information about software that is disseminated by a drug applicant for use with a prescription drug or biologic product that may be described in labeling, including prescribing information. This guidance will cover software that is distributed with a drug or integrated as part of a drug- or biologic-led combination product, as well as software that is distributed by an applicant independent of an approved product.

7. FDA will expand its capacity to achieve its stated objectives in this section and to enhance consistency across the human drugs and biologics program (and as appropriate with the medical devices program) with regards to development, use, and review of DHT's and associated endpoints. Through a combination of expanded staff and contract support, FDA will:

a. Build technical expertise within the human drugs and biologics program to enhance internal knowledge, capabilities for review of IND-and NDA/BLA submissions including DHT derived endpoints, policy, standards and guidance development;

b. Train FDA staff in evaluation of DHTs;

c. Develop statistical methodology for the design, analysis, and interpretation of DHT-derived clinical trial endpoints;

d. Build review capacity and expertise to respond to DHT developers and biopharmaceutical applicants who want to use DHTs; and

e. Apply a consistent approach to review of DHTs across CDER, CBER, and CDRH as appropriate.

8. FDA will enhance its IT capabilities to support the review of DHT-generated data:

a. By end of Q2 FY 2023, FDA will enhance its internal systems to support review of DHT-related submissions including capturing key information about clinical trials

utilizing DHTs to support tracking the number and rate of change of DHT-related submissions.

b. In FY 2023, FDA will establish a secure cloud technology to enhance its infrastructure and analytics environment that will enable FDA to effectively receive, aggregate, store, and process large volumes of data from trials conducted using DHTs.

c. After establishing the cloud environment, FDA will pilot a secure cloud-based mechanism to support submission and review of DHT-generated data sets.

d. FDA will work to enhance, recommend and implement standards that reduce the handling necessary to make data analyzable.

V. IMPROVING FDA PERFORMANCE MANAGEMENT

A. *Studies Will Include:*

1. Assessment of the internal activities related to the STAR pilot program as described in Section I.D.4.

2. Assessment of the current practices of FDA and sponsors in communicating through product quality IRs during application review as described in Section I.N.1.c.

3. Evaluation of the resource capacity planning capability as described in Section II.A.2.

4. Assessment of the hiring and retention of staff for the human drug review program in CDER and CBER as described in Section III.B.

5. Assessment of challenges or barriers in FDA's adoption of cloud-based technologies as described in Section IV.A.6.b.

VI. PROGRESS REPORTING FOR PDUFA VII AND CONTINUING PDUFA VI INITIATIVES

A. FDA will include in the annual PDUFA Performance Report information on the Agency's progress in meeting the specific commitments identified in this document as prescribed in statute.

B. FDA will include in the annual PDUFA Financial Report information identified in Section II in this document and as prescribed in statute.

APPENDIX. DEFINITIONS AND EXPLANATION OF TERMS

1. "Human drug applications" refers to new drug applications submitted under section 505(b) of the Federal Food, Drug, and Cosmetic Act and biologics license applications submitted under section 351(a) of the Public Health Service Act, as defined in the Prescription Drug User Fee Act.

2. "Human drug review program" refers to the activities to conduct "the process for the review of human drug applications," as defined in the Prescription Drug User Fee Act.

3. The term "review and act on" means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

4. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

5. Class 1 resubmitted applications are applications resubmitted after a complete response letter (or a not approvable or approvable letter) that include the following items only (or combinations of these items):

a. Final printed labeling

b. Draft labeling

c. Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)

d. Stability updates to support provisional or final dating periods

e. Commitments to perform Phase 4 studies, including proposals for such studies

f. Assay validation data

g. Final release testing on the last 1-2 lots used to support approval

h. A minor reanalysis of data previously submitted to the application

i. Other minor clarifying information (determined by the Agency as fitting the Class 1 category)

j. Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

6. Class 2 resubmissions are resubmissions that include any other items, including any items that would require presentation to an advisory committee.

7. The performance goals and procedures also apply to original applications and supplements for human drugs initially marketed on an over-the-counter (OTC) basis through an NDA or switched from prescription to OTC status through an NDA or supplement.

8. As used in this commitment letter, "regulatory decision making" may include, for example, FDA's process for making a regulatory decision regarding a drug or biological product throughout the product lifecycle, such as during drug development, following FDA's review of a marketing application, including review of proposed labeling for the product, or in the post-approval period (e.g., FDA's decision regarding a supplement to an approved application).

9. "Serious disease or condition," "available therapy," "unmet medical need," and "may demonstrate substantial improvement on clinically significant endpoint(s)" have the meanings given in FDA's Guidance for Industry: Expedited Programs for Serious Conditions, Drugs and Biologics (May 2014).

MDUFA PERFORMANCE GOALS AND PROCEDURES, FISCAL YEARS 2023 THROUGH 2027

GENERAL

The performance goals and procedures agreed to by the Center for Devices and Radiological Health (CDRH) and the Center for Biologics Evaluation and Research (CBER) of the United States Food and Drug Administration ("FDA" or "the Agency") for the medical device user fee program in the Medical Device User Fee Amendments of 2022, are summarized below.

FDA and the industry are committed to protecting and promoting public health by providing timely access to safe and effective medical devices. Nothing in this letter precludes the Agency from protecting the public health by exercising its authority to provide a reasonable assurance of the safety and effectiveness of medical devices. Both FDA and the industry are committed to the spirit and intent of the goals described in this letter.

I. SHARED OUTCOME GOALS

The program and initiatives outlined in this document are predicated on significant interaction between the Agency and applicants. FDA and representatives of the industry agree that the process improvements outlined in this letter, when implemented by all parties as intended, should reduce the average Total Time to Decision for premarket approval applications (PMAs) and premarket notification (510(k)) submissions, provided that the total funding of the device review program adheres to the assumptions underlying this agreement. FDA and applicants share the responsibility for achieving this objective of reducing the average Total Time to Decision, while maintaining standards for safety and effectiveness. Success of this program will require the cooperation and dedicated efforts of FDA and applicants to reduce their respective portions of the Total Time to Decision.

FDA will be reporting Total Time to Decision performance as described in Section VII. FDA and industry will participate in the independent assessment of progress toward this outcome, as described in Section VI below. As appropriate, key findings and recommendations from this assessment will be implemented by FDA.

A. PMA

PMA Shared Outcome Total Time to Decision goal: FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the three most recent closed receipt cohorts. The following PMA Shared Outcome Total Time to Decision goals are subject to adjustment per Section III below:

For Original PMA and Panel Track Supplement submissions received in Fiscal Years (FY) 2023 through 2024, the average shared outcome Total Time to Decision goal for FDA and industry is 290 calendar days.

For Original PMA and Panel Track Supplement submissions received in FYs 2025 through 2027, the average shared outcome Total Time to Decision goal for FDA and industry is 285 calendar days.

B. 510(k)

510(k) Shared Outcome Total Time to Decision goal: FDA will report on an annual basis the average Total Time to Decision as defined in Section VIII.G for the most recent closed receipt cohort. The following 510(k) Shared Outcome Total Time to Decision goals are subject to adjustment per Section III below:

For 510(k) submissions received in FY 2023, the average Total Time to Decision goal for FDA and industry is 128 calendar days.

For 510(k) submissions received in FY 2024, the average Total Time to Decision goal for FDA and industry is 124 calendar days.

For 510(k) submissions received in FY 2025, the average Total Time to Decision goal for FDA and industry is 112 calendar days.

For 510(k) submissions received in FY 2026, the average Total Time to Decision goal for FDA and industry is 112 calendar days.

For 510(k) submissions received in FY 2027, the average Total Time to Decision goal for FDA and industry is 112 calendar days.

II. REVIEW PERFORMANCE GOALS—FISCAL YEARS 2023 THROUGH 2027 AS APPLIED TO MDUFA COHORTS

The overall objective of the review performance goals stated herein is to assure more timely access to safe and effective medical devices.

A. Pre-Submissions

FDA will continue the Pre-Submission program as described in the guidance on “Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program” with process improvements and performance goals as noted in this section.

For all Pre-Submissions in which the applicant requests a meeting or teleconference, the applicant will provide a minimum of three proposed meeting dates in the initial submission.

Within 15 calendar days of receipt of a Pre-Submission, FDA will communicate with the applicant regarding whether the application has been accepted and, if applicable, regarding scheduling of the meeting or teleconference. Acceptance will be determined based on the definition of Pre-Submission in Section VIII.E below and an acceptance checklist in published guidance. This communication consists of a written communication that a) identifies the reviewer assigned to the submission, b) acknowledges acceptance/rejection of the submission, and c) if the submission included a request for a meeting or teleconference and is accepted, either confirms one of the applicant’s requested meet-

ing dates or provides two alternative dates prior to day 75 from receipt of accepted submission. A determination that the request does not qualify as a Pre-Submission will require the concurrence of the appropriate management or designee and the reason for this determination will be provided to the applicant in the above written communication. FDA intends to reach agreement with the applicant regarding a meeting date within 30 days from receipt of accepted submission. For all requests for meetings or teleconferences that do not have such a meeting or teleconference scheduled by 30 days from receipt of an accepted submission, a FDA manager will contact the applicant to resolve scheduling issues by the 40th day.

Pre-Submission Written Feedback goal: FDA will provide written feedback that addresses the issues raised in the Pre-Submission request within 70 calendar days of receipt date or five calendar days prior to a scheduled meeting, whichever comes sooner, for:

In FY 2023, 90% of Pre-Submissions in the MDUFA Cohort if the MDUFA Cohort is fewer than 3585, or 75% of Pre-Submissions in the MDUFA Cohort if the MDUFA Cohort is 3585 or more, up to 4300 submissions.

In FY 2024, 90% of Pre-Submissions in the MDUFA Cohort if the MDUFA Cohort is fewer than 4060, or 80% of Pre-Submissions in the MDUFA Cohort if the MDUFA Cohort is 4060 or more, up to 4300 submissions.

In FY 2025–2027, 90% of Pre-Submissions in the MDUFA Cohort up to 4300 submissions.

These Pre-Submission Written Feedback goals are subject to adjustment per Section III below.

The MDUFA Cohort will only include Pre-Submissions (as defined in Section VIII.E below) for devices that are accepted for review up to a maximum number of accepted submissions subject to the goal. Pre-Submissions will be accepted in accordance with the Pre-Submission acceptance checklist described in FDA’s guidance “Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program.”. In addition, the following types of requests for feedback available to Breakthrough-designated products and/or products included in the Safer Technologies Program (STeP) are considered accepted for review upon receipt:

- Sprint discussions;
- Requests for review of a data development plan; and
- Requests for review of a clinical protocol agreement.

The MDUFA Cohort will not include Pre-Submissions that are withdrawn at request of applicant or closed due to lack of applicant response.

For any Pre-Submissions in the MDUFA Cohort for which FDA does not meet the Pre-Submission Written Feedback goal, FDA will communicate with the applicant in a timely manner regarding a timeline for providing written feedback.

After the Pre-Submission MDUFA Cohort reaches the maximum number of submissions subject to the goal in a fiscal year, FDA still intends to provide timely feedback for Pre-Submissions for Breakthrough-designated products and products included in the Safer Technologies Program (STeP). After the Pre-Submission MDUFA Cohort reaches the maximum number of submissions subject to the goal, FDA intends to provide feedback for other Pre-Submissions as resources permit, but not to the detriment of meeting quantitative review timelines and statutory obligations.

Written feedback provided to the applicant will include: written responses to the applicant’s questions; FDA’s suggestions for additional topics for the meeting or teleconference, if applicable; or, a combination of both.

If all of the applicant’s questions are addressed through written responses to the applicant’s satisfaction, FDA and the applicant can agree that a meeting or teleconference is no longer necessary, and the written responses will be considered the final written feedback to the Pre-Submission.

Applicants will be responsible for developing draft minutes for a Pre-Submission meeting or teleconference, and providing the draft minutes to FDA within 15 calendar days of the meeting. At the beginning and end of each meeting, the applicant will affirmatively state that they will draft minutes and provide them to FDA within 15 calendar days. The minutes will summarize the meeting discussions and include agreements and any action items. FDA will provide any edits to the draft minutes to the applicant via email within a timely manner. These minutes will become final 15 calendar days after the applicant receives FDA’s edits, unless the applicant indicates that there is a disagreement with how a significant issue or action item has been documented. In this case, within a timely manner, the applicant and FDA will conduct a teleconference to discuss that issue with FDA. At the conclusion of that teleconference, within 15 days FDA will finalize the minutes either to reflect the resolution of the issue or note that this issue remains a point of disagreement.

FDA intends that feedback the Agency provides in a Pre-Submission will not change, provided the information submitted in a future IDE or marketing application is consistent with that provided in the Pre-Submission and documented in the Pre-Submission, and that the data in the future submission, changes in the science, or changes in the standards of care do not raise any important new issues materially affecting safety or effectiveness. The minutes described above will serve as the record of the Agency’s Pre-Submission feedback. Modifications to FDA’s feedback will be limited to situations in which FDA concludes that the feedback does not adequately address important new issues materially relevant to a determination of safety and/or effectiveness or substantial equivalence. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

By March 31, 2024, the Agency will issue draft guidance to update the guidance on “Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program” to include additional information to assist applicants and review staff in identifying the circumstances in which an applicant’s question is most appropriate for informal communication instead of a Pre-Submission. FDA will provide an opportunity for the public to comment on the updated guidance. No later than 18 months after the close of the public comment period, the Agency will issue a final guidance. FDA will implement this guidance once final. FDA will train staff and managers on the updated guidance.

B. Original PMAs, Product Development Protocols, Panel-Track Supplements, and Pre-market Reports

The performance goals in this section apply to all Original PMAs, Product Development Protocols (PDPs), Panel-Track Supplements, and Premarket Reports.

FDA will communicate with the applicant regarding whether the application has been accepted for filing review within 15 calendar days of receipt of the application. This communication consists of a written communication that a) identifies the reviewer assigned to the submission, and b) acknowledges acceptance/rejection of the submission based upon the review of the submission

against objective acceptance criteria outlined in a published guidance document and consistent with the statute and its implementing regulations.

If the application is not accepted for filing review, FDA will notify the applicant of those items necessary for the application to be considered accepted for filing review.

For those applications that are accepted for filing review, FDA will communicate the filing status within 45 calendar days of receipt of the application.

For those applications that are not filed, FDA will communicate to the applicant the specific reasons for rejection and the information necessary for filing.

If the application is filed, FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of the filing date of the application for 95% of submissions.

When FDA issues a major deficiency letter, that letter will be based upon a complete review of the application and will include all deficiencies. Deficiency letters will include a statement of the basis for the deficiencies, as provided in Section V.B below. Deficiency letters will undergo supervisory review prior to issuance to ensure the deficiencies cited are relevant to a determination of safety and effectiveness. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of safety or effectiveness. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs. Issues related to post-approval studies, if applicable, and revisions to draft labeling will typically be addressed through interactive review once major deficiencies have been adequately addressed.

PMA decision goal: For Original PMAs, PDPs, Panel-Track Supplements, and Pre-market Reports that do not require Advisory Committee input, FDA will issue a MDUFA decision within 180 FDA Days for 90% of submissions. This PMA decision goal is relevant for purposes of Section III below.

For submissions that require Advisory Committee input, FDA will issue a MDUFA decision within 320 FDA Days for 90% of submissions. FDA will issue a MDUFA decision within 60 days of the Advisory Committee recommendation, as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations. The Office Director shall review each request for Advisory Committee input for appropriateness and need for this input.

If in any one fiscal year, the number of submissions that require Advisory Committee input is less than 10, then it is acceptable to combine such submissions with the submissions for the following year(s) in order to form a cohort of 10 or more submissions, upon which the combined years' submissions will be subject to the performance goal. If the number of submissions that require Advisory Committee input is less than 10 for FY 2027, it is acceptable to combine such submissions in the prior year(s) to form a cohort of 10 or more submissions; in such cases, FDA will be held to the FY 2027 performance goal for the combined years' submissions.

To facilitate an efficient review prior to the Substantive Interaction, and to incentivize submission of a complete application, submission of an unsolicited major amendment prior to the Substantive Interaction extends the FDA Day review clock by the number of FDA Days that have elapsed. Submission of an unsolicited major amendment after the Substantive Interaction extends the FDA Day goal by the number of

FDA Days equal to 75% of the difference between the filing date and the date of receipt of the amendment. Requests from FDA that a submission be made will not be considered unsolicited.

For all PMA submissions that do not reach a MDUFA decision by 20 days after the applicable FDA Day goal, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

For PMA submissions that receive a MDUFA decision of Approvable, FDA will issue a decision within 60 days of the sponsor's response to the Approvable letter, as resources permit, but not to the detriment of meeting the quantitative review timelines and statutory obligations.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA's Performance Reports, as described in Section VII.

C. 180-Day PMA Supplements

FDA will communicate with the applicant through a Substantive Interaction within 90 calendar days of receipt of 95% of submissions.

FDA will issue a MDUFA decision within 180 FDA Days for 95% of submissions.

D. Real-Time PMA Supplements

FDA will issue a MDUFA decision within 90 FDA Days for 95% of submissions.

E. De Novo Requests

De Novo decision goal: FDA will issue a MDUFA decision within 150 FDA Days for 70% of De Novo requests. This De Novo decision goal is subject to adjustment per Section III below.

Deficiencies identified will be based upon a complete review of the submission and will include all deficiencies. Deficiency letters will include a statement of the basis for the deficiencies, as provided in Section V.B below. Deficiency letters will undergo supervisory review prior to issuance to ensure the deficiencies cited are relevant to a classification determination. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a classification determination. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs. Issues related to revisions to draft labeling will typically be addressed through interactive review once major deficiencies have been adequately addressed.

At the applicant's request and as resources permit, but not to the detriment of meeting the quantitative review timelines, if a final decision has not been rendered within 180 FDA days, FDA will discuss with the applicant all outstanding issues with the submission preventing FDA from reaching a decision. This discussion will reflect appropriate management input and approval and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks.

F. 510(k) Submissions

FDA will communicate with the applicant regarding whether the submission has been

accepted for review within 15 calendar days of receipt of the submission. For those submissions that are not accepted for review, FDA will notify the applicant of those items necessary for the submission to be considered accepted.

FDA will provide written communication that a) identifies the reviewer assigned to the submission, and b) acknowledges acceptance/rejection of the submission based upon the review of the submission against objective acceptance criteria outlined in a published guidance document. This communication represents a preliminary review of the submission and is not indicative of deficiencies that may be identified later in the review cycle.

For 510(k) submissions received under the eSTAR program, a submission that passes the initial technical screening will be considered accepted for review as of the date the submission was received.

FDA will communicate with the applicant through a Substantive Interaction within 60 calendar days of receipt of the submission for 95% of submissions.

Deficiencies identified in a Substantive Interaction, such as a telephone/email hold or Additional Information Letter, will be based upon a complete review of the submission and will include all deficiencies. Deficiency letters will include a statement of the basis for the deficiencies, as provided in section V.B below. Deficiency letters will undergo supervisory review prior to issuance to ensure the deficiencies cited are relevant to a determination of substantial equivalence. Any subsequent deficiencies will be limited to issues raised by the information provided by the applicant in its response, unless FDA concludes that the initial deficiencies identified do not adequately address important new issues materially relevant to a determination of substantial equivalence. Such a determination will be supported by the appropriate management concurrence consistent with applicable guidance and SOPs.

510(k) decision goal: FDA will issue a MDUFA decision for 95% of 510(k) submissions within 90 FDA Days. This 510(k) decision goal is relevant for purposes of Section III below.

For all 510(k) submissions that do not reach a MDUFA decision within 100 FDA Days, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the 510(k) decision goal will be provided as part of FDA's Performance Reports, as described in Section VII.

G. CLIA Waiver by Application

FDA will engage in a Substantive Interaction with the applicant within 90 days for 90% of the applications.

Pre-Submission review timeframes in Section II.A apply to Pre-Submissions for CLIA Waiver by Application and Dual submission 510(k)/CLIA Waiver applications.

Industry will inform FDA that it plans to submit a dual submission (510(k) and CLIA Waiver application) during the Pre-Submission process. FDA will issue a decision for 90% of dual submission applications within 180 FDA days.

For “CLIA Waiver by application” submissions FDA will issue a MDUFA decision for 90% of the applications that do not require Advisory Committee input within 150 FDA days.

For “CLIA Waiver by application” submissions FDA will issue a MDUFA decision for 90% of the applications that require Advisory Committee input within 320 FDA days.

If in any one fiscal year, the number of submissions in any CLIA Waiver by Application category is less than 10, then it is acceptable to combine such submissions with the submissions for the following year(s) in order to form a cohort of 10 or more submissions, upon which the combined years’ submissions will be subject to the performance goal.

For all CLIA waiver by application submissions and dual submissions that do not reach a decision by 20 days after the applicable FDA Day goal, FDA will provide written feedback to the applicant to be discussed in a meeting or teleconference, including all outstanding issues with the application preventing FDA from reaching a decision. The information provided will reflect appropriate management input and approval, and will include action items for FDA and/or the applicant, as appropriate, with an estimated date of completion for each party to complete their respective tasks. Issues should be resolved through interactive review. If all of the outstanding issues are adequately presented through written correspondence, FDA and the applicant can agree that a meeting or teleconference is not necessary.

In addition, information about submissions that miss the FDA Day goal will be provided as part of FDA’s Performance Reports, as described in Section VII.

H. Original Biologics Licensing Applications (BLAs)

FDA will review and act on standard original BLA submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority original BLA submissions within 6 months of receipt for 90% of submissions.

I. BLA Efficacy Supplements

FDA will review and act on standard BLA efficacy supplement submissions within 10 months of receipt for 90% of submissions.

FDA will review and act on priority BLA efficacy supplement submissions within 6 months of receipt for 90% of submissions.

J. Original BLA and BLA Efficacy Supplement Resubmissions

FDA will review and act on Class 1 original BLA and BLA efficacy supplement resubmissions within 2 months of receipt for 90% of submissions.

FDA will review and act on Class 2 original BLA and BLA efficacy supplement resubmissions within 6 months of receipt for 90% of submissions.

K. BLA Manufacturing Supplements Requiring Prior Approval

FDA will review and act on BLA manufacturing supplements requiring prior approval within 4 months of receipt for 90% of submissions.

III. OPPORTUNITY FOR PERFORMANCE IMPROVEMENTS

MDUFA V will provide for increases in fee revenue above the annual total revenue amount to support performance improvements in FY 2025, FY 2026, and/or FY 2027, as detailed below. If such fee revenue adjustments are not made, the performance goals in Section II apply.

For the purpose of fee revenue adjustments, performance of all goals in this section, except for the Pre-Submission Written Feedback goal, will be determined based on

data available as of 18 months following the close of the fiscal year at issue. Thus, for a FY 2023 goal, the performance will be determined based on data available as of March 31, 2025. For a FY 2024 goal, the performance will be determined based on data available as of March 31, 2026. For the Pre-Submission Written Feedback goal, performance will be determined based on data available as of 6 months following the close of the fiscal year at issue. Thus, for example, for the Pre-Submission Written Feedback goal for FY 2023, performance will be determined based on data available as of March 31, 2024.

A. PMA and 510(k): Decision Goals and Shared Outcome Total Time to Decision Goals

I. FDA’s 510(k) decision goal, the FDA/Industry 510(k) Shared Outcome Total Time to Decision goal, FDA’s PMA decision goal, and the FDA/Industry PMA Shared Outcome Total Time to Decision goal are met for FY 2023, and fee revenue above the annual total revenue amount is provided in FY 2026 and FY 2027 to support performance improvements, the 510(k) Shared Outcome Total Time to Decision goal will be adjusted to 108 days for FY 2026 and FY 2027 and the PMA Shared Outcome Total Time to Decision goal will be adjusted to 275 days for FY 2026 and FY 2027.

If FDA’s 510(k) decision goal, the FDA/Industry 510(k) Shared Outcome Total Time to Decision goal, FDA’s PMA decision goal, and the FDA/Industry PMA Shared Outcome Total Time to Decision goal are met in FY 2024, and fee revenues above the annual total revenue amount are provided in FY 2027 to support performance improvements, the 510(k) Shared Outcome Total Time to Decision goal will be adjusted to 108 days and the PMA Shared Outcome Total Time to Decision goal will be adjusted to 270 days for FY 2027.

B. De Novo Requests

If the De Novo decision goal is met for FY 2023, and fee revenue above the annual total revenue amount is provided in FY 2026 and FY 2027 to support performance improvements, the goal will be adjusted to 80% of De Novo requests receiving a MDUFA decision within 150 FDA days for FY 2026 and 2027.

If the De Novo decision goal is met for FY 2024, and fee revenue above the annual total revenue amount is provided in FY 2027 to support performance improvements, the goal will be adjusted to 90% of De Novo requests receiving a MDUFA decision within 150 FDA days in FY 2027.

C. Pre-Submissions

If the Pre-Submission Written Feedback goal is met for FY 2023, and fee revenue above the annual total revenue amount is provided to support performance improvements, the maximum number of submissions subject to the goal will escalate to 4700 Pre-Submissions in FYs 2025, 2026 and 2027.

If the Pre-Submission Written Feedback goal is met for FY 2024, and fee revenue above the annual total revenue amount is provided to support performance improvements, the maximum number of submissions subject to the goal will escalate to 4800 Pre-Submissions in FY 2026 and FY 2027.

If the Pre-Submission Written Feedback goal is met for FY 2025, and fee revenue above the annual total revenue amount is provided to support performance improvements, the goal will not be subject to a maximum number of submissions in FY 2027.

The goal for percent of Pre-Submissions in the MDUFA Cohort receiving timely feedback, as described in Section II.A, will remain at 90% for FYs 2025, 2026, and 2027.

IV. INFRASTRUCTURE

A. Quality Management

The CDRH Quality Management and Organizational Excellence (QMOE) Program is

comprised of a team of certified quality management staff who report to the Center Director. This QMOE staff are focused on meeting customers’ needs by improving consistency, efficiency, timeliness, and effectiveness of operations. The QMOE Program establishes and leads the CDRH Quality Management System (QMS) activities, facilitates process improvements, independently audits CDRH processes and activities, and assesses the effectiveness of actions taken to prevent potential (risk management) and resolve existing issues (nonconformity management).

At least once per year, the Agency will discuss with industry the specific areas it intends to incorporate in its ongoing audit plan with the QMOE Program. FDA will identify, with industry input, areas to audit, which will include the effectiveness of CDRH’s nonconformity management process. FDA will continue to expand the scope of its annual audits as it implements and builds up its auditing capability, as resources permit. At a minimum, FDA audits in the following areas will be completed: Pre-Submissions and Third Party Review Program.

As part of these ongoing audits, high-performing premarket review best practices utilized in one Office of Health Technology (OHT) will be identified and shared accordingly with other OHTs to improve efficiencies and effectiveness.

At least once per year, FDA will report on the results of the audits, best practices identified and shared across OHTs, and the actions taken in response to nonconformities associated with the nonconformity management process.

B. Financial Transparency and Hiring

1. Financial Transparency

FDA will publish a MDUFA 5-year financial plan no later than the end of the 2nd quarter of FY 2023. The financial plan will include the Agency’s annual hiring targets. No later than the end of the 2nd quarter of each subsequent fiscal year, FDA will publish updates to the 5-year plan as of the end of the prior fiscal year. The annual updates will include information concerning:

The number of new MDUFA V hires by Office;

The number of new MDUFA V hires made from outside the Center, as well as the number of new MDUFA V hires made from current Center employees (if any);

The number of unfilled new MDUFA V hires;

The changes in the personnel compensation and benefit costs for the process for the review of medical device applications that exceed the amounts provided by the personnel compensation and benefit costs portion of the inflation adjustment;

An accounting of appropriated user fee funds included in the operating reserves at the end of each fiscal year, as well as the carryover balance of user fee funds that are considered unappropriated or unearned and therefore not included in the operating reserves; and

An accounting of the amount excluded from the designated amount within the operating reserves, which is intended to support the Third Party Review program and the Total Product Life Cycle Advisory Program Pilot.

2. Carryover Balance

MDUFA V will provide for FDA to decrease registration fees if the Agency has more than 13 weeks of operating reserves in the carryover balance. In addition, during MDUFA V FDA will use funds in the carryover balance to support the Third Party Review program and the Total Product Life Cycle Advisory Program Pilot. The amount of carryover balance funds intended to support these programs will be excluded when

calculating the amount of operating reserves to determine if registration fees will be decreased. The current statutory one-month reserve will also be excluded when calculating the amount of operating reserves to determine if registration fees will be decreased. User fee funds in the carryover balance that are considered unappropriated or unearned are not included in the operating reserves.

No less than annually, FDA and industry will work together to seek alignment on how best to utilize available funds in the carryover balance to improve the process for the review of device applications—e.g., performance on submission types with performance goals and/or quality management programs. FDA and industry will use, as input for the discussion, workload information, performance objectives, and ongoing reported performance.

3. Hiring Goals

Enhancements to the medical device review program require that FDA recruit, hire and retain sufficient numbers and types of technical, scientific, and other program experts to support the process for the review of device applications. MDUFA V provides significant new resources to FDA to support these activities.

To help ensure that FDA accomplishes hiring in accordance with the assumptions underlying the agreement, FDA will establish annual hiring goals for each year of MDUFA V.

The minimum hiring goals for FY 2023–2025 are:

FY 2023: 144 hires
FY 2024: 42 hires
FY 2025: 24 hires

As described in Section III, the MDUFA V agreement provides for enhancements to the shared outcome total time to decision goals and to specified review performance goals, provided that specified goals were met in prior years. These enhanced goals will be applicable in FY 2025 (for the Pre-Submission Written Feedback goal) and FY 2026–2027 (for the Pre-Submission Written Feedback goal, the PMA Shared Outcome Total Time to Decision goal, the 510(k) Shared Outcome Total Time to Decision goal, and the De Novo Decision goal).

FDA and Industry have agreed that, if performance improvement adjustments are triggered for each year per Section III, the Agency will increase hiring to support the enhanced goals.

FY 2025

In FY 2025, if performance improvement adjustments are made to the Pre-Submission Written Feedback goal per Section III, FDA will increase the hiring goal by 59 hires to a total of 83 hires. As part of the process for establishing the user fee rates for FY 2025, FDA will also calculate the hiring goal for that year and include the goal in the associated Federal Register fee-setting notice.

FY 2026 and FY 2027

In FY 2026 and FY 2027, the number of hires will depend on (1) which performance improvement adjustments are triggered for that year, and (2) whether the hiring goal was increased the prior year. For FY 2026 and FY 2027, as part of the process for establishing the user fee rates for that year, FDA will also calculate the hiring goal for that year and include the goal in the associated Federal Register fee-setting notice.

Pre-hires

For purposes of determining whether the hiring goal is met for FY 2023, FDA will include “pre-hires” that are made in FY 2022 for MDUFA V positions. In addition, for subsequent fiscal years, if FDA exceeds the hiring goal, the additional hires made above the goal will be counted towards the following fiscal year goal.

4. Fee Adjustment Related to Hiring

For FY 2023, if the hiring goal is missed by more than 15% at the end of the fiscal year (i.e., if fewer than 123 hires are made in FY 2023, including FY 2022 pre-hires), unused fees that were projected to support these hires for FY 2023 will be used to decrease registration fees for FY 2025.

For FY 2024 or FY 2025, if the hiring goal is missed by more than 10% at the end of the fiscal year (i.e., if fewer than 38 hires are made in FY 2024), unused fees that were projected to support these positions for the applicable fiscal year will be used to decrease registration fees for FY 2026 and FY 2027, respectively.

The amount of the hiring adjustment fee decrease will be the product of the number of hires by which the hiring goal was missed and one-quarter of the inflation-adjusted cost per full-time equivalent (FTE).

For the purpose of calculating progress toward meeting these hiring goals, a hire is defined as someone who has been confirmed as on board by the date indicated in a full-time position. Hires may be recruited from outside the FDA, or, in some cases, a hire can also be a current FDA employee who is changing positions within the agency.

C. IT Infrastructure for Submission Management

FDA will continue to enhance IT infrastructure to support the process for the review of device applications.

FDA will maintain and improve on the Customer Collaboration Portal, including the submission progress tracking system that provides near real-time submission status. By the end of MDUFA V, the progress tracking system will include 510(k), Original PMA and Panel-Track Supplements, De Novo, Pre-Submissions, and IDEs.

FDA will continue to develop electronic submission templates that will serve as guided submission preparation tools for industry to improve submission consistency and enhance efficiency in the review process. Templates for Original PMA and Panel-Track Supplements, De Novo, Pre-Submissions, and IDEs will be completed and made available for voluntary use by the end of MDUFA V.

D. Training

FDA will continue to evaluate and improve training for new and existing reviewers under this agreement. FDA training efforts will also be closely coordinated with the QMOE Program to provide more targeted and personalized training to staff.

E. Time Reporting

FDA will continue to perform complete time reporting such that data from time reporting can be used to conduct workload analysis and capacity planning.

V. PROCESS IMPROVEMENTS

A. Interactive Review

The Agency will continue to incorporate an interactive review process to provide for, and encourage, informal communication between FDA and applicants to facilitate timely completion of the review process based on accurate and complete information. Interactive review entails responsibilities for both FDA and applicants. As described in the 2014 guidance document, “Types of Communication During the Review of Medical Devices Submissions,” both FDA and industry believe that an interactive review process for premarket medical device submissions should help facilitate timely completion of the review based on accurate and complete information. Interactive review is intended to facilitate the efficient and timely review and evaluation by FDA of premarket submissions and is expected to support reductions in total time to decision. The interactive re-

view process contemplates increased informal interaction between FDA and applicants, including the exchange of scientific and regulatory information.

B. Deficiency Letters

By January 1, 2023, the Agency will update the 2017 guidance “Developing and Responding to Deficiencies in Accordance with the Least Burdensome Provisions; Guidance for Industry and FDA Staff” to clarify what constitutes a statement of the basis for the deficiency and continue alignment with the following:

Deficiency letters should include a statement of the basis for the deficiencies (e.g., a specific reference to applicable section of a rule, final guidance, recognized standard unless the entire or most of document is applicable). In the instance when the deficiency cannot be traced in the manner above and relates to a scientific or regulatory issue pertinent to the determination, FDA will cite the specific scientific issue and the information to support its position.

Deficiency letters will undergo supervisory review prior to issuance to ensure the deficiencies cited are relevant to a marketing authorization decision (e.g., 510(k) clearance, PMA approval, and de novo classification).

FDA will train staff and managers on the updated guidance and work to make improvements (including incorporating best practices), as appropriate, to address findings from audits and consistent with the guidance.

FDA will provide a statement of the basis for the deficiency, consistent with the updated guidance, in deficiency letters as follows: 75% of deficiencies in FY 2023, 80% of deficiencies in FY 2024, 85% of deficiencies in FY 2025, 90% of deficiencies in FY 2026, and 95% of deficiencies in FY 2027 for Original PMA, Panel-Track Supplement, 510(k) and De Novo request submissions. Performance will be determined by means of annual audit conducted by QMOE. Sampling procedures will incorporate ISO 2859-1:1999 (“Sampling Procedures for inspection by attributes—Part 1: Sampling schemes indexed by acceptance quality limit (AQL) for lot-by-lot inspection”). FDA will review each fiscal year’s audit results with industry no later than the first quarterly meeting of the following fiscal year.

C. Enhanced Use of Consensus Standards

The voluntary Accreditation Scheme for Conformity Assessment (ASCA) Pilot is intended to enhance product reviewers’ and device manufacturers’ confidence in medical device testing when manufacturers rely on testing completed by ASCA-accredited testing laboratories. This should generally decrease the need for the FDA to request additional information regarding testing methodologies when a premarket submission includes ASCA testing. ASCA also incorporates existing international conformity assessment standards and practices where practical.

FDA will use lessons learned from implementation of the ASCA Pilot Program during MDUFA IV to transition from a pilot to a sustainable and expanded program. Specifically, the Agency will:

1. By the end of FY 2023, FDA will complete the pilot. In Q2 of FY 2024, FDA will provide a report on the performance of the ASCA Pilot Program (to replace the report specified in the MDUFA IV Commitment Letter, Commitment IV.D.8.a). In the report, FDA will provide at least the following information:

- a. Adequacy of the standards selected to support confidence by FDA and industry in the methods used and results reported by ASCA-accredited testing laboratories;

- b. Testing laboratory participation in the training and ASCA program, and areas where any nonconformities were observed;

c. Number of submissions containing the ASCA Summary Report;

d. Summary Report acceptance rate by FDA reviewers; and

e. Summary of commonly cited deficiencies regarding the Summary Report.

2. FDA will train staff and supervisors so that specific deficiencies are relevant to the requirements of the Summary Report.

3. FDA will continue to provide adequate training to testing laboratories and reviewers to accurately execute the ASCA process.

4. FDA will report annually on the progress of the ASCA program.

5. FDA will work with stakeholders for further input on programmatic improvements and/or consideration for expansion.

D. Third Party Review

The Agency will continue to support the Third Party Review program, with the objective of eliminating routine re-review by FDA of Third Party reviews through continuation of the following activities:

1. Provide training for Third Parties seeking accreditation by FDA. This training shall include the opportunity for Third Parties to have access to redacted review memos and other information as appropriate.

2. When FDA's expectations for a particular device type change, FDA will maintain a process to convey this information to the Third Parties and to industry.

3. Audit and provide tailored re-training to accredited Third Parties based on the results of audits.

4. Publish performance of individual accredited Third Parties with at least five completed submissions on FDA's website (e.g., rate of NSE, average number of holds, average time to SE).

FDA will consider the factors described in the guidance, "510(k) Third Party Review Program," in determining device type eligibility for the Third Party Review program. Consistent with that guidance, some device types that rely on clinical data to demonstrate substantial equivalence may be eligible for Third Party Review.

E. Patient Science and Engagement

The Agency will take the following actions to continue engaging patients and incorporating their perspectives in the regulatory process. Where appropriate, the Agency will leverage collaborations and partnerships with patients, healthcare providers, industry, and others, as well as collaborations across FDA Centers, to advance these actions.

1. Expand clinical, statistical, and other scientific expertise and staff capacity to respond to submissions containing applicant-proposed use of voluntary patient preference information (PPI), voluntary patient reported outcomes (PROs), and/or patient generated health data (PGHD). These staff will provide submission review and early consultation/advice to industry during study planning.

2. Issue a draft guidance providing best practices on incorporating into premarket studies clinical outcome assessments including their use as primary or co-primary endpoints. A clinical outcome assessment (COA) describes or reflects how a person feels, functions, or survives and can be reported by a health care provider or a non-clinical observer (such as a parent), through performance of an activity or task, or by the patient.

3. Support the use of innovative technologies to capture patient input and reduce patient burden to inform clinical study design and conduct, with a goal of reducing barriers to patient participation and facilitating recruitment and retention.

4. By the end of FY 2024, hold a public meeting to explore ways to use patient-gen-

erated health data to help advance remote clinical trial data collection and support clinical outcome assessments.

5. FDA will undertake the following activities to improve the regulatory predictability and impact of patient science:

a. Develop case examples of modified or adapted PRO instruments to make efficient use of existing validated PRO instruments which may be improved or adapted to other subpopulations or other regulatory uses in a more streamlined and expeditious manner than creating novel PROs.

b. Strengthen efforts to expand staff understanding of Patient Science and Engagement (PSE) topics, and consistent evaluation in submissions through training curriculum and internal infrastructure to improve consistency (e.g., Focal Point Program).

c. Update FDA's existing guidance, "Patient Preference Information—Voluntary Submission, Review in Premarket Approval Applications, Humanitarian Device Exemption Applications, and De Novo Requests, and Inclusion in Decision Summaries and Device Labeling," with pragmatic insights and to address common questions for those interested in the voluntary use of PPI in regulatory submissions.

d. Explore opportunities to improve patient science tools for medical devices and advance health equity through targeted incorporation of diverse patient perspectives and integration of data from diverse patients.

e. Identify high impact opportunities to incorporate patient perspectives.

6. Facilitate industry efforts to collaborate with patients in key areas by generating patient-friendly educational modules on device trials, real-world data, device development tools, and regulatory frameworks. FDA will also make these educational modules publicly available, as appropriate.

7. The existing dispute resolution process should be used in the event of disagreement between the applicant and the Agency on the need for PPI, PRO and/or other tools to capture PGHD.

F. Real World Evidence (RWE)

The Agency will use user fee revenue for the continued development of Real-World Data (RWD) and RWE methods and policies to advance regulatory acceptance for premarket submissions, including expanded indications for use and new clearance/approval of new devices, and clarify related reporting requirements.

1. FDA will update the 2017 guidance document *Use of Real-World Evidence to Support Regulatory Decision-Making for Medical Devices* to provide more clarity on:

a. Least burdensome general expectations on what is needed to demonstrate the "Fit-for-Purpose of RWD" for premarket regulatory purposes, including expanded indications for use and new clearance/approval of new devices;

b. More information, including generalized examples, on previously used and accepted methodologies; and

c. Best practices for RWE review.

2. FDA will continue to advance CDRH's RWD/RWE Training program for FDA review teams including the medical review staff. Topics will include best practices for RWE review and when to engage with CDRH RWE subject matter experts.

3. FDA will provide transparent program development updates and financial accounting of User Fee revenue specifically intended for the activities in this section.

a. FDA will update stakeholders on the RWE program activities at two or more open public meetings during the course of MDUFA V.

b. FDA hiring of internal experts to support the review of RWD/RWE-related submissions will be tracked.

c. In any portion of the user fee funding is distributed to the National Evaluation System for health Technology (NEST), the funding should be used to transparently:

i. Support the development of RWD resources to facilitate appropriate access for research studies;

ii. Convene experts to develop best practices and, advance innovative methodology approaches with respect to RWE development and analysis;

iii. Include, on the organization's governing board, no fewer than 4 representatives of the trade associations that participated in the MDUFA V negotiations (AdvaMed, MDMA, MITA, and ACLA), with each association appointing an individual to serve. Industry representation on the governing board, if applicable, will make up at least 25% of the governing board membership at all times, and shall be selected by the industry associations. The representative from each trade association may be part of the staff of the association or appointed from a member company. If any of the trade associations elects not to participate on the governing board or for any additional seats allocated to industry, the participating trade associations will determine how to fill any vacant industry positions.

d. By the end of FY 2023, FDA will publish a document requesting public comment on how FDA should use any portion of the user fee funding that may be distributed to any external organization(s) other than NEST to support premarket RWE.

e. If any portion of the user fee funding is distributed to an external organization(s) other than NEST, the funding will be accounted for in FDA's quarterly MDUFA report.

G. Digital Health

The Agency will continue to build its digital health expertise and continue working to streamline and align FDA review processes with software lifecycles for digital health products. Specifically, the Agency will:

1. Continue to develop software and digital health technical expertise to provide assistance for premarket submissions that include software, interoperable devices, or otherwise incorporate digital health technologies, such as artificial intelligence or machine learning (AI/ML), Virtual, Mixed, and Augmented Reality (VR/MR/AR) and wearables.

2. Strengthen efforts to expand staff understanding of digital health topics and enhance consistent evaluation in submissions through training and internal infrastructure (e.g., Focal Point Program).

3. Continue to participate in international harmonization efforts related to digital health, including work on developing software and other digital health convergence efforts.

4. Finalize the draft guidance, "Content of Premarket Submissions for Device Software Functions," by 18 months from close of the comment period.

5. Publish draft guidance describing a process to evaluate a predetermined change control plan for digital health devices.

6. Engage with stakeholders, including patients, users, and industry, through roundtables, informal meetings, and teleconferences to explore regulatory approaches to digital health technologies.

H. Guidance Document Development

FDA will apply user fee revenues to ensure timely completion of Draft Guidance documents. The Agency will strive to finalize, withdraw, reopen the comment period, or issue a new draft guidance for 80% of draft guidance documents within 3 years of the close of the comment periods as resources permit. The Agency will strive to finalize,

withdraw, reopen the comment period, or issue a new draft guidance for 100% of draft guidance documents within 5 years of the close of the comment periods as resources permit. The Agency will continue to develop guidance documents and improve the development process as resources permit, but not to the detriment of meeting quantitative review timelines and statutory obligations.

I. International Harmonization

FDA is committed to improving the efficiency of the global regulatory systems for medical devices through international harmonization and convergence of regulatory requirements. The Agency will take the following actions to advance such international harmonization. Specifically, the Agency will:

1. Expand engagement in international harmonization and convergence efforts through participation with international regulators and other key stakeholders in forums, working groups, projects, and committees to promote alignment with international best practices and internationally developed policies, including exploring the development of harmonized premarket review processes.

2. Further support regulatory convergence by creating a mechanism for FDA to work with regulatory partners with whom we have appropriate confidentiality commitments to inform and align international regulatory strategy. This may include, for example, sharing of scientific, clinical, or other technical information, or policies and practices, as needed and consistent with applicable disclosure law and policy.

3. Commencing in FY 2023, assess the extent of CDRH implementation of International Medical Device Regulators Forum (IMDRF) technical documents and make this information publicly available to enhance clarity and transparency.

4. Support the creation of a forum to engage with relevant stakeholders, including industry representatives and other regulators, to identify opportunities for regulators to leverage one another's approach to decision making.

5. Participate in outreach activities to other regulatory authorities that encourage harmonization and may also encourage such authorities to rely in whole or in part on FDA marketing authorizations.

6. By the end of FY 2023, issue for public comment a draft strategic plan with additional details and timelines associated with achieving the international harmonization objectives described above.

7. Commencing with FY 2024, publish an annual assessment of the international harmonization activities described the strategic plan above, including the progress assessment described in subparagraph 3 above.

J. Total Product Life Cycle (TPLC) Advisory Program

FDA will establish a pilot of the Total Product Life Cycle (TPLC) Advisory Program (TAP Pilot) during the course of MDUFA V.

1. Vision: The long-term vision for a successful TPLC Advisory Program (TAP) is to help spur more rapid development as well as more rapid and widespread patient access to safe, effective, high-quality medical devices of public health importance. A mature TAP will also help ensure the sustained success of the Breakthrough devices program.

2. TAP Pilot Objective: The TAP Pilot is intended to demonstrate the feasibility and benefits of process improvements to FDA's early interactions with participants and FDA's facilitation of interactions between participants and stakeholders that support the vision for TAP. Through the TAP Pilot, the FDA will provide the following types of

strategic engagement for innovative devices of public health importance:

Improving participants' experiences with FDA by providing for more timely premarket interactions;

Enhancing the experience of all participants throughout the device development and review process, including FDA staff;

Facilitating improved strategic decision-making during product development, including earlier identification, assessment, and mitigation of product development risk;

Facilitating regular, solutions-focused engagement between FDA review teams, participants, and other stakeholders such as patients, providers, and payers, beginning early in device development; and

Collaborating to better align expectations regarding evidence generation, improve submission quality, and improve the efficiency of the premarket review process

3. Goals: To achieve the above TAP Pilot objective, FDA will:

- a. Begin and support a TAP Pilot, scoped to include the following:

- In FY 2023, enroll up to 15 products in a "soft launch" in one Office of Health Technology (OHT); selection of the OHT will include consideration of the OHT's historical number of granted Breakthrough designations, workload, and available staffing and expertise;

- In FY 2024, continue to support products enrolled in the previous fiscal year and expand to enroll up to 45 additional products in at least two OHTs (i.e., up to 60 total products enrolled through FY 2024);

- In FY 2025, continue to support products enrolled in previous fiscal years and expand to enroll up to 65 additional products in at least four OHTs (i.e., up to 125 total products enrolled through FY 2025); and

- In FY 2026–FY 2027, continue to support products enrolled in previous fiscal years and expand to enroll up to 100 additional products each fiscal year within existing OHTs or expand to additional OHTs, depending on lessons learned from FY 2023–FY 2025 experience (i.e., up to 225 total products enrolled through FY 2026 and up to 325 total products enrolled through FY 2027).

- For FY 2024–FY 2027, in addition to the considerations above, selection of the OHTs will include consideration of experience from prior years and input from industry and other stakeholders.

- b. Beginning in FY 2024, implement and track the following quantitative performance metrics:

FDA will engage in a teleconference with the participant on requested topic(s) pertaining to the TAP device within 14 days of the request for 90% of requests for interaction.

FDA will provide written feedback on requested biocompatibility and sterility topics(s) pertaining to the TAP device within 21 days of the request for 90% of such requests for written feedback.

FDA will provide written feedback on requested topic(s) pertaining to the TAP device other than biocompatibility and sterility within 40 days of the request for 90% of requests for written feedback.

- c. Regularly review TAP pilot progress with industry, share feedback, and assess the impact of the TAP Pilot and opportunities for improvement.

- d. Publish an assessment of the TAP Pilot on the FDA web site no later than January 30, 2026.

For purposes of the annual performance report and corrective action report, the goals of the TAP pilot are set forth in Section V.J.3 above.

4. Enrollment. FDA intends to enroll participants in the pilot using the following criteria:

- a. Participation in the pilot will be voluntary.

- b. For FY 2023–FY 2025, products will be those with a granted Breakthrough designation. For FY 2026–FY 2027, products will be those with a granted Breakthrough designation or request for inclusion in the Safer Technologies Program (STeP).

- c. Participants have not submitted a Pre-Submission about the product after granted Breakthrough designation or request for inclusion in STeP.

- d. Products will be early in their product development process (e.g., have not yet initiated a pivotal study) at time of pilot enrollment.

- e. Each participant will have a maximum of one product enrolled in the pilot per fiscal year.

- f. Participants will be enrolled on first-come, first-served basis.

FDA will inform potential participants of the TAP Pilot as part of the Breakthrough designation process or request for inclusion in STeP process.

If spaces remain available in a participating OHT or if resources permit, FDA may consider enrolling devices from additional OHT(s).

5. TAP Pilot Assessment. For informational purposes, FDA will conduct an assessment of the TAP Pilot using an independent third party (or parties) to assess the TAP pilot. This assessment will include a participant survey and quantitative and qualitative success metrics, starting in FY 2024, that include but are not limited to:

- a. The extent to which FDA is successful at meeting the quantitative goals described in V.J.3.b. above.

- b. Participant satisfaction with the timeliness, frequency, quality, and efficiency of interactions with and written feedback from FDA.

- c. Participant satisfaction with the timeliness, frequency, quality, and efficiency of voluntary interactions with non-FDA stakeholders facilitated by FDA (if utilized).

- d. An overall assessment of the outcomes of the Pilot and opportunities for improvement.

6. Other Measures. For informational purposes, FDA will begin to track other measures of program success, which will include:

Time from granting of Breakthrough designation or request for inclusion in the Safer Technologies Program (STeP) to receipt of marketing submission;

Time from receipt of marketing submission to marketing authorization; and

Requests for additional information during submission review.

VI. INDEPENDENT ASSESSMENTS

A. Independent Assessment of MDUFA Workforce Metrics

FDA will retain a qualified, independent contractor with expertise in assessing public sector workforce data analysis and reporting to conduct an assessment of current methodologies and data/metrics available to represent the MDUFA workforce. This will include assessment of positions (filled/vacant) and MDUFA process FTEs, including the subset funded by user fees, for each applicable FDA Center and Office.

The report will include the contractor's findings from the assessment and recommendations for improved methodologies to represent MDUFA FTE resources, including the subset funded by user fees. The assessment will be published on FDA's website by March 31, 2025.

B. Independent Assessment of Review Process Management

FDA and the industry will participate in a targeted assessment of the process for the review of device applications. The assessment

will include consultation with both FDA and industry at the start of the assessment and prior to issuance of the final report. The assessment shall be conducted under contract to FDA by a private, independent consulting firm capable of performing the technical analysis, management assessment, and program evaluation tasks required to address the assessment scope described below within the budget provided under this user fee agreement.

The contractor will:

1. Evaluate FDA's premarket review program to identify efficiencies that were realized as a result of the process improvements and investments under MDUFA IV and V;
2. Assess the alignment of resource needs with the training and expertise of hires;
3. Identify and share best practices across OHTs in OPEQ;
4. Assess the effectiveness of program areas targeted for improvement under this agreement, including the following:
 - a. Implementation and impact of changes to the guidance "Developing and Responding to the Deficiencies in Accordance with the Least Burdensome Provisions,"
 - b. Implementation and impact of changes to the guidance "Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program,"
 - c. Third Party Review program (continued reduction of routine re-review by FDA of Third Party reviews),
 - d. Digital Health program,
 - e. Patient Science and Engagement program,
 - f. Real World Evidence program, and
 - g. International Harmonization.
5. Assess other key areas identified by FDA and industry as resources permit.

FDA will award the contract no later than March 31, 2025. However, the contractor would not begin the audit of Pre-Submissions before October 1, 2025. The contractor will publish comprehensive findings and recommendations within 1 year, after reviews with FDA and industry and opportunities to provide feedback for the contractor's consideration prior to finalizing the final report. For all recommendations the contractor will provide an estimate of additional resources needed or efficiencies gained, as applicable.

FDA will incorporate findings and recommendations, as appropriate, into its management of the process for the review of device applications. FDA will analyze the recommendations for improvement opportunities identified in the assessment and, as appropriate, develop and implement a corrective action plan, and assure its effectiveness.

VII. PERFORMANCE REPORTS

The Agency will report its progress toward meeting the goals described in this letter, as follows. If, throughout the course of MDUFA V, the Agency and Industry agree that a different format or different metrics would be more useful, the reporting will be modified accordingly as per the agreement of both FDA and Industry.

1. Quarterly reporting at the CDRH OHT level/CBER Center level (in recognition of the significantly smaller number of submissions reviewed at CBER):

1.1. For 510(k) submissions that do not go through a Third Party, reporting will include:

- i. Average and quintiles of the number of calendar days to Substantive Interaction
- ii. Average, and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision
- iii. Average number of review cycles
- iv. Rate of submissions not accepted for review

1.2. For PMA submissions, reporting will include:

i. Average and quintiles of the number of calendar days to Substantive Interaction for Original PMA, Panel-Track PMA Supplement, and Premarket Report Submissions

ii. Average and quintiles of the of FDA Days, Industry Days, and Total Days to a MDUFA decision

iii. Rate of applications not accepted for filing review, and rate of applications not filed

1.3. For De Novo requests, reporting will include:

i. Average, and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision

ii. Average number of review cycles

iii. Rate of submissions not accepted for review

1.4. For Pre-Submissions, reporting will include:

i. Number of Pre-Submissions in the MDUFA cohort

ii. Rate of submissions not accepted for review

iii. Average and quintiles of the number of calendar days from submission to written feedback

iv. Number of Pre-Submissions that require a meeting

v. Percent of submissions with meetings for which industry provided minutes within 15 days

1.5. For IDE applications, reporting will include:

i. Number of original IDEs received

ii. Average number of amendments prior to approval or conditional approval of the IDE

1.6. In FY 2023, for marketing submissions for In Vitro Diagnostics, FDA will report on the status of submissions received in FY 2020–2021 that remain under review as a result of being paused while the Agency focused on COVID–19-related submissions.

2. CDRH will report quarterly, and CBER will report annually, the following data at the Center level:

2.1. Rate of NSE decisions for 510(k) submissions

2.2. Rate of withdrawals for 510(k), De Novo, and PMA submissions

2.3. Rate of Not Approvable decisions for PMA submissions

2.4. Rate of Denial decisions for De Novo requests

2.5. Key product areas or other issues that FDA identifies as noteworthy because of a potential effect on performance, including significant rates of Additional Information requests

2.6. Specific topic or product area as it relates to performance goals, agreed upon at the previous meeting

2.7. Number of submissions that missed the goals and the total number of elapsed calendar days broken down into FDA days and industry days

2.8. Newly released draft and final guidance documents, and status of other priority guidance documents

2.9. Agency level summary of fee collections

2.10. Independent assessment implementation plan status

2.11. Results of independent assessment and subsequent periodic audits and progress toward implementation of the recommendations and any corrective action

2.12. Number of fee waivers or reductions granted by type of submission

3. The Agency will report quarterly the following data for the MDUFA program:

3.1. Progress towards meeting annual hiring goals

3.2. Per Section V.F.3.e, if any portion of the user fee funding intended for real world evidence activities is distributed to an external organization(s) other than NEST, information regarding use of the user fee funding

4. In addition, the Agency will provide the following information on an annual basis:

4.1. Review time devoted to direct review of applications

4.2. The number of Premarket Report Submissions received

4.3. Summary information on training courses available to CDRH and CBER employees, including new reviewers, regarding device review and the percentage of applicable staff that have successfully completed each such course. CDRH will provide information concerning any revisions to the new reviewer training program curriculum.

4.4. Performance on the shared outcome goal for average Total Time to Decision

4.5. For 510(k) submissions, reporting will include:

i. Number of submissions reviewed by a Third Party

ii. Number of Special Submissions

iii. Number of Traditional Submissions

iv. Average and number of days to Accept/Refuse to Accept

v. Number of Abbreviated Submissions

4.6. For 510(k) submissions that go through a Third Party, reporting will include:

i. Time from FDA receipt of Third Party report to FDA decision at the 90% percentile

ii. Rate of NSE

iii. Average number of holds

iv. Average time to SE

4.7. For PMA submissions, reporting will include the number of the following types of PMA submissions received:

i. Original PMAs

ii. Priority PMAs

iii. Premarket Reports

iv. Panel-Track PMA Supplement

v. PMA Modules

vi. 180-Day PMA Supplements

vii. Real-Time PMA Supplements

viii. Number of submissions FDA classifies as unsolicited major, solicited major, and minor amendments

4.8. For De Novo requests, reporting will include:

i. Number of submissions received

ii. Average and number of days to Accept/Refuse to Accept

4.9. For CLIA waiver applications, reporting will include:

i. Number of CLIA waiver applications received

ii. Average and quintiles of the number of calendar days to Substantive Interaction

iii. Average and quintiles of the number of FDA Days, Industry Days, and Total Days to a MDUFA decision and a discussion of any trends in the data

4.10. Report on the ASCA program

4.11. Data regarding the reviewer to manager ratio

4.12. Report on QMOE program

4.13. Summary of QMOE audits, including annual audit of Deficiency Letters under Section V.B above

4.14. Summary of primary cost drivers that contribute to change in personnel compensation and benefits costs (e.g., cost of living adjustments and increases in agency benefits contributions, if applicable)

4.15. The return on investment, which may include process improvements, improved performance, and other enhancements, under MDUFA V.

FDA will report annual and quarterly data on performance within goals for 510(k), De Novo, and PMA MDUFA decisions for devices identified as LDTs by the submitter compared to all non-LDT IVD devices. The following elements will be reported:

Number and percentage of LDT 510(k)s and non-LDT IVD 510(k)s completed within 90 FDA days

Number and percentage of LDT De Novo requests and non-LDT IVD De Novo requests completed within 150 FDA days

Number and percentage of LDT PMAs and non-LDT IVD PMAs completed within 180 FDA days

To the extent that laboratories make submissions regarding LDTs that are covered by the MDUFA V agreement, FDA will treat such LDT submissions no less favorably than other submissions to which MDUFA V performance goals apply.

VIII. DEFINITIONS AND EXPLANATIONS OF TERMS

A. Applicant

Applicant means a person who makes any of the following submissions to FDA:

- an application for premarket approval under section 515 of the Federal Food, Drug, and Cosmetic Act (FD&C Act);

- a premarket notification under section 510(k) of the FD&C Act;

- an application for investigational device exemption under section 520(g) of the FD&C Act;

- a Pre-Submission;

- a De Novo classification request (De Novo request) under section 513(f)(2) of the FD&C Act;

- a CLIA Waiver by application.

B. eSTAR (electronic Submission Template And Resource)

An electronic submission template built within a structured dynamic PDF that guides a user through construction of an eSubmission. eSTAR is the only type of electronic submission template that is currently available to facilitate the preparation of 510(k) submissions as eSubmissions. For simplicity, the electronic submission created with this electronic submission template is often referred to as an eSTAR.

C. FDA Days

FDA Days are those calendar days when a submission is considered to be under review at the Agency for submissions that have been accepted (510(k) or De Novo request), filed (PMA) or submitted (CLIA Waiver by application). FDA Days begin on the date of receipt of the submission or of the amendment to the submission that enables the submission to be accepted (510(k) or De Novo request) or filed (PMA).

D. MDUFA Decisions

Original PMAs, Product Development Protocols, Panel-Track Supplements, and Premarket Report Applications: Decisions are approval, approvable, approvable pending GMP inspection, not approvable, withdrawal, and denial.

180-Day PMA Supplements: Decisions for 180-Day PMA Supplements are approval, approvable, and not approvable.

Real-Time PMA Supplements: Decisions for Real-Time PMA supplements are approval, approvable, and not approvable.

510(k)s: Decisions for 510(k)s are substantially equivalent (SE) or not substantially equivalent (NSE).

De Novo Requests: Decisions for De Novo requests are grant, withdrawal, and decline.

CLIA Waiver by Application Submissions: Decisions for CLIA Waiver by Application Submissions are approval, withdrawal, and denial.

Submissions placed on Application Integrity Hold will be removed from the MDUFA cohort.

E. Pre-Submission

A Pre-Submission includes a formal written request from an applicant for feedback from FDA that is provided in the form of a formal written response or, if the manufacturer chooses, formal written feedback followed by a meeting or teleconference in which any additional feedback or clarifications are documented in meeting minutes.

A Pre-Submission provides the opportunity for an applicant to obtain FDA feedback

prior to intended submission of an investigational device exemption or marketing application. The request must include specific questions regarding review issues relevant to a planned investigational device exemption (IDE), CLIA Waiver by Application, Accessory Classification Request, or marketing application (e.g., questions regarding pre-clinical testing protocols or data requirements; design and performance of clinical studies and acceptance criteria). A Pre-Submission is appropriate when FDA's feedback on specific questions is necessary to guide product development and/or submission preparation.

The following forms of FDA feedback to applicants are not considered Pre-Submissions.

Interactions requested by either the applicant or FDA during the review of a marketing application (i.e., following submission of a marketing application, but prior to reaching an FDA Decision).

TPLC Advisory Program Pilot interactions.

General information requests initiated through the Division of Industry and Consumer Assistance (DICE).

General questions regarding FDA policy or procedures.

Meetings or teleconferences that are intended to be informational only, including, but not limited to, those intended to educate the review team on new device(s) with significant differences in technology from currently available devices, or to update FDA about ongoing or future product development, without a request for FDA feedback on specific questions related to a planned submission.

Requests for clarification on technical guidance documents, especially where contact is recommended by FDA in the guidance document. However, the following requests will generally need to be submitted as a Pre-Submission in order to ensure appropriate input from multiple reviewers and management: recommendations for device types not specifically addressed in the guidance document; recommendations for nonclinical or clinical studies not addressed in the guidance document; requests regarding use of alternative means to address recommendations specified in a guidance document.

Phone calls or email messages to reviewers that can be readily answered based on a reviewer's experience and knowledge and do not require the involvement of a broader number of FDA staff beyond the routine involvement of the reviewer's supervisor and more experienced mentors.

F. Substantive Interaction

Substantive Interaction is an email, letter, teleconference, video conference, or other form of communication such as a request for Additional Information or Major Deficiency letters by FDA notifying the applicant of substantive deficiencies identified in initial submission review, or a communication stating that FDA has not identified any deficiencies in the initial submission review and any further minor deficiencies will be communicated through interactive review. An approval or clearance letter issued prior to the Substantive Interaction goal date will qualify as a Substantive Interaction.

If substantive issues warranting issuance of an Additional Information or Major Deficiency letter are not identified, interactive review should be used to resolve any minor issues and facilitate an FDA decision. In addition, interactive review will be used, where, in FDA's estimation, it leads to a more efficient review process during the initial review cycle (i.e., prior to a Substantive Interaction) to resolve minor issues such as revisions to administrative items (e.g., 510(k)

Summary/Statement, Indications for Use statement, environmental impact assessment, financial disclosure statements); a more detailed device description; omitted engineering drawings; revisions to labeling; or clarification regarding nonclinical or clinical study methods or data.

Minor issues may still be included in an Additional Information or Major Deficiency letter where related to the resolution of the substantive issues (e.g., modification of the proposed Indications for Use may lead to revisions in labeling and administrative items), or if they were still unresolved following interactive review attempts. Both interactive review and Substantive Interactions will occur on the review clock except upon the issuance of an Additional Information or Major Deficiency Letter which stops the review clock.

G. Total Time to Decision

Total Time to Decision is the number of calendar days from the date of receipt of an accepted (with respect to 510(k)s) or filed (with respect to Original PMAs and Panel Track Supplements) submission to a MDUFA decision.

For the purpose of calculating and reporting on 510(k) shared outcome Total Time to Decision goals in section II, the average Total Time to Decision for 510(k) submissions is calculated as the average of Total Times to Decision for 510(k) submissions within a 99% closed cohort, with the following provisions:

FY 2023, the cohort excludes submissions with any one hold greater than 180 days and excluding the highest 5% of Total Time to Decision on the remaining cohort.

FY 2024–2027, the cohort excludes the highest 2% and lowest 2% of values and includes all 510(k)s with a MDUFA decision.

In the number of submissions in any MDUFA V receipt cohort exceeds the number of submissions in the FY 2021 or FY 2022 receipt cohort (whichever is higher) by 5% or more, a 1% increase in the trim will be applied to the highest values.

A cohort for a FY is closed when 99% of the MDUFA cohort has reached a MDUFA decision. For the purpose of determining whether improved performance and fee revenue adjustments in Section III are applicable, the 510(k) Shared Outcome Total Time to Decision goal is calculated in the same manner except that the calculation is conducted based on data available as of 18 months following the close of the fiscal year to which the goal applies, and the cohort does not need to be 99% closed. See Section III.

For the purpose of calculating and reporting on PMA shared outcome Total Time to Decision goals in Section II, the average Total Time to Decision for PMAs is calculated as the three-year rolling average of the annual Total Times to Decision for Original PMAs and Panel Track supplements (for example, for FY 2024, the average PMA Total Time to Decision would be the average of FY 2022 through FY 2024) within a closed cohort, excluding the highest 5% and the lowest 5% of values. A cohort for a FY is closed when 95% of the MDUFA V cohort has reached a MDUFA decision. For the purpose of determining whether increased performance and fee revenue adjustments in Section III are applicable, the PMA shared outcome Total Time to Decision goal is calculated in the same manner except that the calculation is conducted based on data available as of 18 months following the close of the fiscal year to which the goal applies and the cohort does not need to be 95% closed.

H. Application Types

Original PMA means an application for an approval of a device submitted under section 515(c) of the FD&C Act. It does not include a

supplement to such an application after it has been approved or a Premarket Report.

Premarket Report means a report submitted under section 515(c)(2) of the FD&C Act seeking premarket approval for a class III reprocessed single use device.

Panel-Track Supplement means a supplement to an approved Original PMA or Premarket Report that requests a significant change in design or performance of the device, or a new indication for use of the device, and for which substantial clinical data are necessary to provide a reasonable assurance of safety and effectiveness.

180-Day PMA Supplement means a supplement to an approved Original PMA or Premarket Report that is not a panel-track supplement and requests a significant change in components, materials, design, specification, software, color additives, or labeling.

Real-Time PMA Supplement means a supplement to an approved Original PMA or Premarket Report that requests a minor change to the device, such as a minor change to the design of the device, software, sterilization, or labeling, and for which the applicant has requested and the agency has granted a meeting or similar forum to jointly review and determine the status of the supplement.

De Novo Classification Request (De Novo Request) means a request made under section 513(f)(2) of the FD&C Act with respect to the classification of a device.

Premarket Notification (510(k)) Submission means a report submitted under section 510(k) of the FD&C Act.

I. BLA-related Definitions

Review and act on—the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

Class 1 resubmitted applications applications resubmitted after a complete response letter that includes the following items only (or combinations of these items):

- (a) Final printed labeling
- (b) Draft labeling
- (c) Safety updates submitted in the same format, including tabulations, as the original safety submission with new data and changes highlighted (except when large amounts of new information including important new adverse experiences not previously reported with the product are presented in the resubmission)
- (d) Stability updates to support provisional or final dating periods
- (e) Commitments to perform Phase 4 studies, including proposals for such studies
- (f) Assay validation data
- (g) Final release testing on the last 1–2 lots used to support approval
- (h) A minor reanalysis of data previously submitted to the application (determined by the Agency as fitting the Class 1 category)
- (i) Other minor clarifying information (determined by the Agency as fitting the Class 1 category)
- (j) Other specific items may be added later as the Agency gains experience with the scheme and will be communicated via guidance documents to industry

Class 2 resubmitted applications resubmissions that include any other items, including any item that would require presentation to an advisory committee.

GDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROGRAM ENHANCEMENTS FISCAL YEARS 2023–2027

I. Submission Assessment Performance Goals

- A. Original ANDAs and Amendments
- B. PASs and PAS Amendments

C. Unsolicited Amendments and PAS Amendments

D. DMFs

E. Controlled Correspondence

II. Original ANDA Assessment Program Enhancements

A. ANDA Receipt

B. ANDA Assessment Transparency and Communications Enhancements

C. Assessment Classification Changes During the Assessment Cycle

D. ANDA Approval and Tentative Approval

E. Dispute Resolution

F. Pre-Submission Facility Correspondence

G. Other ANDA Assessment Program Aspirations

III. Pre-ANDA Program

A. Goal of Pre-ANDA Program

B. Suitability Petitions

C. Product-Specific Guidance

D. Product Development Meetings

E. Pre-Submission Meetings

IV. ANDA ASSESSMENT MEETING PROGRAM

A. Goal of the ANDA Assessment Meeting Program

B. Mid-Cycle Review Meetings and Enhanced Mid-Cycle Review Meetings

C. Post-CRL Scientific Meeting

V. Additional Program Enhancements and Aspirations

A. Inactive Ingredient Database Enhancement

B. Regulatory Science Enhancements

C. Other Pre-ANDA and Assessment Meeting Program Aspirations

VI. DMF Assessment Program Enhancements

A. Communication of DMF Assessment Comments

B. Teleconferences to Clarify DMF First Cycle Assessment Deficiencies

C. DMF First Adequate Letters

D. DMF No Further Comment Letters

E. DMF Review Prior to ANDA Submission

F. FDA Assessment of Solicited DMF Amendments

G. FDA Communication Related to DMF Amendments and ANDAs

VII. Facilities

A. Foreign Regulators

B. Communication Regarding Inspections

C. GDUFA III Inspection Classification Database

D. Post-Warning Letter Meetings

E. Generic Drug Manufacturing Facility Re-inspection

VIII. Continued Enhancement of User Fee Resource Management

A. Sustainability of GDUFA Program Resources

B. Resource Capacity Planning

C. Resource Capacity Planning Assessment

D. Financial Transparency and Efficiency

E. Improving the Hiring of Review Staff

IX. Guidance and Maps

X. Performance Reporting

A. Monthly Reporting Metrics

B. Quarterly Reporting Metrics

C. Fiscal Year Performance Report Metrics

D. Fiscal Year Web Posting

XI. Definitions

GDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROGRAM ENHANCEMENTS FISCAL YEARS 2023–2027

This document contains the performance goals and program enhancements for the Generic Drug User Fee Amendments (GDUFA) reauthorization for fiscal years (FYs) 2023–2027, known as GDUFA III. It is commonly referred to as the “Goals Letter” or “Commitment Letter.” The Goals Letter represents the product of the Food and Drug Administration’s (FDA or the Agency) discussions with the regulated industry and public stakeholders, as mandated by Congress. The performance goals and program enhance-

ments specified in this letter apply to aspects of the generic drug assessment program and build on the GDUFA program established and enhanced through previous authorizations. New enhancements to the program are designed to maximize the efficiency and utility of each assessment cycle, with the intent to reduce the number of assessment cycles for abbreviated new drug applications (ANDAs) and facilitate timely access to quality, affordable, safe and effective generic medicines. Certain new enhancements are specifically designed to foster the development, assessment, and approval of Complex Generic Products. FDA is committed to meeting the performance goals specified in this letter and to continuous improvement of the Agency’s performance.

GDUFA REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2023–2027

The performance goals and procedures of FDA, as agreed to under the third authorization of the generic drug user fee program, are summarized below.

Unless otherwise stated, goals apply to cohorts of each fiscal year. For the purposes of calculating all time periods in this Commitment Letter, FDA will calculate the goal date from the day after a submission, to be consistent with FDA’s other user fee programs.

I. SUBMISSION ASSESSMENT PERFORMANCE GOALS

A. Original ANDAs and Amendments

1. Assess and act on 90 percent of standard original ANDAs within 10 months of the date of ANDA submission, subject to any adjustments to the goal dates described in section I(A)(3).

2. Assess and act on 90 percent of priority original ANDAs within the applicable assessment goal, subject to any adjustments to the goal dates described in section I(A)(3).

a. Assess and act on priority original ANDAs within 8 months of the date of ANDA submission if the applicant submits a Pre-Submission Facility Correspondence (PFC) not later than 60 days prior to the date of ANDA submission, and the PFC is found to be complete and accurate, subject to the limitations set forth in section I(A)(2)(b).

b. Assess and act on priority original ANDAs within 10 months of the date of ANDA submission if:

i. the applicant submits a PFC later than 60 days prior to the date of ANDA submission, or does not submit a PFC;

ii. information in a PFC is found to be incomplete or inaccurate;

iii. the information submitted in the ANDA differs significantly from what was submitted in the PFC; or

iv. FDA, upon assessment of a final bioequivalence study report submitted in the ANDA, determines that an inspection of the relevant site or sites is necessary.

3. If, upon initial submission, a standard or priority original ANDA contains a certification that a site/facility listed on the Form FDA 356h is not ready for inspection (i.e., the box “no” is checked in response to “is the site ready for inspection?” in section 28), FDA will set a goal date that is 15 months from the date of submission. FDA will conduct a filing review of such an ANDA but will not commence substantive assessment of the application until an amendment described in subsection I(A)(3)(a) is submitted, or the goal date is reset pursuant to I(A)(3)(b).

a. During the initial 15-month review period, if the applicant submits an amendment with a Form FDA 356h that certifies all facilities are ready for inspection, FDA will set a new goal date that is 8 months from the

date of submission for priority amendments (if a PFC was submitted per I(A)(2)(a)), or 10 months from the date of submission for other amendments.

b. If the applicant does not submit an amendment described in I(A)(3)(a) by 30 days before the goal date, FDA will reset the goal date for an additional 15 months, i.e., 30 months from the date of original ANDA submission. FDA will assess and act on 90 percent of such ANDAs within 30 months of the date of the original submission as applicable.

4. Assess and act on 90 percent of standard Major Amendments within the applicable assessment goal.

a. Assess and act on standard Major Amendments within 8 months of the date of amendment submission if preapproval inspection is not required.

b. Assess and act on standard Major Amendments within 10 months of the date of amendment submission if preapproval inspection is required.

5. Assess and act on 90 percent of priority Major Amendment submissions within the applicable assessment goal.

a. Assess and act on priority Major Amendments within 6 months of the date of amendment submission if preapproval inspection is not required.

b. Assess and act on priority Major Amendments within 8 months of amendment submission if a preapproval inspection is required, the applicant submits a PFC not later than 60 days prior to the date of amendment submission, and the PFC is found to be complete and accurate, subject to the limitations set forth in section I(A)(6).

6. Assess and act on priority Major Amendments within 10 months of amendment submission if a preapproval inspection is required and if:

a. the applicant submits a PFC later than 60 days prior to the date of the amendment, or does not submit a PFC;

b. information in a PFC is found to be incomplete or inaccurate;

c. the information submitted in the amendment differs significantly from what was submitted in the PFC; or

d. FDA, upon assessment of a final bioequivalence study report submitted in the amendment, determines that an inspection of the relevant site or sites is necessary.

7. Assess and act on 90 percent of standard and priority Minor Amendments within 3 months of the date of amendment submission.

TABLE FOR SECTION I(A)(1) AND (2): ORIGINAL ANDAs

Submission Type	Goal
Standard Original ANDAs.	90% within 10 months of submission date, subject to any adjustment to the goal date described in section I(A)(3).
Priority Original ANDAs.	90% within 8 months of submission date if applicant meets requirements under section I(A)(2)(a), subject to any adjustment to the goal date described in section I(A)(3). 90% within 10 months of submission date if applicant meets any limitations as described under section I(A)(2)(b), subject to any adjustment to the goal date described in section I(A)(3).

TABLE FOR SECTION I(A)(4)–(7): AMENDMENTS

Submission Type	Goal
Standard Major Amendments.	90% within 8 months of submission date if preapproval inspection not required. 90% within 10 months of submission date if preapproval inspection required.
Priority Major Amendments.	90% within 6 months of submission date if preapproval inspection not required. 90% within 8 months of submission date if preapproval inspection required and applicant meets requirements under section I(A)(5)(b). 90% within 10 months of submission date if preapproval inspection required and applicant meets any limitations as described under section I(A)(6).
Standard and Priority Minor Amendments.	90% within 3 months of submission date.

B. PASs and PAS Amendments

1. Assess and act on 90 percent of standard prior approval supplements (PASs) within the applicable assessment goal.

a. Assess and act on standard PASs within 6 months of the date of PAS submission if preapproval inspection is not required.

b. Assess and act on standard PASs within 10 months of the date of PAS submission if preapproval inspection is required.

2. Assess and act on 90 percent of priority PASs within the applicable assessment goal.

a. Assess and act on priority PASs within 4 months of the date of PAS submission if preapproval inspection is not required.

b. Assess and act on priority PASs within 8 months of the date of PAS submission if a preapproval inspection is required, the applicant submits a PFC not later than 60 days prior to the date of PAS submission, and the PFC is found to be complete and accurate, subject to the limitations set forth in section I(B)(2)(c).

c. Assess and act on priority PASs within 10 months of PAS submission if a preapproval inspection is required and if:

i. the applicant submits a PFC later than 60 days prior to the date of PAS submission, or does not submit a PFC;

ii. information in a PFC is found to be incomplete or inaccurate;

iii. the information submitted in the PAS differs significantly from what was submitted in the PFC; or

iv. FDA, upon assessment of a final bioequivalence study report submitted in the PAS, determines that an inspection of the relevant site or sites is necessary.

3. Assess and act on 90 percent of Major Amendments to standard PASs within the applicable assessment goal.

a. Assess and act on Major Amendments to standard PASs within 6 months of the date of amendment submission if preapproval inspection is not required.

b. Assess and act on Major Amendments to standard PASs within 10 months of the date of amendment submission if preapproval inspection is required.

4. Assess and act on 90 percent of Major Amendments to priority PASs within the applicable assessment goal.

a. Assess and act on Major Amendments to priority PASs within 4 months of the date of amendment submission if preapproval inspection is not required.

b. Assess and act on priority Major Amendments to priority PASs within 8 months of amendment submission if a preapproval inspection is required, if the applicant submits a PFC not later than 60 days prior to the date of amendment submission, and the PFC is found to be complete and accurate, subject to the limitations set forth in section I(B)(4)(c).

c. Assess and act on priority Major Amendments to priority PASs within 10 months of amendment submission if a preapproval inspection is required and if:

i. the applicant submits a PFC later than 60 days prior to the date of the PAS amendment, or does not submit a PFC;

ii. information in a PFC is found to be incomplete or inaccurate;

iii. the information submitted in the PAS amendment differs significantly from what was submitted in the PFC; or

iv. FDA, upon assessment of a final bioequivalence study report submitted in the amendment, determines that an inspection of the relevant site or sites is necessary.

5. Assess and act on 90 percent of Minor Amendments to standard and priority PASs within 3 months of the date of amendment submission.

TABLE FOR SECTION I(B)(1) AND (2): PASs

Submission Type	Goal
Standard PASs	90% within 6 months of submission date if preapproval inspection not required. 90% within 10 months of submission date if preapproval inspection required.
Priority PASs	90% within 4 months of submission date if preapproval inspection not required. 90% within 8 months of submission date if preapproval inspection required and applicant meets requirements under section I(B)(2)(b). 90% within 10 months of submission date if preapproval inspection required and applicant meets any limitations as described under section I(B)(2)(c).

TABLE FOR SECTION I(B)(3)–(5): PAS AMENDMENTS

Submission Type	Goal
Standard PAS Major Amendments.	90% within 6 months of submission date if preapproval inspection not required. 90% within 10 months of submission date if preapproval inspection required.
Priority PAS Amendments.	90% within 4 months of submission date if preapproval inspection not required. 90% within 8 months of submission date if preapproval inspection required and applicant meets requirements under section I(B)(4)(b). 90% within 10 months of submission date if preapproval inspection required and applicant meets any limitations as described under section I(B)(4)(c).
Standard and Priority Minor PAS Amendments.	90% within 3 months of submission date.

C. Unsolicited Amendments and PAS Amendments

1. Assess and act on Unsolicited Amendments and PAS amendments submitted during the assessment cycle by the later of the goal date for the original submission/solicited amendment or the goal date assigned in accordance with sections I(A)(4), (5), (6) and (7) and I(B)(3), (4) and (5), respectively, for the Unsolicited Amendment.

2. Assess and act on Unsolicited ANDA Amendments and PAS amendments submitted between assessment cycles by the later of the goal date for the subsequent solicited amendment or the goal date assigned in accordance with sections I(A)(4), (5), (6), and (7) and I(B)(3), (4), and (5), respectively, for the Unsolicited Amendment.

D. Drug Master Files (DMFs)

Complete the initial completeness assessment for 90 percent of Type II active pharmaceutical ingredient (API) DMFs within 60 days of the later of the date of DMF submission or DMF fee payment.

TABLE FOR SECTION I(D): DMFs

Submission Type	Goal
Type II API DMF ...	90% of initial completeness assessments within 60 days of the later of the date of DMF submission or DMF fee payment.

E. Controlled Correspondence

1. A Controlled Correspondence may be submitted by or on behalf of a generic drug manufacturer or related industry prior to ANDA submission. Under the GDUFA II framework, correspondence seeking regulatory and/or scientific advice after issuance of a Complete Response Letter (CRL) or tentative approval, or after ANDA approval, was considered general correspondence. Under GDUFA III, these types of correspondence can be submitted as Controlled Correspondence. During an ANDA assessment cycle, a Controlled Correspondence may only be submitted if an applicant seeks further feedback from FDA after a product-specific guidance (PSG) Teleconference, as described in section III(C)(5)(c), below, or to seek a Covered Product Authorization. During an ANDA assessment cycle, all other correspondence will be general correspondence.

2. Review and respond to 90 percent of Controlled Correspondence within the applicable review goal.

- a. Review and respond to Level 1 Controlled Correspondence within 60 days of the date of submission.
- b. Review and respond to Level 2 Controlled Correspondence within 120 days of the date of submission.
- 3. FDA will review and respond to 90 percent of submitter requests to clarify ambiguities in the Controlled Correspondence response within 21 days of receipt of the request. The response to the submitter's request will provide clarification or advice concerning the ambiguity in the Controlled Correspondence response.

TABLE FOR SECTION I(E): CONTROLLED CORRESPONDENCE

Submission Type	Goal
Level 1 Controlled Correspondence.	90% within 60 days of submission date.
Level 2 Controlled Correspondence.	90% within 120 days of submission date.

FDA will review and respond to 90% of submitter requests to clarify ambiguities in the Controlled Correspondence response within 21 days of request receipt.

II. ORIGINAL ANDA ASSESSMENT PROGRAM ENHANCEMENTS

A. ANDA Receipt

- 1. FDA will strive to determine whether to receive ANDAs within 60 days of the date of ANDA submission.
- 2. To enable FDA to rapidly determine whether to receive an ANDA pursuant to 21 CFR 314.101, and with consideration of final Agency guidances that address ANDA receipt determinations, FDA will communicate minor technical deficiencies (e.g., document legibility) and deficiencies potentially resolved with information in the ANDA at original submission within 10 days of original ANDA submission. If a deficiency is resolved within 10 days, that deficiency will not be a basis for a refuse-to-receive decision.
- 3. At the time of receipt, FDA will notify the applicant in the acceptance letter whether the ANDA or PAS is subject to priority or standard assessment.

B. ANDA Assessment Transparency and Communications Enhancements

To promote transparency and communication between FDA and ANDA applicants, FDA will apply the assessment program enhancements below to the assessment of all ANDAs. The goal of these program enhancements is to improve predictability and transparency, promote the efficiency and effectiveness of the review process, minimize the number of assessment cycles necessary for approval, increase the overall rate of approval, and facilitate greater access to generic drug products.

- 1. Information Requests (IRs) and Discipline Review Letters (DRLs):
 - a. IRs and DRLs do not stop the assessment clock.
 - b. In the first assessment cycle, FDA will issue the appropriate IR(s) and/or DRL(s) from each assessment discipline by the midpoint of the assessment, with the exception of the Labeling discipline as described in subsection II(B)(2) below.
 - i. In a Mid-Cycle DRL, the assessment discipline will assign a due date for response and identify major and minor deficiencies.
 - ii. If an applicant responds by the response due date, FDA will assess a response to minor deficiencies within the originally assigned goal date for the submission, subject to the exceptions described in II(B)(1)(iii).
 - iii. Responses to any major deficiencies, or to minor deficiencies that include data and information that require comparable FDA assessment resources to those required for major deficiencies, for example, a consult, will be considered Major Amendments. FDA will extend the goal date consistent with the

number of months needed to assess a comparable standard or priority Major Amendment (see section I(A)(4)–(6)).

- c. FDA will issue IRs and DRLs after the midpoint of the first assessment cycle and at any time in subsequent assessment cycles, when, in FDA's judgment, there are one or more minor deficiencies in a discipline that, if resolved using an IR or DRL, could lead to approval or tentative approval of an ANDA in the current assessment cycle. FDA will issue the IR or DRL and provide a due date for the applicant's response before the goal date.
 - i. If the applicant responds to the minor deficiencies in the IR or DRL by the due date, and FDA finds the amendment to satisfactorily address all of the issues identified in the IR or DRL, and the response does not contain unsolicited information, FDA may extend the goal date by 90 days from the date of the applicant's response.
 - ii. FDA's decision to extend the goal date will be communicated in an amendment acknowledgment letter.
 - iii. FDA will continue to issue IRs and/or DRLs late in the assessment cycle for original submissions and amendments until it is no longer feasible within the current assessment cycle for the applicant to develop and FDA to assess a response to the IR and/or DRL. For IRs and DRLs issued past the midpoint of the assessment cycle, the assessment discipline generally will assign a due date for response and identify major and minor deficiencies. DRLs issued without a response due date likely will signify a forthcoming CRL.
 - d. If the applicant does not provide a complete response to an IR and/or DRL by the response due date (or any agreed-upon extension), FDA may include the same deficiencies from the IR or DRL in a CRL and assess the response during the next assessment cycle.
 - e. If a discipline identifies a Significant Major deficiency, that deficiency will be communicated in a CRL as soon as is feasible.
- 2. Specific commitments related to IRs and DRLs for labeling:
 - a. In the first assessment cycle, the Labeling Discipline will:
 - i. upon receiving an ANDA for assessment, make an initial determination whether there is a need for a consult to be issued to another review discipline, including for a consult regarding an applicant's request to "carve out" language in the proposed labeling protected by patents or exclusivities, and will initiate such consults;
 - ii. strive to issue any DRL at approximately months 6–7 of the assessment for those ANDAs with a 10-month goal date, or months 5–6 of the assessment for those ANDAs with an 8-month goal date, with the exception that there may be a delay of the issuance of any labeling deficiencies that result from changes to the labeling of the reference listed drug (RLD) or a new exclusivity or patent listing;
 - iii. limit the assessment of labeling to one IR/DRL if other disciplines will not be acceptable during the first cycle; and
 - iv. continue to assess labeling to enable an action within the assessment cycle if other disciplines are acceptable.
 - b. Labeling IRs and DRLs in all assessment cycles:
 - FDA will minimize issuing CRLs that contain only labeling deficiencies by, for example, utilizing later-cycle IRs and the imminent action process.
- 3. Imminent Actions:
 - a. FDA will continue assessment of an ANDA past the goal date if, in FDA's judgment, it may be possible to approve or tentatively approve an ANDA within 60 days

after the goal date. Such circumstances may include:

- i. When the application meets the requirements for tentative approval by the goal date, but the legally permissible ANDA approval date is within 60 days after the goal date, and FDA may be able to approve the ANDA when it becomes legally permissible to do so.
- ii. When FDA may be able to approve or tentatively approve an application submitted by a first applicant by the 30-month forfeiture date described in section 505(j)(5)(D)(i)(IV) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(j)(5)(D)(i)(IV)).
- iii. When, at the sole discretion of FDA, and subject to resources, one or more small issues remain from one or more disciplines that in FDA's judgment may be resolved within 60 days after the goal date.
- b. If an ANDA is approved or tentatively approved within 60 days after the goal date, the goal date will be considered to have been met.
- 4. FDA will strive to act prior to a goal date, or the 60-day period for an imminent action, when the assessment is complete and there are no outstanding deficiencies.
- 5. To facilitate the labeling assessment, an applicant will clearly state in the cover letter to an ANDA, amendment, PAS, or PAS Amendment that the submission includes a proposed labeling carve-out.
- 6. Communication regarding Deficiencies and Actions:
 - a. With respect to imminent actions, applicants may inquire and FDA will promptly respond to an applicant inquiry seeking information as to whether FDA intends to work through the goal date in accordance with section II(B)(3). This communication will be preliminary and subject to change.
 - b. If a regulatory project manager (RPM) learns that a major deficiency is likely forthcoming, the RPM will notify the applicant. The RPM will not be expected to discuss the nature of the specific forthcoming deficiencies prior to issuance of the CRL.
 - c. If an RPM learns that FDA is likely to miss the goal date for an ANDA, the RPM will notify the applicant of the delay in taking an action, identify the general reason for the delay including the outstanding discipline(s), if any, and the estimated time for FDA's action on the application.
 - d. The applicant may periodically request a Review Status Update for each discipline. In response to the applicant's request, the RPM will timely provide a Review Status Update for each discipline.
- 7. FDA will indicate the assessment classification for a responding amendment in a CRL and include FDA's basis for classifying a responding amendment as Major.
- 8. Applicants who receive a CRL have the following options with respect to engaging with FDA prior to responding to the CRL:
 - a. A post-CRL teleconference to seek clarification concerning deficiencies identified in a CRL. FDA will grant appropriate requests for teleconferences requested by applicants upon receiving first-cycle CRLs and upon receiving subsequent CRLs. An appropriate request is one that clearly identifies the specific deficiencies to be discussed and the reason why such deficiencies are not clear. FDA will provide a scheduled date for 90 percent of post-CRL teleconferences within 14 days of the request for a teleconference and conduct 90 percent of such post-CRL teleconferences, if granted, within 30 days of receipt of the written request;
 - b. Submission of a Controlled Correspondence as described in section I(E); or
 - c. A post-CRL Scientific Meeting to request scientific advice on possible approaches to address deficiencies identified in

a CRL related to establishing equivalence, subject to the conditions described in section IV(C).

C. *Assessment Classification Changes During the Assessment Cycle*

1. If during the assessment of an ANDA, ANDA amendment, PAS, or PAS amendment, the assessment classification changes from Standard to Priority, FDA will notify the applicant within 14 days of the date of the change.
2. An applicant may request a change in the assessment classification at any time during the assessment.
3. Once an ANDA or PAS submission is classified as being subject to priority assessment, the application will retain such priority assessment classification status for the duration of that assessment cycle.
4. FDA will include an explanation of the reasons for any denial of an assessment status reclassification request.
5. If an applicant requests a teleconference as part of its request to reclassify a Major Amendment or standard assessment status, FDA will schedule and conduct the teleconference and decide 90 percent of such reclassification requests within 30 days of the date of FDA's receipt of the request for a teleconference. This goal only applies when the applicant accepts the first scheduled teleconference date offered by FDA. This

goal does not apply to a Major Amendment in response to a CRL that was deemed major only due to a facility deficiency ("Facility-Based Major CRL Amendment") described in section II(C)(7).

6. An amendment in response to a CRL classified by FDA as Minor that is submitted more than one year after the date FDA issued the CRL will be reclassified as a Major Amendment, except for ANDAs for products that are on the drug shortage list under section 506E of the FD&C Act (21 U.S.C. 356e), or are the subject of a response to a Public Health Emergency as declared by the Secretary of the U.S. Department of Health and Human Services under section 319 of the Public Health Service Act (PHS Act) (42 U.S.C. 247d), or are anticipated to be subject to the same criteria as apply to such a declaration, at the time of submission.

7. *Reclassification of Facility-Based Major CRL Amendments*

- a. Upon submission of a Facility-Based Major CRL Amendment, an applicant can request that FDA reclassify the Major Amendment to minor.
- b. A request for reclassification must be made at the time of amendment submission and include supporting information detailing why the facility deficiency has been resolved and no additional facility assessment is needed.

c. FDA will grant the request to reclassify the Facility-Based Major CRL Amendment if FDA determines that none of the following are necessary to complete the assessment of the amendment:

- i. A facility inspection
- ii. Use of alternate tools for facility assessment
- iii. Continued assessment of inspection deficiency responses
- d. If FDA denies the request, the Agency will communicate the substantive basis of the denial to the applicant and the ANDA amendment will be assigned a 6-, 8- or 10-month goal date, as applicable, from the original date of the amendment submission.
- e. FDA will make a decision on a request for reclassification of a Facility-Based Major CRL Amendment within 30 days from the date of submission for priority amendments, and within 60 days from the date of submission for standard amendments. If the Facility-Based Major CRL Amendment is reclassified as minor, the goal date will be 3 months from the end of the 30- or 60-day decisional period, as applicable.
- f. The goal dates for decisions on requests for reclassification and amendment assessment for which a request for reclassification is submitted are as follows:

Submission Type	FDA Response Regarding Major to Minor Reclassification	New ANDA Goal Date if Reclassification Granted	ANDA Goal Date if Reclassification Denied
Standard Major Amendment	Within 60 days of submission date	Within 5 months of submission date	Within 8 months of submission date if preapproval inspection is not required. Within 10 months of submission date if preapproval inspection is required.
Priority Major Amendment	Within 30 days of submission date	Within 4 months of submission date	Within 6 months of submission date if preapproval inspection is not required. Within 8 months of submission date if preapproval inspection required and applicant meets the requirements under section I(A)(5)(b). Within 10 months of submission date if preapproval inspection required and applicant meets any limitations as described under section I(A)(6).

D. *ANDA Approval and Tentative Approval*

If applicants submit and maintain ANDAs consistent with the statutory requirements for approval under 505(j) of the FD&C Act; respond to IRs and DRLs completely and within the time frames requested by FDA; and timely submit all required information under 21 CFR parts 314 and 210, including information concerning notice (21 CFR 314.95), litigation status (21 CFR 314.107), and commercial marketing (21 CFR 314.107); then FDA will strive to:

1. Approve approvable ANDAs in the first assessment cycle;
2. Approve First Generics on the earliest lawful approval date, if known to FDA; and
3. Tentatively approve or approve ANDAs for "First Applicants" as described in section 505(j)(5)(B)(iv)(II)(bb) of the FD&C Act to avoid forfeiture of 180-day exclusivity.

E. *Dispute Resolution*

1. An applicant may pursue a request for reconsideration within the assessment discipline at the Division level or original signatory authority, as needed.
2. The Office of Generic Drugs, Office of Regulatory Operations Associate Director will track each request for Division-level reconsideration through resolution.
3. Following resolution of a request for reconsideration, an applicant may pursue formal dispute resolution above the Division level, pursuant to procedures set forth in Formal Dispute Resolution: Sponsor Appeals Above the Division Level Guidance for Industry and Review Staff (May 2019).
4. FDA will respond to 90 percent of appeals above the Division level within 30 days of CDER's receipt of the written appeal.
5. CDER's Formal Dispute Resolution Project Manager (or designee) will track

each formal appeal above the Division level through resolution.

F. *Pre-Submission Facility Correspondence*

1. For the purposes of section I.A. and I.B. above, FDA will consider a PFC to be complete and accurate if the submission consists of the following:

a. For each manufacturing and testing facility involved in manufacturing processes and testing for the ANDA and corresponding Type II API DMF:

- i. facility name, operation(s) performed, facility contact name, address, FDA Establishment Identifier (FEI) number (if a required registrant or one has been assigned), DUNS number, registration information (for required registrants), and a confirmation that the facility is ready for inspection,
- ii. information needed to inform FDA's decision regarding the need for a preapproval inspection, such as a description of the manufacturing process and controls of critical steps, identification of any anticipated differences between pilot/exhibit scale and commercial scale processes, and as otherwise described in the guidance for industry on ANDAs: Pre-Submission of Facility Information Related to Prioritized Generic Drug Applications (Pre-Submission Facility Correspondence) (November 2017) and any revisions, and
- iii. a certification by the applicant that any Type II DMF has similarly complete and accurate facility information, including complete facility information (i.e., facility name, operation, facility contact name, address, FEI number and DUNS number, and a confirmation that the facility is ready for inspection).
- b. Information needed to inform FDA's decision regarding the need for a preapproval

inspection, such as a description of the drug substance manufacturing process, that is included in a corresponding Type II DMF is not required to be duplicated in the PFC for the ANDA if it is included in a corresponding Type II DMF.

c. For all sites or organizations involved in all bioequivalence and clinical studies used to support the ANDA submission: site names, addresses, and website; the study numbers; a list and description of all study investigators consistent with the guidance ICH E3 Structure and Content of Clinical Study Reports (July 1996) section 16.1.4; the study conduct dates; and study protocols and any available amendments.

d. For all sites or organizations involved in analytical studies used to support the ANDA application submission the following are required: analytical site name, address, and website. For those studies that were initiated no later than 60 days prior to the ANDA submission, additional requirements are:

- i. a list of investigator name(s)
- ii. study conduct dates; and
- iii. if the analytical method validation was completed before dosing, the analytical method validation study report(s).
- e. This information is provided using a standardized electronic format and includes unique identifiers that are current and accurate.
2. Changes to information contained in a PFC when submitted in an ANDA that are considered a "significant change" include changes in the identified facilities for manufacture of the drug substance or drug product, the proposed manufacturing operations or operating principles, and the order of manufacturing unit operations, as described in the guidance ANDAs: Pre-Submission of

Facility Information Related to Prioritized Generic Drug Applications (Pre-Submission Facility Correspondence) (November 2017) and any revisions.

G. Other ANDA Assessment Program Aspirations

1. FDA aspires to continually improve the efficiency of the ANDA Assessment program.
2. The absence of a GDUFA III commitment for a specific program function does not imply that the program function is not important. For example, other program functions include determining whether listed drugs were voluntarily withdrawn from sale for reasons of safety or effectiveness and ANDA proprietary name evaluations.

III. PRE-ANDA PROGRAM

A. Goal of Pre-ANDA Program

1. The goal of the pre-ANDA program is to clarify regulatory expectations for prospective applicants early in product development, assist applicants in developing more complete submissions, promote a more efficient and effective ANDA assessment process, and reduce the number of assessment cycles required to obtain ANDA approval.
2. Some elements of these programs are tailored to enhance the development of Complex Generic Products. Complex Generic Products can raise unique scientific and regulatory considerations, and FDA is committed to providing further transparency and clarity on Complex Generic Product development and assessment to help increase the availability of these products.

B. Suitability Petitions

1. In FY 2023, FDA will work diligently to enhance the Agency's processes for reviewing and responding to petitions submitted under section 505(j)(2)(C) of the FD&C Act (commonly referred to as "suitability petitions"), and to review and respond to pending suitability petitions.
2. Prior to FY 2024, FDA will take appropriate action to determine if petitioners who submitted suitability petitions prior to FY 2023 remain interested in a response.
3. FDA will conduct a completeness assessment for suitability petitions submitted in FY 2024–2027. The timeframe for the completeness assessment will be:
 - a. 21 days after the date of petition submission; or
 - b. If an IR is issued as part of the completeness assessment and the petitioner submits a response, FDA will finish the completeness assessment within 21 days after the date of receipt of the IR response.
4. Any suitability petition submitted in FY 2024–2027 will receive a goal date described in section III(B)(7). Any suitability petitions submitted to FDA prior to FY 2024 will not receive a goal date. If a petitioner wants to receive a goal date on a suitability petition submitted prior to FY 2024, the petitioner may withdraw and submit a new suitability petition in FY 2024–2027.
5. The date of submission for the purposes of determining the fiscal year of submission will be the date of FDA's completion of the completeness assessment.
6. FDA will prioritize the review of suitability petitions for a drug product that:
 - a. could mitigate or resolve a drug shortage and prevent future shortages;
 - b. address a public health emergency declared by the Secretary of the U.S. Department of Health and Human Services under section 319 of the PHS Act, or anticipated under the same criteria as apply to such a declaration;
 - c. is for a new strength of a parenteral product that could aid in eliminating pharmaceutical waste or mitigating the number of vials needed per dose by addressing differences in patient weight, body size, or age; or

d. is subject to special review programs under the President's Emergency Plan for AIDS Relief (PEPFAR).

7. Beginning in FY 2024, FDA will review and respond to suitability petitions that have been assigned a goal date pursuant to the following goals:

- a. In FY 2024, 50 percent of submissions within 6 months after completeness assessment, up to a maximum of 50 suitability petitions completed;
- b. In FY 2025, 70 percent of submissions within 6 months after completeness assessment, up to a maximum of 70 suitability petitions completed;
- c. In FY 2026, 80 percent of submissions within 6 months after completeness assessment, up to a maximum of 80 suitability petitions completed; and
- d. In FY 2027, 90 percent of submissions within 6 months after completeness assessment, up to a maximum of 90 suitability petitions completed.

8. As a general matter, if FDA misses goal dates on suitability petitions due to increased submissions, FDA will prioritize the review of suitability petitions for which a goal date was missed prior to reviewing newly submitted suitability petitions for the current fiscal year, except for those suitability petitions that are prioritized under section III(B)(6). See Appendix for additional information on FDA's review of suitability petitions in GDUFA III.

C. Product-Specific Guidance

1. FDA will continue to issue PSG identifying the methodology for generating evidence needed to support ANDA approval.
2. FDA will issue PSGs consistent with the following goals:
 - a. For Complex Products approved in new drug applications (NDAs) on or after October 1, 2022, a PSG will be issued for 50 percent of such NDA products within 2 years after the date of approval, and for 75 percent of such NDA products within 3 years after the date of approval.
 - b. FDA will continue to develop PSGs for Complex Products approved prior to October 1, 2022, for which no PSG has been published.
 - c. For non-complex drug products approved in NDAs on or after October 1, 2022, that contain a new chemical entity (NCE) (as described in section 505(j)(5)(F)(ii) of the FD&C Act), a PSG will be issued within 2 years after the date of approval for 90 percent of such products.
3. Information on PSG Development:
 - a. FDA will provide on its website information related to upcoming new and revised PSGs to support the development and approval of safe and effective generic drug products, including the projected date of PSG publication, which may be subject to change. When FDA becomes aware that it will not meet the issuance date listed on the website, FDA will update the website to provide a new projected issuance date in the next scheduled update.
 - b. FDA routinely will update the information on this website approximately every 4 months.
 - c. PSGs will be developed (or revised) and issued in accordance with FDA's Good Guidance Practices and will be reviewed by senior management and other designated subject matter experts prior to publication and after consideration of any public comments submitted to the relevant docket of a published draft or final PSG.
4. Prioritization of PSG Development:
 - a. FDA will make available on its website information on how the Agency prioritizes the development of PSGs.
 - b. Industry may request via the portal for Controlled Correspondence that FDA develop a PSG. FDA will consider this request in

prioritizing PSG development but will not consider this to be a Controlled Correspondence.

c. FDA will seek public input on prioritization of PSGs annually during the public meeting on research prioritization described in section V(B)(2).

d. For Complex Products, FDA generally will prioritize the development of PSGs for Complex Products that contain a NCE (as described in section 505(j)(5)(F)(ii) of the FD&C Act) over Complex Products that do not contain an NCE.

5. When a new or revised PSG is published and an applicant or prospective applicant has already commenced an in vivo bioequivalence study (i.e., the study protocol has been signed by the study sponsor and/or the contract research organization) the applicant or prospective applicant may request a PSG Teleconference to obtain Agency feedback on the potential impact of the new or revised PSG on its development program.

a. To be eligible for a PSG Teleconference, the applicant or prospective applicant must submit with the meeting request the signature page of the relevant in vivo study protocol signed by the study sponsor and/or the contract research organization.

b. FDA will hold a PSG Teleconference within 30 days after the receipt of the meeting request. The PSG Teleconference will be scheduled for 60 minutes.

c. If the applicant seeks further feedback from FDA after a PSG Teleconference, the applicant may utilize the Controlled Correspondence process or request an additional meeting. The purpose of this meeting is to provide a forum in which industry can discuss the scientific rationale for an approach other than the approach recommended in the PSG to ensure that the approach complies with the relevant statutes and regulations.

i. If the applicant has not submitted an ANDA, the prospective applicant can submit a request for a Pre-Submission PSG Meeting. FDA will grant or deny the meeting within 14 days after receipt of the request and if granted, will schedule the meeting within 120 days after receipt of the request.

ii. If the applicant has submitted an ANDA, the applicant can submit a request for a Post-Submission PSG Meeting. FDA will grant or deny the meeting within 14 days after receipt of the request, and if granted, will schedule the meeting within 90 days after receipt of the request.

iii. FDA may deny a Pre- or Post-Submission PSG Meeting if the request is incomplete, or the inquiry would be more appropriately resolved through a Controlled Correspondence. FDA may grant a Pre- or Post-Submission Meeting request after such a Controlled Correspondence if the Agency determines that any issue(s) remain unresolved or would be more appropriately resolved in a meeting.

iv. Applicants and prospective applicants are eligible to request a Pre-Submission PSG Meeting or Post-Submission PSG Meeting regardless of whether they have had a Product Development Meeting or a post-CRL Scientific Meeting.

6. When FDA intends to issue a new or revised PSG and there are ANDAs under review that may be impacted by changes to the new or revised PSG, FDA will ensure that at least division-level program leadership is aware of the potential impact on the pending ANDAs for drug products with related new or revised PSGs.

D. Product Development Meetings

1. A prospective applicant can request a pre-ANDA submission Product Development Meeting. The purpose of the meeting is to provide a forum for a scientific exchange on specific issues (e.g., a proposed study design,

alternative approach, additional study expectations, or questions) in which FDA will provide targeted advice regarding an ongoing ANDA development program.

2. FDA will grant a prospective applicant a Product Development Meeting if, in FDA's judgment:

a. The requested Product Development Meeting concerns:

i. Development of a Complex Generic Product for which FDA has not issued a PSG; or
ii. An alternative equivalence evaluation, i.e., change in study type, such as in vitro to clinical, for a Complex Generic Product for which FDA has issued a PSG;

b. The prospective applicant submits a complete meeting package, including a data package and specific proposals;

c. A Controlled Correspondence response would not adequately address the prospective applicant's questions; and

d. A Product Development Meeting would significantly improve ANDA assessment efficiency.

3. Dependent on available resources, FDA may grant a prospective applicant a Product Development Meeting concerning development issues other than those described in Section III(D)(2) if, in FDA's judgment:

a. The prospective applicant submits a complete meeting package, including a data package and specific proposals;

b. A Controlled Correspondence response would not adequately address the prospective applicant's questions; and

c. A Product Development Meeting would significantly improve ANDA assessment efficiency.

4. FDA will grant or deny 90 percent of Product Development Meeting requests within 14 days after receipt of the meeting request.

5. FDA will conduct 90 percent of Product Development Meetings within 120 days after the meeting is granted.

6. FDA can meet the Product Development Meeting goal by either conducting a meeting or providing a meaningful written response that will inform drug development and/or regulatory decision-making to the prospective applicant, within the applicable goal date.

7. Unless FDA is providing a written response to satisfy the Product Development Meeting goal, FDA will provide preliminary written comments before each Product Development Meeting (and aspire to provide the written comments 5 days before the meeting) and will provide meeting minutes within 30 days following the meeting.

E. Pre-Submission Meetings

1. Prospective applicants may request a Pre-Submission Meeting. The purpose of a Pre-Submission Meeting is to provide an applicant the opportunity to present unique or novel data or information that will be included in the ANDA submission such as formulation, key studies, justifications, and/or methods used in product development, as well as the interrelationship of the data and information in the ANDA. FDA will grant a Pre-Submission Meeting, if the applicant was granted a Product Development Meeting for the same Complex Generic Product or FDA believes in its sole discretion that the Pre-Submission Meeting would improve assessment efficiency.

2. For Pre-Submission Meetings, FDA will:

a. Identify the ANDA assessment team members who will attend the meeting;

b. Identify additional content for the meeting in the letter granting the meeting request, including information on what topics should be addressed in the meeting in addition to those identified in the meeting request by the applicant; and

c. Identify at the meeting, items or information for clarification before the applicant's submission of the ANDA.

3. FDA will not provide a substantive assessment of summary data or full study reports at the meeting.

4. An applicant's decision not to request a Pre-Submission Meeting will not prejudice the receipt or assessment of an ANDA.

5. FDA will grant or deny 90 percent of Pre-Submission Meeting requests within 30 days.

6. If granted, FDA will conduct 90 percent of Pre-Submission Meetings within 60 days of the meeting request.

7. FDA will provide preliminary written comments 5 days before each meeting, and meeting minutes within 30 days after the meeting.

IV. ANDA ASSESSMENT MEETING PROGRAM

A. Goal of the ANDA Assessment Meeting Program

1. The goal of the ANDA Assessment Meeting Program is to provide or continue to provide targeted, robust advice to ANDA applicants as they work to meet the standards for ANDA approval.

2. Some elements of this program are tailored to enhance the development of Complex Generic Products.

B. Mid-Cycle Review Meetings and Enhanced Mid-Cycle Review Meetings

1. If an applicant for a Complex Generic Product was granted a Product Development Meeting for the same product, they may, within 7 days of receiving the last mid-cycle DRL, submit a request for a Mid-Cycle Review Meeting or an Enhanced Mid-Cycle Meeting. The request should describe the specific deficiency(ies) to be discussed.

2. Mid-Cycle Review Meetings:

a. The purpose of a Mid-Cycle Review Meeting is for the applicant to ask for the rationale for any deficiency identified in the mid-cycle DRL(s), and/or to ask questions related to FDA's assessment of the data or information in the ANDA. An applicant may not present any new data or information at this meeting.

b. The Mid-Cycle Review Meeting will take place within 30 days after the date the sponsor submits a meeting request.

3. Enhanced Mid-Cycle Review Meetings:

a. The purpose of this meeting is for the applicant to ask questions related to a proposed scientific path to address possible deficiencies identified in the mid-cycle DRL(s). An applicant may ask questions about potential new data or information to address any possible deficiencies identified in the mid-cycle DRL(s). FDA will discuss the data and information but will not provide substantive assessment of data or information provided by the applicant at the meeting.

b. If an Enhanced Mid-Cycle Review Meeting is requested, the meeting will take place within 90 days after issuance of the last mid-cycle DRL.

c. FDA will extend the ANDA goal date by 60 days if an applicant requests an Enhanced Mid-Cycle Review Meeting. FDA also will extend the response due date for the relevant DRL(s) by recalculating the response due date starting from the date of the meeting, e.g., if the response was due 30 days after the DRL was issued, it will now be due 30 days after the Enhanced Mid-Cycle Review Meeting.

d. An applicant may submit an Unsolicited Amendment after an Enhanced Mid-Cycle Review Meeting, which could result in an additional goal date extension consistent with section I(C).

C. Post-CRL Scientific Meetings

1. An applicant can request a Post-CRL Scientific Meeting. The purpose of this meeting is to provide an applicant scientific advice on possible approaches to address deficiencies identified in a CRL related to establishing equivalence.

a. An applicant's meeting request must discuss:

iii. a new equivalence study needed to address the deficiencies in the design identified in the CRL,

iv. an approach that is different from that submitted in the ANDA, e.g., a change in study type from in vivo to in vitro,

v. a new comparative use human factors study, or

vi. a new approach to demonstrating sameness of a complex active ingredient; and

b. FDA will grant the meeting if it is for a Complex Generic Product or in FDA's judgment the request raises issues that are best addressed via this meeting process and cannot be adequately addressed through Controlled Correspondence.

c. An applicant may have a post-CRL teleconference described in section II(B)(8)(a) prior to requesting this meeting.

2. FDA will grant or deny the Post-CRL Scientific Meeting request within 14 days after receipt of the request.

3. FDA will hold the Post-CRL Scientific Meeting within 90 days after the date the meeting is granted.

4. Applicants are eligible to request a Post-CRL Scientific Meeting even if they have not had a Product Development Meeting.

V. ADDITIONAL PROGRAM ENHANCEMENTS AND ASPIRATIONS

A. Inactive Ingredient Database Enhancement

FDA will update the Inactive Ingredient Database on an ongoing basis, and post quarterly notices of updates made. Such notices will include for each change made during the previous quarter, the new information, and the information that was replaced.

B. Regulatory Science Enhancements

1. FDA will conduct internal and external research to support fulfillment of submission assessment and pre-ANDA commitments set forth in Sections I and III, respectively.

2. Annually, FDA will conduct a public workshop to solicit input from industry and stakeholders for inclusion in an annual list of GDUFA III regulatory science initiatives. Interested parties may propose regulatory science initiatives via email to genericdrugs@fda.hhs.gov. After considering Industry and stakeholder input, FDA will post the list on FDA's website.

3. If Industry forms a GDUFA III regulatory science working group, then upon request of the working group to the Director of the Office of Research and Standards in the Office of Generic Drugs, FDA will meet with the working group twice yearly to discuss current and emerging challenges and concerns. FDA will post minutes of these meetings on its website.

4. Annually, FDA will report on its website the extent to which GDUFA regulatory science-funded projects support the development of generic drug products, the generation of evidence needed to support efficient assessment and timely approval of ANDAs, and the establishment of new approaches to evaluate generic drug equivalence.

C. Other Pre-ANDA and Assessment Meeting Program Aspirations

FDA aspires to continually improve the effectiveness of its Pre-ANDA and ANDA Assessment Meeting activities.

VI. DMF ASSESSMENT PROGRAM ENHANCEMENTS

A. Communication of DMF Assessment Comments

1. FDA will ensure that DMF assessment comments submitted to the DMF holder are issued at least in parallel with the issuance of review comments relating to the DMF for the ANDA.

2. This commitment applies to comments to the applicant issued in any ANDA CRL

and comments issued in the first IR letter by the drug product assessment discipline.

B. Teleconferences to Clarify DMF First Cycle Assessment Deficiencies

1. FDA will grant and conduct teleconferences when requested to clarify deficiencies in first cycle DMF deficiency letters.

2. DMF holders must request such teleconferences in writing within 30 days of issuance of the first cycle DMF deficiency letter, identifying specific issues to be addressed. FDA may initially provide a written response to the request for clarification, but if the DMF holder indicates that a teleconference is still desired, FDA will schedule the teleconference.

3. FDA will strive to grant such teleconferences within 30 days of receipt of the initial teleconference request, giving priority to DMFs based on the priority of the referencing ANDA.

4. In lieu of a teleconference, the DMF holder may submit a request for an email exchange between FDA and the DMF holder. The request must identify specific issues to be addressed. After FDA responds to the request, the DMF holder may submit, and FDA will respond to, one follow-up email to obtain additional clarification.

C. DMF First Adequate Letters

Once a DMF has undergone a full scientific assessment and has no open issues related to the assessment of the referencing ANDA, FDA will issue a First Adequate Letter.

D. DMF No Further Comment Letters

Once a DMF has undergone a full scientific assessment and the ANDA referencing the DMF has been approved or tentatively approved, FDA will issue a “no further comment” letter.

E. DMF Review Prior to ANDA Submission

1. A holder of a DMF may submit a request for assessment of the DMF six months prior to the planned submission date for: 1) an original ANDA, 2) an ANDA amendment containing a response to a CRL, or 3) an amendment seeking approval of an ANDA that previously received a tentative approval. In each case, the submission must include reference to a DMF for which FDA has not conducted a substantive assessment, and one of the following criteria must be met:

a. All patents and exclusivities will expire within 12 months of the planned submission date;

b. The submission is for a drug product for which there are not more than three approved drug products listed in FDA’s Approved Drug Products With Therapeutic Equivalence Evaluations (the “Orange Book”), for which there are no blocking patents or exclusivities listed for the RLD, and the ANDA applicant is not seeking approval for less than all of the conditions of use on the RLD labeling, e.g., a “carve-out.” In other words, there are fewer than four approved therapeutically equivalent drug products, including the RLD, listed in the Orange Book, no blocking patents or unexpired exclusivities for the RLD in the Orange Book, and the applicant is not seeking to “carve out” any conditions of use;

c. The submission is for a drug product that could help mitigate or resolve a drug shortage and prevent future shortages, including submissions related to products that are listed on FDA’s Drug Shortage List at the time of the submission;

d. The submission is for a drug product that either could help address a public health emergency declared by the Secretary of the U.S. Department of Health and Human Services under section 319 of the PHS Act, or anticipated under the same criteria as apply to such a declaration; or

e. The submission is for a drug product for which (1) there is only one approved drug product listed in the Prescription Drug Product List (i.e., the “Active Section”) of the Orange Book and that product is approved under an ANDA (i.e., the RLD is in the “Discontinued Section” and there is not more than one ANDA in the “Active Section”); (2) the approved ANDA for the drug product listed in the “Active Section” was not approved pursuant to a suitability petition under section 505(j)(2)(C) of the FD&C Act; (3) there are no blocking patents or exclusivities for the RLD; and (4) the submission does not qualify for prioritization under any other factor listed in MAPP 5240.3 Rev. 5: Prioritization of the Review of Original ANDAs, Amendments, and Supplements.

2. A holder of a DMF may submit a request for assessment of the DMF six months prior to the planned submission date for a PAS to add a new API source, provided that:

a. The PAS is for a drug product that could help mitigate or resolve a drug shortage and prevent future shortages, including submissions related to products that are listed on FDA’s Drug Shortage List at the time of the submission; or

b. The PAS is for a drug product that either could help address a public health emergency declared by the Secretary of the U.S. Department of Health and Human Services under section 319 of the PHS Act, or anticipated under the same criteria as apply to such a declaration.

3. To be eligible for this review, a DMF holder must submit with its request for review:

a. at least one Letter of Authorization with one pre-assigned ANDA number;

b. a reference to the corresponding RLD listed in the Orange Book; and

c. documentation that the DMF holder has paid a GDUFA DMF fee as described in section 744B(a)(2)(A) of the FD&C Act (21 U.S.C. 379j-41(a)(2)(A)) for the current fiscal year.

F. FDA Assessment of Solicited DMF Amendments

1. FDA will assess solicited DMF amendments related to original ANDAs and PASs upon receipt even if the original ANDA or PAS in which the DMF is referenced is not currently under assessment.

2. Such assessments will be conducted based on the assessment status of the DMF and other disciplines in the related ANDAs, with priority being given to those amendments related to ANDAs for which acceptability of the DMF assessment may result in an approval.

G. FDA Communication Related to DMF Amendments and ANDAs

FDA will communicate publicly to industry that prior to submitting a DMF amendment, the DMF holder should coordinate with the ANDA applicant that references the DMF to avoid delaying approval or tentative approval of the ANDA.

VII. FACILITIES

A. Foreign Regulators

1. Export Support and Education of Other Health Authorities: FDA will support the export of safe and effective pharmaceutical products by the U.S.-based pharmaceutical industry, including but not limited to providing timely updates to FDA’s Inspection Classification Database as described below, and educating other health authorities regarding FDA’s surveillance inspection program and the meaning of inspection classifications.

2. Communications to Foreign Regulators: Upon receipt of a written or email request by an establishment physically located in the U.S. that has been included as part of a marketing application submitted to a foreign

regulator, issue within 30 days of the date of receipt of the request a written communication to that foreign regulator conveying the current compliance status for the establishment.

B. Communication Regarding Inspections

1. When FDA conducts a preapproval inspection of a facility or site named in the ANDA, PAS, or associated Type II DMF and identifies outstanding issues that could prevent approval of an ANDA or PAS, the applicant will be notified that issues exist through an IR, DRL or CRL pursuant to Section II(B) above.

2. FDA agrees to communicate to the facility owner final inspection classifications that do not negatively impact approvability of any pending application within 90 days of the end of the inspection.

3. FDA agrees to ongoing periodic engagement with industry stakeholders to provide updates on Agency activities and seek stakeholder feedback.

C. GDUFA III Inspection Classification Database

The Inspection Classification Database will be updated every 30 days and will reflect FDA’s final assessment of the facility or site following an FDA inspection and assessment of the inspected entity’s timely response to any documented observations. FDA will update the existing publicly available Inspection Classification Database webpage and will develop communication materials to provide further information to industry and foreign regulators on how FDA determines which facilities to select for a drug surveillance inspection, including how FDA uses its risk-based site selection model to determine the frequency of surveillance inspections.

D. Post-Warning Letter Meetings

1. An eligible facility described in section VII(D)(3) may request a meeting with FDA regarding the facility’s remediation for deviations identified in a warning letter (Post-Warning Letter Meeting).

a. This meeting generally will take place 6 months or later after the facility submits an initial response to an FDA warning letter.

b. A facility may request that the meeting take place prior to 6 months after an initial response to a warning letter has been submitted. However, it is at FDA’s discretion to grant an earlier meeting if the Agency determines it would be beneficial to both parties.

2. The purpose of the Post-Warning Letter Meeting is to obtain preliminary feedback from FDA on the adequacy and completeness of the facility’s corrective action plans.

3. To be eligible for the Post-Warning Letter Meeting:

a. The facility Current Good Manufacturing Practice (CGMP) compliance status is “Official Action Indicated” as a result of an FDA inspection;

b. The facility has paid a GDUFA facility fee as described in section 744B(a)(4) of the FD&C Act for the current fiscal year, or is named in a pending ANDA application; and

c. The regulatory action (e.g., warning letter) is limited only to violations or deviations from Section 501 of the FD&C Act (21 U.S.C. 351) related to human drug manufacturing, including manufacturing of a drug-device combination product.

4. The meeting request will be granted only if the facility has submitted to FDA a thorough and complete corrective action and preventive action (CAPA) plan that addresses all items cited in the warning letter, and reasonable progress has been made toward remediation.

5. Any supplemental information submitted by a facility on remediation progress to be discussed at the meeting must be submitted at least 60 days prior to the meeting.

6. FDA may deny a request for a Post-Warning Letter Meeting if FDA determines that a facility is ineligible for a meeting or does not appear to be ready for a meeting as evidenced by an incomplete CAPA plan, and/or insufficient progress being made to remediate the facility issues. If FDA denies the meeting:

a. In general, FDA intends to respond briefly with comments regarding why the meeting package is not sufficiently developed or complete (e.g., where the facility has not presented a proposed CAPA plan for all items in the warning letter or where the firm does not appear to have made reasonable efforts to implement its proposed CAPA plan).

b. A facility may resubmit a new meeting request no sooner than 3 months after the first meeting request is denied by FDA.

7. Only two Post-Warning Letter Meeting requests per warning letter may be made under this section.

8. FDA may defer a Post-Warning Letter Meeting if FDA has made a decision that a reinspection is the most appropriate next step (i.e., defer in favor of re-inspection). In this case, FDA will notify the facility of the decision to re-inspect rather than grant a meeting.

9. FDA may schedule meetings by video conference, teleconference, or face-to-face, at FDA's discretion.

10. The following goals apply to FDA's decision to grant, deny, or defer in favor of reinspection a Post-Warning Letter Meeting:

a. In FY 2024, 50 percent of eligible requests within 30 days of request.

b. In FY 2025, 70 percent of eligible requests within 30 days of request.

c. In FY 2026 and FY 2027, 80 percent of eligible requests within 30 days of request.

11. The commitment to hold a Post-Warning Letter Meeting:

a. Does not preclude FDA from taking any regulatory actions necessary, including a follow-up inspection at any time (including prior to the Post-Warning Letter Meeting); and

b. As with other regulatory meetings, FDA advice is not binding on the Agency.

12. Guidance related to Post-Warning Letter Meeting process set forth in this section VII(D):

a. FDA will issue guidance regarding the Post-Warning Letter Meeting process, including recommendations on items facilities should submit as part of a meeting request.

b. If more than 50 percent of first-time meeting requests are denied because FDA makes an assessment that the facility is not ready, FDA agrees to take appropriate action to provide additional information on meeting requests, which could include updating the guidance described in VII(D)(12)(a) to provide further information on how facilities can avoid issues that have commonly led to meeting requests being denied.

E. Generic Drug Manufacturing Facility Re-inspection

1. An eligible facility as described in section VII(E)(2) may request a re-inspection.

2. To be eligible for the facility re-inspection process reflected in this section:

a. The facility CGMP compliance status is "Official Action Indicated" as a result of an FDA inspection;

b. The facility has paid a GDUFA facility fee as described in section 744B(a)(4) of the FD&C Act for the current fiscal year, or is named in a pending ANDA application; and

c. The regulatory action (e.g., warning letter) is limited only to violations or deviations from Section 501 of the FD&C Act related to human drug manufacturing, including manufacturing of a drug-device combination product.

3. FDA will review the request and if FDA determines that the requesting facility has

appropriately completed CAPAs that sufficiently address all of the deficiencies in a warning letter, with the exception of ongoing monitoring, and FDA agrees that the facility appears ready for inspection, FDA will generate an inspectional assignment.

4. FDA agrees to notify the facility of the Agency's decision to re-inspect within 30 days of receipt of the request for re-inspection.

5. If FDA declines the request to reinspect:

a. FDA agrees to notify the facility of its decision and provide a brief high-level explanation, for example, that the firm has not made sufficient progress to complete certain CAPAs identified as necessary to resolve a violation cited in the warning letter.

b. The facility may submit a second request for a re-inspection no earlier than 3 months after receiving FDA's initial decision.

c. If the second request is denied, facility will be considered to no longer meet the eligibility criteria in section VII(E)(2).

6. The processes and timelines set forth in this section apply only to the first reinspection after a warning letter. If the warning letter is not resolved after reinspection, the facility will be considered to no longer meet the eligibility criteria in section VII(E)(2).

7. If a re-inspection request is granted, FDA agrees to notify the facility and issue an inspectional assignment in conjunction with the notification. The applicable goals for domestic facilities are:

a. In FY 2024, for 60 percent of the requests for reinspection that are granted, FDA will re-inspect the facility within 4 months of the letter to the facility indicating FDA's intent to reinspect.

b. In FY 2025, for 70 percent of the requests for reinspection that are granted, FDA will re-inspect the facility within 4 months of the letter to the facility indicating FDA's intent to reinspect.

c. In FY 2026 and FY 2027, for 80 percent of the requests for reinspection that are granted, FDA will re-inspect the facility within 4 months of the letter to the facility indicating FDA's intent to reinspect.

8. The applicable goals for international facilities are:

a. In FY 2024, for 60 percent of the requests for reinspection that are granted, FDA will re-inspect the facility within 8 months of the letter to the facility indicating FDA's intent to re-inspect.

b. In FY 2025, for 70 percent of requests for reinspection that are granted, FDA will re-inspect the facility within 8 months of the letter to the facility indicating FDA's intent to re-inspect.

c. In FY 2026 and FY 2027, for 80 percent of requests for reinspection that are granted, FDA will re-inspect the facility within 8 months of the letter to the facility indicating FDA's intent to re-inspect.

VIII. CONTINUED ENHANCEMENT OF USER FEE RESOURCE MANAGEMENT

A. Sustainability of GDUFA Program Resources

1. FDA is committed to ensuring the sustainability of the GDUFA program resources and to enhancing the operational agility of the GDUFA program.

2. FDA will build on the financial enhancements included in GDUFA II and continue activities in GDUFA III to ensure optimal use of user fee resources and the alignment of staff to workload through the continued maturation and assessment of the Agency's resource capacity planning capability.

3. FDA also will continue activities to promote transparency of the use of financial resources in support of the GDUFA program.

B. Resource Capacity Planning

1. FDA will continue activities to mature the Agency's resource capacity planning

function, including utilization of modernized time reporting to support enhanced management of GDUFA resources in GDUFA III and implementation of the Capacity Planning Adjustment (CPA).

2. Resource Capacity Planning Implementation

a. By the end of the second quarter of FY 2023, FDA will publish an implementation plan that will describe how resource capacity planning and time reporting will continue to be utilized during GDUFA III. This implementation plan will address topics relevant to the maturation of resource capacity planning including, but not limited to, detailing FDA's approach to:

i. The continued maturation of the Agency's resource capacity planning capability;

ii. The continual improvement of time reporting and its utilization in the CPA;

iii. The integration of resource capacity planning analyses in the Agency's resource and operational decision-making processes; and

iv. The implementation of the CPA, with a first year of adjustment for FY 2024 user fees.

b. FDA will provide annual updates on the FDA website on the Agency's progress relative to activities detailed in this implementation plan by the end of the second quarter of each subsequent fiscal year.

c. FDA will document in the annual GDUFA Financial Report how any CPA fee revenues are being utilized.

d. Resources obtained from the CPA shall be used, consistent with user fee appropriations, to support CDER or ORA staff engaged in GDUFA program work, or other non-CDER staff who are directly supporting GDUFA review work.

e. The CPA shall be limited to workload driven by:

i. ANDA Originals and Resubmissions/Amendments

ii. ANDA Supplements (PAS and "Changes Being Effected" (CBE) supplements) and Amendments

iii. Controlled Correspondence as defined in Section XI(I)-(J)

iv. Pre-ANDA Meetings, which include Pre-Submission, Product Development, and Pre-Submission PSG Meetings

v. Surveillance inspections

vi. Post-marketing safety activities

vii. Suitability Petitions

C. Resource Capacity Planning Assessment

1. By the end of FY 2025, an independent contractor will complete and publish an evaluation of the resource capacity planning capability. This will include an assessment of the following topics:

a. The ability of the CPA to forecast resource needs for the GDUFA program, including an assessment of the scope of the workload drivers in the CPA and their ability to represent the overall workload of the GDUFA program;

b. Opportunities for the enhancement of time reporting toward informing resource needs; and

c. The integration and utilization of resource capacity planning information within resource and operational decision-making processes of the GDUFA program.

2. The contractor will provide options and recommendations in the evaluation regarding the continued enhancement of the above topics as warranted. The evaluation findings and any related recommendations will be discussed at the FY 2026 GDUFA 5-year financial plan public meeting. The findings and recommendations of the evaluation may inform the CPA methodology for future re-authorizations.

D. Financial Transparency and Efficiency

1. FDA is committed to ensuring GDUFA user fee resources are administered, allocated, and reported in an efficient and transparent manner. FDA will conduct activities

to evaluate the financial administration of the GDUFA program to help identify areas to enhance operational and fiscal efficiency. FDA will also conduct activities to enhance transparency of how GDUFA program resources are used.

2. FDA will publish a GDUFA 5-year financial plan no later than the second quarter of FY 2023. FDA will publish updates to the 5-year plan no later than the second quarter of each subsequent fiscal year.

3. FDA will convene a public meeting no later than the third quarter of each fiscal year starting in FY 2024 to discuss the GDUFA 5-year financial plan, along with the Agency's progress in implementing modernized time reporting and resource management planning.

E. Improving the Hiring of Review Staff

1. Enhancements to the generic drug review program require that FDA hire the necessary technical and scientific experts to efficiently conduct assessments of generic drug applications and supporting activities.

2. During GDUFA III, FDA will:

a. Hire 128 staff for the generic drug review program in FY 2023; and

b. Confirm progress in the hiring of GDUFA III staff in the GDUFA 5-year financial plan.

IX. GUIDANCE AND MAPPS

A. FDA will draft or modify relevant Manuals of Policies and Procedures (MAPPs) to reflect the commitments and goals in this Commitment Letter, including, but not limited to, the following:

1. To direct project managers, assessors, and other assessment program staff to actively work towards an action for an ANDA with a missed or extended goal date.

2. To revise MAPP 5200.12 Communicating Abbreviated New Drug Application Review Status Updates with Industry, to include communications related to imminent actions on or before April 30, 2023.

B. FDA will issue a Federal Register Notice on or before April 30, 2023, to solicit public comment on the content of Appendix A in the guidance for industry on ANDA Submissions—Amendments to Abbreviated New Drug Applications Under GDUFA (July 2018) and will use evaluations and/or training to assure consistency in ANDA amendment classification.

C. FDA will issue a MAPP on the process for Reclassification of Facility-Based Major CRL Amendments set forth in section II(C)(7) on or before June 30, 2024.

D. FDA will issue a MAPP on the prioritization of FDA assessment of solicited DMF amendments described in section VI(F)(2) on or before June 30, 2024.

E. FDA will issue guidance clarifying the regulatory status of active pharmaceutical ingredient-exipient mixtures for GDUFA purposes.

X. PERFORMANCE REPORTING

A. Monthly Reporting Metrics: FDA will publish the following monthly metrics on its website, using a consistent, publicly disclosed reporting methodology:

Number of ANDAs and amendments, CBE supplements, and PASs submitted in the reporting month delineated by type of submission:

2. Number of ANDAs and PASs FDA refused for receipt in the reporting month:

3. Number of actions taken in the reporting month delineated by the type of action. For purposes of the metrics, actions shall include final approvals, tentative approvals, CRLs, IRs, and DRLs (or other such nomenclature as FDA determines to reflect the concepts of an information request or CRL):

4. Number of finalized DMF Completeness Assessments in the reporting month;

5. Number of DMF fees paid in the reporting month; and

6. Number of first-cycle approvals and tentative approvals in the reporting month.

B. Quarterly Reporting Metrics: FDA will publish the following quarterly metrics on its website, using a consistent, publicly disclosed reporting methodology:

1. Number of ANDAs and PASs withdrawn in each reporting month;

2. Number of ANDAs awaiting applicant action;

3. Number of ANDAs awaiting FDA action;

4. Mean and median approval and tentative approval times for the quarterly action cohort;

5. Number of original ANDAs for Complex Generic Products submitted;

6. Number of requests for reclassification of a Facility-Based Major CRL Amendment received, and number of requests granted and denied; and

7. Number of Level 1 and Level 2 Controlled Correspondence submitted.

C. Fiscal Year Performance Report Metrics: FDA will publish the following metrics annually as part of the GDUFA Performance Report:

1. Mean and median approval and tentative approval times for ANDAs by FY receipt cohort;

2. Mean and median ANDA approval times, including separate reporting of mean and median times for first-cycle approvals FY receipt cohort;

3. Mean and median number of ANDA assessment cycles to approval and tentative approval by FY receipt cohort;

4. Number of applications received and refused to receive, and average time to receipt decision;

5. Number of GDUFA-related meetings and teleconferences requested, granted, denied, and conducted, broken down by type of meeting or teleconference, and in addition for Post-Warning Letter Meetings, the number deferred in favor of re-inspection;

6. Number of inspections conducted by domestic or foreign establishment location and inspection type (preapproval inspection, surveillance, bioequivalence clinical and bioequivalence analytical) and facility type (finished dosage form, API);

7. Median time from beginning of inspection to Form FDA 483 issuance;

8. Median time from Form FDA 483 issuance to Warning Letter, Import Alert and Regulatory Meeting for inspections with final classification of "Official Action Indicated" (or equivalent);

9. Median time from date of Warning Letter, Import Alert or Regulatory Meeting to resolution of the "Official Action Indicated" status (or equivalent);

10. Number of ANDAs accepted for standard assessment and priority assessment;

11. Percentage of suitability petitions completed within 6 months after FDA completes the completeness assessment, the total number submitted, and total number completed;

12. Number of citizen petitions to determine whether a listed drug has been voluntarily withdrawn from sale for reasons of safety or effectiveness pending a substantive response for more than 270 days from the date of receipt;

13. Percentage of ANDA proprietary name requests evaluated within 180 days of receipt;

14. Number of DMF First Adequate Letters issued;

15. Number of teleconferences granted, and number of email exchanges requested and conducted in lieu of teleconferences to clarify deficiencies in first cycle DMF deficiency letters;

16. Percent of PSGs for non-Complex Product NCE NDAs within two years of NDA approval;

17. Percent of PSGs for Complex Product NDAs, including NCEs, published within two and three years of NDA approval;

18. Percentage of facility re-inspections carried out within 4 or 8 months after the letter to the facility indicating FDA's intent to reinspect for domestic or foreign facilities, respectively;

19. For the total number of original ANDAs, amendments, PASs, PAS amendments, and meeting requests submitted in a fiscal year, FDA will publish the number of actions completed (as of the annual publication date), and the percent completed by the goal date. FDA also will publish this data annually on its website, further enumerated by goal-date subcategory, and will include metrics regarding timeframes for acting on meeting requests;

a. For example, in the GDUFA Performance Report, the priority PAS submission goal will be reported as the number of actions and the percent completed combined for the 4-, 8- and 10-month goals

b. For the Annual Web Posting, the priority PAS submission goals will be reported as the number of actions and the percent completed individually for the 4-, 8- and 10-month goals; and

20. Percent Controlled Correspondence Level 1 and Level 2 responded to within the applicable goal date (i.e., 60 and 120 days, respectively);

21. Number of missed goal dates for original ANDAs by more than 6, 9, and 12 months.

D. Fiscal Year Web Posting

In addition to the data that will be reported annually on the web described in section XI(C)(19), FDA will also post the following data annually on its website:

1. The number of requests for review of a DMF prior to ANDA or PAS submission, as describe in sections VI(E)(1) and VI(E)(2), the number granted, and the number completed;

2. Number of priority and non-priority "off-cycle" solicited DMF amendments reviewed as described in section VI(F); and

3. Number of original approvals taken that are Imminent Actions.

XI. DEFINITIONS

A. Act on—with respect to an application, means FDA will either issue a CRL, an approval, a tentative approval, or a refuse-to-receive action.

B. Ambiguity in the Controlled Correspondence response—means the Controlled Correspondence response or a critical portion of it merits further clarification.

C. Review Status Update—means a response from the RPM to the applicant to update the applicant concerning, at a minimum, the categorical status of relevant assessment disciplines with respect to the submission at that time. The RPM will advise the applicant that the update is preliminary only, based on the RPM's interpretation of the submission, and subject to change at any time.

D. Capacity Planning Adjustment—Methodology that annually adjusts inflation-adjusted target revenue to account for additional resource needs due to sustained increases in workload for the GDUFA program.

E. Complete Response Letter—refers to a written communication to an applicant or DMF holder from FDA usually describing all of the deficiencies that the Agency has identified in an ANDA (including pending amendments) or a DMF that must be satisfactorily addressed before the ANDA can be approved. Complete response letters will reflect a Complete Assessment, which includes an application-related facilities assessment and will require a complete response from industry to restart the clock. Refer to 21 CFR 314.110 for additional details. When a citizen petition may impact the approvability of the ANDA,

FDA will strive to address, where possible, valid issues raised in a relevant citizen petition in the complete response letter. If a citizen petition raises an issue that would delay only part of a complete response, a response that addresses all other issues will be considered a complete response.

F. Complete Assessment—refers to a full division-level assessment from all relevant assessment disciplines, including inspections, and includes other matters relating to the ANDAs and associated DMFs as well as consults with other Agency components.

G. Complex Product—generally includes:

1. Products with complex active ingredients (e.g., peptides, polymeric compounds, complex mixtures of APIs, naturally sourced ingredients); complex formulations (e.g., liposomes, colloids); complex routes of delivery (e.g., locally acting drugs such as dermatological products, complex ophthalmological products, and otic dosage forms that are formulated as suspensions, emulsions or gels) or complex dosage forms (e.g., transdermal systems, metered dose inhalers, extended release injectables)

2. Complex drug-device combination products (e.g., pre-filled auto-injector products, metered dose inhalers); and

3. Other products where complexity or uncertainty concerning the approval pathway or possible alternative approach would benefit from early scientific engagement.

H. Complex Generic Product—refers to a generic version of a Complex Product.

I. Controlled Correspondence—Level 1—means correspondence submitted to the Agency, by or on behalf of a generic drug manufacturer or related industry:

1. Requesting information on a specific element of generic drug product development:

- a. Prior to ANDA submission;
- b. After a PSG Teleconference if a prospective applicant or applicant seeks further feedback from FDA;
- c. After issuance of a CRL or tentative approval;
- d. After ANDA approval; or

2. Concerning post-approval submission requirements that are not covered by CDER post-approval changes guidance and are not specific to an ANDA.

J. Controlled Correspondence—Level 2—means correspondence that meets the definition of Level 1 correspondence, and:

1. Involves evaluation of clinical content;
2. Requests a Covered Product Authorization and review of bioequivalence protocols for development and testing that involves human clinical trials for an ANDA where the RLD is subject to a Risk Evaluation and Mitigation Strategy (REMS) with Elements to Assure Safe Use (ETASU);

3. Requests a Covered Product Authorization to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU when development and testing does not involve clinical trials;

4. Requests evaluations of alternative bioequivalence approaches (e.g., pharmacokinetic, in vitro, clinical); or

5. Requires input from another office or center, e.g., questions regarding device constituent parts of a combination product.

K. Covered Product Authorization—a letter from FDA authorizing an eligible product developer to obtain sufficient quantities of an individual covered product subject to a REMS with ETASU for product development and testing purposes, as described in section 610 of Division N of the Further Consolidated Appropriations Act, 2020 (21 U.S.C. 355-2), commonly referred to as the “CREATES Act.”

L. Days—unless otherwise specified, means calendar days.

M. Discipline Review Letter—means a letter used to convey preliminary thoughts on

possible deficiencies found by a discipline assessor and/or assessment team for its portion of the pending application at the conclusion of the discipline assessment.

N. Earliest lawful ANDA approval date—the first date on which no patent or exclusivity prevents approval of an ANDA.

O. First Adequate Letter—a communication from FDA to DMF holder indicating that the DMF has no open issues related to the assessment of the referencing ANDA. This communication is issued only at the conclusion of the first DMF assessment cycle that determines the DMF does not have any open issues.

P. First Generic—any received ANDA: (1) for a First Applicant as described in section 505(j)(5)(B)(iv)(II)(bb) of the FD&C Act or for which there are no blocking patents or exclusivities; and (2) for which there is no previously approved ANDA for the drug product.

Q. Information Request—means a communication that is sent to an applicant during an assessment to request further information or clarification that is needed or would be helpful to allow completion of the discipline assessment.

R. Major Amendment—means a Major Amendment as described in the guidance for industry on ANDA Submissions Amendments to Abbreviated New Drug Applications Under GDUFA (July 2018), and any subsequent revision.

S. Mid-point of assessment cycle The midpoint of an assessment cycle is half the length of an assessment period plus or minus 30 days.

T. Minor Amendment—means a minor amendment as described in the guidance for industry on ANDA Submissions Amendments to Abbreviated New Drug Applications Under GDUFA (July 2018), and any subsequent revision.

U. Priority—means submissions affirmatively identified as eligible for expedited assessment pursuant to MAPP 5240.3, Prioritization of the Review of Original ANDAs, Amendments and Supplements, as revised (the CDER Prioritization MAPP).

V. Significant Major deficiency—means a major deficiency, the resolution of which is required before the continued assessment by multiple disciplines, e.g., a reformulation, or a major deficiency that impacts the test drug product used in a bioequivalence study.

W. Small Issue—for the purposes of Imminent Actions in section II(B)(3), means a deficiency that can be assessed by FDA within 60 days because it can be addressed by: 1) a clarification of scientific information regarding data already submitted, 2) the limited submission of additional data, or 3) the submission of administrative information (e.g., completion of a form or a change in an address).

X. Standard—means submissions not affirmatively identified as eligible for expedited assessment pursuant to the CDER Prioritization MAPP.

Y. Teleconference—means a verbal communication by telephone, and not a written response, unless otherwise agreed to by the applicant.

Z. Unsolicited Amendment—an amendment with information not requested by FDA except for those unsolicited amendments considered routine or administrative in nature that do not require scientific review (e.g., requests for final ANDA approval, patent amendments, and general correspondence).

APPENDIX: PRIORITIZATION OF SUITABILITY PETITIONS

Prior to GDUFA III, FDA received approximately 20–30 suitability petitions per year and had approximately 170 suitability peti-

tions currently pending as of July 2021. Pursuant to this Commitment Letter, in GDUFA III FDA has agreed to set goal dates for review and response to suitability petitions. To receive a goal date, pending petitions submitted prior to FY 2024 must be withdrawn and resubmitted.

If FDA does not respond to all petitions submitted in a given fiscal year, FDA has committed to prioritizing suitability petitions that are carried over to the following fiscal year over new petitions received in that fiscal year (subject to the prioritization outlined in section III(B)(6)). The following hypothetical example describes how FDA will prioritize suitability petitions if FDA is unable to respond to all suitability petitions in a given fiscal year. This example assumes a significantly higher number of incoming petitions and a high number of carryover petitions to illustrate how petitions that are carried over will be prioritized.

Example

For FY 2024, FDA's goal is to respond to 50 percent of all suitability petitions received within six months of the completeness assessment, up to a maximum of 50 suitability petitions. In FY 2024, FDA receives and performs the completeness assessment for 100 suitability petitions. To meet the goal, FDA must respond to 50 of those petitions within six months after the completeness assessment. At the end of FY 2024, FDA has responded to 50 petitions within 6 months, and 10 in greater than six months. FDA therefore met the FY 2024 goal of 50 percent within six months (i.e., 50 petitions), and the additional 40 petitions still pending roll into FY 2025.

For FY 2025, FDA's goal is to respond to 70 percent of all suitability petitions received within six months of the completeness assessment, up to a maximum of 70 suitability petitions. In FY 2025, FDA receives 40 suitability petitions. To meet the FY 2025 goal, FDA must respond to 28 of those petitions within six months of the completeness assessment. FDA will prioritize any suitability petitions received in FY 2025 prioritized as outlined in section III(B)(6) and the 40 pending petitions from FY 2024 over any other suitability petitions received in FY 2025, in that order. By the end of FY 2025, FDA has responded to all 40 petitions from the FY 2024 cohort and 28 of the 40 from FY 2025 within 6 months of the completeness assessment. Twelve petitions from the FY 2025 cohort remain pending. FDA has met the FY 2025 goal, and the remaining 12 petitions still pending will be carried over into FY 2026 and prioritized.

BIOSIMILAR BIOLOGICAL PRODUCT REAUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FISCAL YEARS 2023 THROUGH 2027

I. ENSURING THE EFFECTIVENESS OF THE BIOSIMILAR BIOLOGICAL PRODUCT REVIEW PROGRAM

- A. Review Performance Goals
- B. Program for Enhanced Review Transparency and Communication for Original 351(k) BLAs
- C. Guidance
- D. Review of Proprietary Names to Reduce Medication Errors
- E. Major Dispute Resolution
- F. Clinical Holds
- G. Special Protocol Question Assessment and Agreement
- H. Meeting Management Goals

II. ENHANCING BIOSIMILAR AND INTERCHANGEABLE BIOLOGICAL PRODUCT DEVELOPMENT AND REGULATORY SCIENCE

- A. Promoting Best Practices in Communication between FDA and Sponsors During Application Review
- B. Inspections and Alternate Tools to Evaluate Facilities

C. Advancing Development of Biosimilar Biological-Device Combination Products Regulated by CDER and CBER

D. Advancing Development of Interchangeable Biosimilar Biological Products

E. Regulatory Science to Enhance the Development of Biosimilar and Interchangeable Biological Products

III. CONTINUED ENHANCEMENT OF USER FEE RESOURCE MANAGEMENT

A. Resource Capacity Planning

B. Financial Transparency

C. Management of Carryover Balance

IV. IMPROVING FDA HIRING AND RETENTION OF REVIEW STAFF

A. Set Clear Goals for Biosimilar Biological Product Review Program Hiring

B. Comprehensive and Continuous Assessment of Hiring and Retention

V. INFORMATION TECHNOLOGY GOALS

A. Develop Data and Technology Modernization Strategy

B. Monitor and Modernize Electronic Submission Gateway (ESG)

VI. DEFINITIONS AND EXPLANATION OF TERMS

BIOSIMILAR BIOLOGICAL PRODUCT AUTHORIZATION PERFORMANCE GOALS AND PROCEDURES FOR FISCAL YEARS 2023 THROUGH 2027

This document contains the performance goals and procedures for the Biosimilar User Fee Act (BsUFA) reauthorization for fiscal years (FYs) 2023–2027, known as BsUFA III. It is commonly referred to as the “goals letter” or “commitment letter.” The goals letter represents the product of FDA’s discussions with the regulated industry and public stakeholders, as mandated by Congress. The performance and procedural goals and other commitments specified in this letter apply to aspects of the biosimilar biological product review program that are important for facilitating timely access to safe and effective biosimilar medicines for patients. FDA is committed to meeting the performance goals specified in this letter, enhancing management of BsUFA resources, and ensuring BsUFA user fee resources are administered, allocated, and reported in an efficient and transparent manner.

Under BsUFA III, FDA is committed to ensuring effective scientific coordination and review consistency, as well as efficient governance and operations across the biosimilar biological product review program.

FDA and the regulated industry will periodically and regularly assess the progress of the biosimilar biological product review pro-

gram throughout BsUFA III. This will allow FDA and the regulated industry to identify emerging challenges and develop strategies to address these challenges to ensure the efficiency and effectiveness of the biosimilar biological product review program.

I. ENSURING THE EFFECTIVENESS OF THE BIOSIMILAR BIOLOGICAL PRODUCT REVIEW PROGRAM

A. REVIEW PERFORMANCE GOALS

1. Original and Resubmitted Biosimilar Biological Product Applications

a. Review and act on 90 percent of original biosimilar biological product application submissions within 10 months of the 60 day filing date.

b. Review and act on 90 percent of resubmitted original biosimilar biological product applications within 6 months of receipt.

2. Original and Resubmitted Supplemental Biosimilar Biological Product Applications

a. Review and act on the following supplements within 3 months of receipt:

i. Category A: Supplements seeking to update the labeling for a licensed biosimilar or interchangeable product with regards to safety information that has been updated in the reference product labeling and is applicable to one or more indications for which the biosimilar or interchangeable product is licensed.

b. Review and act on the following supplements within 4 months of receipt:

i. Category B: Supplements seeking licensure for an additional indication for a licensed biosimilar or interchangeable product when the submission does not include new data sets (other than analytical in vitro data obtained by use of physical, chemical and/or biological function assays, if needed to support the scientific justification for extrapolation), provided that:

1) The supplement does not seek a new route of administration, dosage form, dosage strength, formulation or presentation; and

2) If the supplement is subject to section 505B(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act), the supplement contains an up-to-date agreed initial pediatric study plan (iPSP).

ii. Category C: Supplements seeking to remove an approved indication for a licensed biosimilar or interchangeable product.

c. Review and act on the following supplements within 6 months of receipt:

i. Category D: Supplements seeking licensure for an additional indication for a li-

censed biosimilar or interchangeable product when the submission:

1) Contains new data sets (other than efficacy data, data to support a supplement seeking an initial determination of interchangeability, or only analytical in vitro data obtained by use of physical, chemical and/or biological function assays); or

2) Does not contain new data sets (other than analytical in vitro data obtained by use of physical, chemical and/or biological function assays) but is subject to section 505B(a) of the FD&C Act, and the supplement does not contain an up-to-date agreed iPSP.

d. Review and act on the following supplements within 10 months of receipt for the original submissions, and within 6 months of receipt for resubmissions:

i. Category E: Supplements seeking licensure for an additional indication for a licensed biosimilar or interchangeable product and containing efficacy data sets.

ii. Category F: Supplements seeking an initial determination of interchangeability.

e. FDA will issue a letter to the applicant for 90% of original Category A through D supplements within 60 calendar days of receipt. The letter will acknowledge receipt of the submission and provide the date for FDA to take action on the supplement.

i. Applicants may include in their cover letter a request that FDA not approve the supplement before a certain date, as long as that date is not later than the BsUFA goal date.

f. A filing letter will be issued to the applicant for 90% of original Category E and F supplements within 74 calendar days of receipt. Consistent with the underlying principles articulated in the Good Review Management Principles and Practices (GRMP) guidance, the letter will acknowledge receipt of the submission and inform the applicant of the planned review timeline and whether substantive review issues were identified. If no substantive review issues were identified during the filing review, FDA will so notify the applicant.

3. Original Manufacturing Supplements

a. Review and act on 90 percent of manufacturing supplements requiring prior approval within 4 months of receipt.

b. Review and act on 90 percent of all other manufacturing supplements within 6 months of receipt.

4. Goals Summary Tables

TABLE 1—ORIGINAL AND RESUBMITTED APPLICATIONS AND CATEGORY A–F SUPPLEMENTS

Original Biosimilar Biological Product Application Submissions	90% in 10 months of the 60 day filing date
Resubmitted Original Biosimilar Biological Product Applications	90% in 6 months of the receipt date
Category A Supplements.	
(original and resubmitted).	
	• FY 2023: 70% in 3 months of the receipt date
	• FY 2024: 80% in 3 months of the receipt date
	• FY 2025: 90% in 3 months of the receipt date
	• FY 2026: 90% in 3 months of the receipt date
	• FY 2027: 90% in 3 months of the receipt date
Category B and C Supplements.	
(original and resubmitted).	
	• FY 2023: 70% in 4 months of the receipt date
	• FY 2024: 80% in 4 months of the receipt date
	• FY 2025: 90% in 4 months of the receipt date
	• FY 2026: 90% in 4 months of the receipt date
	• FY 2027: 90% in 4 months of the receipt date
Category D Supplements.	
(original and resubmitted).	
	• FY 2023: 70% in 6 months of the receipt date
	• FY 2024: 80% in 6 months of the receipt date
	• FY 2025: 90% in 6 months of the receipt date
	• FY 2026: 90% in 6 months of the receipt date
	• FY 2027: 90% in 6 months of the receipt date
Original Category E and F Supplements	90% in 10 months of the receipt date
Resubmitted Category E and F Supplements	90% in 6 months of the receipt date

TABLE 2—MANUFACTURING SUPPLEMENTS

	Prior approval	All other
Manufacturing Supplements.	90% in 4 months of the receipt date.	90% in 6 months of the receipt date

5. Review Performance Goal Extensions

a. Major Amendments

i. A major amendment to an original application, supplement with clinical data, or re-submission of any of these applications, submitted at any time during the review cycle, may extend the goal date by three months.

ii. A major amendment may include, for example, a major new clinical study report; major re-analysis of previously submitted study(ies); submission of a risk evaluation and mitigation strategy (REMS) with elements to assure safe use (ETASU) not included in the original application; or significant amendment to a previously submitted REMS with ETASU. Generally, changes to REMS that do not include ETASU and minor changes to REMS with ETASU will not be considered major amendments.

iii. A major amendment to a manufacturing supplement submitted at any time during the review cycle may extend the goal date by two months.

iv. Only one extension can be given per review cycle.

v. Consistent with the underlying principles articulated in the Good Review Management Principles and Practices (GRMP) guidance, FDA's decision to extend the review clock should, except in rare circumstances, be limited to occasions where review of the new information could address outstanding deficiencies in the application and lead to approval in the current review cycle.

b. Inspection of Facilities Not Adequately Identified in an Original Application or Supplement

i. All original applications and supplements are expected to include a comprehensive and readily located list of all manufacturing facilities included or referenced in the application or supplement. This list provides FDA with information needed to schedule inspections of manufacturing facilities that may be necessary before approval of the original application or supplement.

ii. If, during FDA's review of an original application or supplement, the Agency identifies a manufacturing facility that was not included in the comprehensive and readily located list, the goal date may be extended.

1) If FDA identifies the need to inspect a manufacturing facility that is not included as part of the comprehensive and readily located list in an original application or supplement with clinical data, the goal date may be extended by three months.

2) If FDA identifies the need to inspect a manufacturing facility that is not included as part of the comprehensive and readily located list in a manufacturing supplement, the goal date may be extended by two months.

B. PROGRAM FOR ENHANCED REVIEW TRANSPARENCY AND COMMUNICATION FOR ORIGINAL 351(K) BLAS

To promote transparency and communication between the FDA review team and the applicant, FDA will apply the following model ("the Program") to the review of all original Biologics License Applications (BLAs) submitted under section 351(k) of the Public Health Service Act ("351(k) BLAs"), including applications that are resubmitted following a Refuse-to-File decision, received from October 1, 2022, through September 30, 2027. The goal of the Program is to promote the efficiency and effectiveness of the first cycle review process and minimize the number of review cycles necessary for approval,

ensuring that patients have timely access to safe, effective, and high quality biosimilar and interchangeable biological products.

The standard approach for the review of original 351(k) BLAs is described in this section. However, the FDA review team and the applicant may discuss and reach mutual agreement on an alternative approach to the timing and nature of interactions and information exchange between the applicant and FDA, i.e., a Formal Communication Plan for the review of the original 351(k) BLA. The Formal Communication Plan may include elements of the standard approach (e.g., a midcycle communication or a late-cycle meeting) as well as other interactions that sometimes occur during the review process (e.g., a meeting during the filing period to discuss the application, i.e., an "application orientation meeting"). If appropriate, the Formal Communication Plan should specify those elements of the Program that FDA and the sponsor agree are unnecessary for the application under review. If the review team and the applicant anticipate developing a Formal Communication Plan, the elements of the plan should be discussed and agreed to at the pre-submission meeting (see Section I.B.1) and reflected in the meeting minutes. The Formal Communication Plan may be reviewed and amended at any time based on the progress of the review and the mutual agreement of the review team and the applicant. For example, the review team and the applicant may mutually agree at any time to cancel future specified interactions in the Program (e.g., the late-cycle meeting) that become unnecessary (e.g., because previous communications between the review team and the applicant are sufficient). Any amendments made to the Formal Communication Plan should be consistent with the goal of an efficient and timely first cycle review process and not impede the review team's ability to conduct its review.

The remainder of this Section I.B. describes the parameters that will apply to FDA's review of applications in the Program.

1. Pre-submission meeting: The applicant is strongly encouraged to discuss the planned content of the application with the appropriate FDA review division at a BPD Type 4 (pre-351(k) BLA) meeting. This meeting will be attended by the FDA review team, including appropriate senior FDA staff.

a. The BPD Type 4 (pre-351(k) BLA) meeting should be held sufficiently in advance of the planned submission of the application to allow for meaningful response to FDA feedback and should generally occur not less than 2 months prior to the planned submission of the application.

b. In addition to FDA's preliminary responses to the applicant's questions, other potential discussion topics include preliminary discussions regarding the approach to developing the content for REMS, where applicable, patient labeling (e.g., Medication Guide and Instructions For Use) and, where applicable, the development of a Formal Communication Plan. These discussions will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

The FDA and the applicant will agree on the content of a complete application for the proposed indication(s) at the pre-submission meeting. The FDA and the applicant may also reach agreement on submission of a limited number of application components not later than 30 calendar days after the submission of the original application. These submissions must be of a type that would not be expected to materially impact the ability of the review team to begin its review. These agreements will be summarized at the conclusion of the meeting and reflected in the FDA meeting minutes.

i. Examples of application components that may be appropriate for delayed submission include; stability updates, the final audited report of a preclinical study (e.g., toxicology) where the final draft report is submitted with the original application, or a limited amount of the data from an assessment of a single transition from the reference product to the proposed biosimilar biological product, where applicable.

ii. Major components of the application (e.g., the complete analytical similarity assessment, the complete study report of a comparative clinical study or the full study report of necessary immunogenicity data) are expected to be submitted with the original application and are not subject to agreement for late submission.

2. Original application submission: Applications are expected to be complete, as agreed between the FDA review team and the applicant at the BPD Type 4 (pre-351(k) BLA) meeting, at the time of original submission of the application. If the applicant does not have a BPD Type 4 (pre-351(k) BLA) meeting with FDA, and no agreement exists between FDA and the applicant on the contents of a complete application or delayed submission of certain components of the application, the applicant's submission is expected to be complete at the time of original submission.

a. All applications are expected to include a comprehensive and readily located list of all clinical sites and manufacturing facilities included or referenced in the application.

b. Any components of the application that FDA agreed at the pre-submission meeting could be submitted after the original application are expected to be received not later than 30 calendar days after receipt of the original application.

c. Incomplete applications, including applications with components that are not received within 30 calendar days after receipt of the original submission, will be subject to a Refuse-to-File decision.

d. The following parameters will apply to applications that are subject to a Refuse-to-File decision and are subsequently filed over protest:

i. The original submission of the application will be subject to the review performance goal as described in Section I.A.1.a.

ii. The application will not be eligible for the other parameters of the Program (e.g., mid-cycle communication, late-cycle meeting).

iii. FDA generally will not review amendments to the application during any review cycle. FDA also generally will not issue information requests to the applicant during the agency's review.

iv. The resubmission goal described in Section I.A.1.b will not apply to any resubmission of the application following an FDA complete response action. Any such resubmission will be reviewed as available resources permit.

e. Since applications are expected to be complete at the time of submission, unsolicited amendments are expected to be rare and not to contain major new information or analyses. Review of unsolicited amendments, including those submitted in response to an FDA communication of deficiencies, will be handled in accordance with the GRMP guidance. This guidance includes the underlying principle that FDA will consider the most efficient path toward completion of a comprehensive review that addresses application deficiencies and leads toward a first cycle approval when possible.

3. Day 74 Letter: FDA will follow existing procedures regarding identification and communication of substantive review issues identified during the initial filing review to the applicant in the "Day 74 letter." If no

substantive review issues were identified during the filing review, FDA will so notify the applicant. FDA's filing review represents a preliminary review of the application and is not indicative of deficiencies that may be identified later in the review cycle.

For applications subject to the Program, the timeline for this communication will be within 74 calendar days from the date of FDA receipt of the original submission. The planned timeline for review of the application included in the Day 74 letter for applications in the Program will include:

- a. the planned date for the internal mid-cycle review meeting;
 - b. preliminary plans on whether to hold an Advisory Committee (AC) meeting to discuss the application;
 - c. a target date for communication of feedback from the review division to the applicant regarding proposed labeling and any postmarket requirements or postmarket commitments the Agency will be requesting.
4. Review performance goals: For original 351(k) BLA submissions that are filed by FDA under the Program, the BsUFA review clock will begin at the conclusion of the 60 calendar day filing review period that begins on the date of FDA receipt of the original submission. The review performance goals for these applications are as follows:

- a. Review and act on 90 percent of original 351(k) BLA submissions within 10 months of the 60 day filing date.
5. Mid-Cycle Communication: The FDA Regulatory Project Manager (RPM), and other appropriate members of the FDA review team (e.g., Cross Discipline Team Leader (CDTL)), will call the applicant, generally within 2 weeks following the Agency's internal mid-cycle review meeting, to provide the applicant with an update on the status of the review of their application. An agenda will be sent to the applicant prior to the mid-cycle communication. Scheduling of the internal mid-cycle review meeting will be handled in accordance with the GRMP guidance. The RPM will coordinate the specific date and time of the telephone call with the applicant.

The update should include any significant issues identified by the review team to date, any information requests, and information regarding major concerns with the following:

- a. The analytical similarity data, including the potential relevance of any issues (e.g. data analysis issues or potential clinical impact of observed analytical differences), intended to support a demonstration that the proposed biosimilar biological product is highly similar to the reference product.
- b. The data intended to support a demonstration of no clinically meaningful differences, including discussion of any immunogenicity issues.
- c. The data intended to support a demonstration of interchangeability.
- d. CMC issues.

In addition, the update should include preliminary review team thinking regarding the content of the proposed REMS, where applicable, proposed date(s) for the late-cycle meeting, updates regarding plans for the AC meeting (if an AC meeting is anticipated), and other projected milestone dates for the remainder of the review cycle.

6. Late-Cycle and Advisory Committee Meetings: A meeting will be held between the FDA review team and the applicant to discuss the status of the review of the application late in the review cycle. Late-cycle meetings will generally be face-to-face meetings; however, the meeting may be held by teleconference if FDA and the applicant agree. Since the application is expected to be complete at the time of submission, FDA intends to complete primary and secondary reviews of the application in advance of the planned late-cycle meeting.

a. FDA representatives at the late-cycle meeting are expected to include the signatory authority for the application, review team members from appropriate disciplines, and appropriate team leaders and/or supervisors from disciplines for which substantive issues have been identified in the review to date.

b. For applications that will be discussed at an Advisory Committee (AC) meeting, the following parameters apply:

- i. FDA intends to convene AC meetings no later than 2 months prior to the BsUFA goal date. The late-cycle meeting will occur not less than 12 calendar days before the date of the AC meeting.
- ii. FDA intends to provide final questions for the AC to the sponsor and the AC not less than 2 calendar days before the AC meeting.
- iii. Following an AC meeting, FDA and the applicant may agree on the need to discuss feedback from the committee for the purpose of facilitating the remainder of the review. Such a meeting will generally be held by teleconference without a commitment for formal meeting minutes issued by the agency.

c. For applications that will not be discussed at an AC meeting, the late-cycle meeting will generally occur not later than 3 months prior to the BsUFA goal date.

d. Late-Cycle Meeting Background Packages: The Agency background package for the late-cycle meeting will be sent to the applicant not less than 10 calendar days before the late-cycle meeting. The package will consist of any discipline review (DR) letters issued to date, a brief memorandum from the review team outlining substantive application issues (e.g., deficiencies identified by primary and secondary reviews), the Agency's background package for the AC meeting (incorporated by reference if previously sent to the applicant), potential questions and/or points for discussion for the AC meeting (if planned) and the current assessment of the content of proposed REMS or other risk management actions, where applicable.

e. Late-Cycle Meeting Discussion Topics: Potential topics for discussion at the late-cycle meeting include:

- i. major deficiencies identified to date;
- ii. analytical similarity data, including the potential relevance of any issues (e.g. data analysis issues or potential clinical impact of observed analytical differences), intended to support a demonstration that the proposed biosimilar biological product is highly similar to the reference product;
- iii. data intended to support a demonstration of no clinically meaningful differences, including discussion of any immunogenicity issues;
- iv. data intended to support a demonstration of interchangeability;
- v. CMC issues;
- vi. inspectional findings identified to date;
- vii. issues to be discussed at the AC meeting (if planned);
- viii. current assessment of the content of proposed REMS or other risk management actions, where applicable;
- ix. information requests from the review team to the applicant; and additional data or analyses the applicant may wish to submit.

With regard to submission of additional data or analyses, the FDA review team and the applicant will discuss whether such data will be reviewed by the Agency in the current review cycle and, if so, whether the submission will be considered a major amendment and trigger an extension of the BsUFA goal date.

7. Inspections: FDA's goal is to complete all GCP, GLP, and GMP inspections for applications in the Program within 10 months of the date of original receipt of the application. This will allow 2 months at the end of

the review cycle to attempt to address any deficiencies identified by the inspections.

C. GUIDANCE

FDA and industry share a commitment to ensuring an efficient and effective review process for all applications subject to the BsUFA program.

In light of the new, expedited timelines for supplements, FDA will issue guidance and/or a MAPP on classifying supplements to a licensed 351(k) BLA for purposes of determining review timelines. FDA will publish a draft guidance for public comment and/or a MAPP no later than the end of FY 2023. FDA will work toward the goal of publishing a revised draft or final guidance within 18 months after the close of the public comment period.

D. REVIEW OF PROPRIETARY NAMES TO REDUCE MEDICATION ERRORS

To enhance patient safety, FDA is committed to various measures to reduce medication errors related to look-alike and sound-alike proprietary names and such factors as unclear label abbreviations, acronyms, dose designations, and error prone label and packaging design. The following performance goals apply to FDA's review of biosimilar biological product proprietary names during the biosimilar biological product development (BPD) phase and during FDA's review of a marketing application:

1. Proprietary Name Review Performance Goals During The BPD Phase

- a. Review 90% of proprietary name submissions filed within 180 days of receipt. Notify sponsor of tentative acceptance or non-acceptance.
- b. In the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).
- c. If the proprietary name is found to be unacceptable, the above review performance goals also would apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.
- d. A complete submission is required to begin the review clock.

2. Proprietary Name Review Performance Goals During Application Review

- a. Review 90% of biosimilar biological product proprietary name submissions filed within 90 days of receipt. Notify sponsor of tentative acceptance/nonacceptance.
- b. A supplemental review will be done meeting the above review performance goals if the proprietary name has been submitted previously (during the BPD phase) and has received tentative acceptance.
- c. If the proprietary name is found to be unacceptable, the sponsor can request reconsideration by submitting a written rebuttal with supporting data or request a meeting within 60 days to discuss the initial decision (meeting package required).
- d. If the proprietary name is found to be unacceptable, the above review performance goals apply to the written request for reconsideration with supporting data or the submission of a new proprietary name.
- e. A complete submission is required to begin the review clock.

E. MAJOR DISPUTE RESOLUTION

1. Procedure: For procedural or scientific matters involving the review of biosimilar biological product applications and supplements (as defined in BsUFA) that cannot be resolved at the signatory authority level (including a request for reconsideration by the signatory authority after reviewing any materials that are planned to be forwarded with an appeal to the next level), the response to

appeals of decisions will occur within 30 calendar days of the Center's receipt of the written appeal.

2. Performance goal: 90% of such responses are provided within 30 calendar days of the Center's receipt of the written appeal.

3. Conditions:

a. Sponsors should first try to resolve the procedural or scientific issue at the signatory authority level. If it cannot be resolved at that level, it should be appealed to the next higher organizational level (with a copy to the signatory authority) and then, if necessary, to the next higher organizational level.

b. Responses should be either verbal (followed by a written confirmation within 14 calendar days of the verbal notification) or written and should ordinarily be to either grant or deny the appeal.

c. If the decision is to deny the appeal, the response should include reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

d. In some cases, further data or further input from others might be needed to reach a decision on the appeal. In these cases, the "response" should be the plan for obtaining that information (e.g., requesting further information from the sponsor, scheduling a meeting with the sponsor, scheduling the issue for discussion at the next scheduled available advisory committee).

e. In these cases, once the required information is received by the Agency (including any advice from an advisory committee), the person to whom the appeal was made, again has 30 calendar days from the receipt of the required information in which to either deny or grant the appeal.

f. Again, if the decision is to deny the appeal, the response should include the reasons for the denial and any actions the sponsor might take to persuade the Agency to reverse its decision.

g. Note: If the Agency decides to present the issue to an advisory committee and there are not 30 days before the next scheduled advisory committee, the issue will be presented at the following scheduled committee meeting to allow conformance with advisory committee administrative procedures.

F. CLINICAL HOLDS

1. Procedure: The Center should respond to a sponsor's complete response to a clinical hold within 30 days of the Agency's receipt of the submission of such sponsor response.

2. Performance goal: 90% of such responses are provided within 30 calendar days of the Agency's receipt of the sponsor's response.

G. SPECIAL PROTOCOL QUESTION ASSESSMENT AND AGREEMENT

1. Procedure: Upon specific request by a sponsor (including specific questions that the sponsor desires to be answered), the Agency will evaluate certain protocols and related issues to assess whether the design is adequate to meet scientific and regulatory requirements identified by the sponsor.

a. The sponsor should submit a limited number of specific questions about the protocol design and scientific and regulatory requirements for which the sponsor seeks agreement (e.g., are the clinical endpoints adequate to assess whether there are clinically meaningful differences between the proposed biosimilar biological product and the reference product).

b. Within 45 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to

achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

c. Protocols that qualify for this program include any necessary clinical study or studies to prove biosimilarity and/or interchangeability (e.g., protocols for pharmacokinetics and pharmacodynamics studies, protocols for comparative clinical studies that will form the primary basis for demonstrating that there are no clinically meaningful differences between the proposed biosimilar biological product and the reference product, and protocols for clinical studies intended to support a demonstration of interchangeability). For such protocols to qualify for this comprehensive protocol assessment, the sponsor must have had a BPD Type 2b or 3 Meeting, as defined in section I.I, below, with the review division so that the division is aware of the developmental context in which the protocol is being reviewed and the questions being answered.

d. If a protocol is reviewed under the process outlined above, and agreement with the Agency is reached on design, execution, and analyses, and if the results of the trial conducted under the protocol substantiate the hypothesis of the protocol, the Agency agrees that the data from the protocol can be used as part of the primary basis for approval of the product. The fundamental agreement here is that having agreed to the design, execution, and analyses proposed in protocols reviewed under this process, the Agency will not later alter its perspective on the issues of design, execution, or analyses unless public health concerns unrecognized at the time of protocol assessment under this process are evident.

2. Performance goal: 90% of special protocols assessments and agreement requests completed and returned to sponsor within 45 days.

3. Reporting: The Agency will track and report the number of original special protocol assessments and resubmissions per original special protocol assessment.

H. MEETING MANAGEMENT GOALS

Formal BsUFA meetings between sponsors and FDA consist of Biosimilar Initial Advisory and BPD Type 1-4 meetings. These meetings are further described below.

A Biosimilar Initial Advisory Meeting is an initial assessment limited to a general discussion regarding whether licensure under section 351(k) of the Public Health Service Act may be feasible for a particular product, and, if so, general advice on the expected content of the development program. Such term does not include any meeting that involves substantive review of summary data or full study reports. Only one BIA meeting may be granted per program. While preliminary comparative analytical data from at least one lot of the proposed biosimilar or interchangeable product compared to the U.S.-licensed reference product is not required for the meeting request, sufficient information should be provided with the meeting request to enable FDA to make such a preliminary determination related to potential licensure under section 351(k) and to provide meaningful advice. This should include, as appropriate:

Identification of reference product.

The indications intended to be sought for licensure.

A comparative analytical similarity plan, including preliminary identification of the Critical Quality Attributes and planned characterization methods.

If a sponsor seeks to utilize a non-US-licensed comparator during development, the proposed bridging strategy for US-licensed reference product and that comparator should be provided.

A conceptual plan for non-clinical studies or rationale and justification of why such studies may not be needed.

A conceptual description of the planned clinical pharmacokinetics and/or pharmacodynamic study(ies), including proposed endpoints.

If the sponsor plans to conduct a comparative clinical safety and efficacy study, a conceptual plan should be provided. This would include the patient population and proposed endpoints.

Any guidance already received from other health authorities on product development.

Identification to the FDA of the regulatory status in other jurisdictions.

A BPD Type 1 Meeting is a meeting which is necessary for an otherwise stalled drug development program to proceed (e.g. meeting to discuss clinical holds, dispute resolution meeting), a special protocol assessment meeting, or a meeting to address an important safety issue.

A BPD Type 2a Meeting is a meeting focused on a narrow set of issues (e.g., often one, but not more than two issues and associated questions), requiring input from no more than 3 disciplines or review divisions. In order to request a Type 2a meeting, sponsors must first have had a BIA or other BPD meeting with the Agency. Requests could include:

Defined CMC post-approval commitments (e.g., related to analytical methods) discussing the approach in advance of conducting the study to ensure the approach is in line with the Agency's expectations.

Immunogenicity testing strategy following prior FDA recommendations/feedback.

Feedback on revised study design when revisions are based on prior FDA feedback.

A BPD Type 2b Meeting is a meeting to discuss a specific issue (e.g., proposed study design or endpoints) or questions where FDA will provide advice regarding an ongoing biosimilar biological product development program. This meeting may include substantive review of summary data, but does not include review of full study reports.

A BPD Type 3 Meeting is an in depth data review and advice meeting regarding an ongoing biosimilar biological product development program. This meeting includes substantive review of full study reports, FDA advice regarding the similarity between the proposed biosimilar biological product and the reference product, and FDA advice regarding additional studies, including design and analysis.

A BPD Type 4 Meeting is a pre-submission meeting to discuss the format and content of a complete application for an original biosimilar biological product application under the Program or supplement submitted under 351(k) of the PHS Act. The purpose of this meeting is to discuss the format and content of the planned submission and other items, including identification of those studies that the sponsor is relying on to support a demonstration of biosimilarity or interchangeability, discussion of any potential review issues identified based on the information provided, identification of the status of ongoing or needed studies to adequately address the Pediatric Research Equity Act (PREA), acquainting FDA reviewers with the general information to be submitted in the marketing application (including technical information), and discussion of the best approach to the presentation and formatting of data in the marketing application.

1. Response to Meeting Requests

a. Procedure: FDA will notify the sponsor in writing of the date, time, and place for the meeting, as well as expected Center participants following receipt of a formal meeting request and background package. Table 1 below indicates the timeframes for FDA's response to a meeting request.

TABLE 1

Meeting Type	Response Time (calendar days)
Biosimilar Initial Advisory	21
BPD Type 1	14
BPD Type 2a, 2b, 3 and 4	21

i. For Biosimilar Initial Advisory and BPD Type 2a or 2b meetings, the sponsor may request a written response to its questions, rather than a face-to-face meeting or teleconference. If a written response is deemed appropriate, FDA will notify the sponsor of the date it intends to send the written response. This date will be consistent with the timeframes specified in Table 2 below for the specific meeting type.

ii. For the BPD Type 2a meeting, while the sponsor may request a face-to-face meeting, the Agency may determine that a written response to the sponsor's questions would be the most appropriate means for providing feedback and advice to the sponsor. When it is determined that the meeting request can be appropriately addressed through a written response, FDA will notify the sponsor of the date it intends to send the written response in the Agency's response to the meeting request. This date will be consistent with the timeframe for a Type 2a meeting. If the sponsor believes a face-to-face Type 2a meeting is valuable and warranted, then the sponsor may provide a rationale in a follow-up correspondence explaining why a face-to-face meeting is valuable and warranted, and FDA will reconsider this request. If FDA agrees to grant the face-to-face format, the Agency will strive to schedule the meeting to occur within 60 days of FDA's receipt of the meeting request.

b. Performance Goal: FDA will respond to meeting requests and provide notification within the response times noted in Table 1 for 90 percent of each meeting type.

2. Scheduling Meetings

a. Procedure: FDA will schedule the meeting on the next available date at which all applicable Center personnel are available to attend, consistent with the component's other business; however, the meeting should be scheduled consistent with the type of meeting requested in Table 2. Table 2 below indicates the timeframes for FDA to schedule the meeting following receipt of a formal meeting request and background package, or in the case of a written response for Biosimilar Initial Advisory and BPD Type 2a and 2b meetings, the timeframes for the Agency to send the written response. If the requested date for any meeting type is greater than the specified timeframe, the meeting date should be within 14 calendar days of the requested date.

TABLE 2

Meeting Type	Meeting Scheduling or Written Response Time
Biosimilar Initial Advisory	75 calendar days from receipt of meeting request and background package
BPD Type 2a	60 calendar days from receipt of meeting request and background package
BPD Type 2b	90 calendar days from receipt of meeting request and background package
Meeting Scheduling Time	
BPD Type 1	30 calendar days from receipt of meeting request and background package
BPD Type 3	120 calendar days from receipt of meeting request and background package
BPD Type 4	60 calendar days from receipt of meeting request*

* Note the background package for BPD Type 4 meetings must be received no later than 14 calendar days after FDA receipt of the meeting request.

b. Performance goal:

TABLE 3

Meeting Type	Goal
BPD Type 2a	FY 2023: 50% of meetings are held or written responses are sent within the timeframe FY 2024: 60% of meetings are held or written responses are sent within the timeframe FY 2025: 70% of meetings are held or written responses are sent within the timeframe FY 2026: 80% of meetings are held or written responses are sent within the timeframe FY 2027: 90% of meetings are held or written responses are sent within the timeframe
Biosimilar Initial Advisory and BPD Type 2b, BPD Type 1, 3, and 4 ...	90% of meetings are held or written responses are sent within the timeframe 90% of meetings are held within the timeframe for each meeting type

3. Preliminary Responses

a. Procedure: The Agency will send preliminary responses to the sponsor's questions contained in the background package no later than five calendar days before the face-to-face or teleconference meeting date for BPD Type 2b and Type 3 meetings.

b. Performance goal:

TABLE 4

Meeting Type	Goal
BPD Types 2b and 3	90% of preliminary responses to questions are issued by FDA no later than five calendar days before the meeting date

4. Meeting Minutes

a. Procedure: The Agency will prepare minutes which will be available to the sponsor 30 calendar days after the meeting. The minutes will clearly outline the important agreements, disagreements, issues for further discussion, and action items from the meeting in bulleted form and need not be in great detail. Meeting minutes are not necessary if the Agency transmits a written response for Biosimilar Initial Advisory, BPD Type 2a, or 2b meetings.

b. Performance Goal: 90% of minutes are issued within 30 calendar days of the date of the meeting.

5. Conditions: For a meeting to qualify for these performance goals:

a. A written request and supporting documentation (i.e., the background package) must be submitted to the appropriate review division or office. The background package must be submitted at the same time as the written request for Biosimilar Initial Advisory, BPD Type 1, 2a, 2b and 3 meetings. For BPD Type 4 meetings, the background package must be received no later than 14 calendar days after FDA receipt of the written request.

b. The request must provide:

i. A brief statement of the purpose of the meeting, the sponsor's proposal for the type of meeting, and the sponsor's proposal for a face-to-face meeting, teleconference, or for a written response (Biosimilar Initial Advisory and BPD Type 2a and 2b meetings only);

ii. A listing of the specific objectives/outcomes the sponsor expects from the meeting;

iii. A proposed agenda, including estimated times needed for each agenda item;

iv. A list of questions, grouped by discipline (For each question there should be a brief explanation of the context and purpose of the question);

v. A listing of planned external attendees; and

vi. A listing of requested participants/disciplines representative(s) from the Center with an explanation for the request as appropriate.

vii. Suggested dates and times (e.g., morning or afternoon) for the meeting that are within or beyond the appropriate time frame of the meeting type being requested.

c. The Agency concurs that the meeting will serve a useful purpose (i.e., it is not premature or clearly unnecessary). However, requests for BPD Type 2b, 3, and 4 Meetings

will be honored except in the most unusual circumstances.

The Center may determine that a different type of meeting (i.e., Biosimilar Initial Advisory, or BPD Type 1-4) is more appropriate and it may grant a meeting of a different type than requested, which may require the payment of a biosimilar biological product development fee as described in section 744H of the Federal Food, Drug, and Cosmetic Act before the meeting will be provided. If a biosimilar biological product development fee is required under section 744H, and the sponsor does not pay the fee within the time frame required under section 744H, the meeting will be canceled. If the sponsor pays the biosimilar biological product development fee after the meeting has been cancelled due to non-payment, the time frame described in section I.I.1.a will be calculated from the date on which FDA received the payment, not the date on which the sponsor originally submitted the meeting request.

Sponsors are encouraged to consult available FDA guidance to obtain further information on recommended meeting procedures.

6. Guidance, Clarity, and Transparency

a. Guidance: By September 30, 2023, FDA will issue a revised draft of the existing draft guidance on "Formal Meetings Between the FDA and Sponsors or Applicants of BsUFA Products" with information pertaining to BIA, Type 2a, and Type 4 meetings, as well as the follow-up opportunity described below. In addition, FDA will update relevant MAPPs and SOPPs.

b. Follow-up opportunity: For all meeting types, to ensure the sponsor's understanding of FDA feedback from meeting discussions or a WRO, sponsors may submit clarifying questions to the agency. Only questions of a clarifying nature will be permitted, i.e., to confirm something in minutes or a WRO issued by FDA, rather than raising new issues or new proposals. FDA will develop criteria and parameters for permissible requests, and FDA may exercise discretion about whether requests are in-scope. The clarifying questions should be sent in writing as a "Request for Clarification" to the FDA within 20 calendar days following receipt of meeting minutes or a WRO. For questions that meet the criteria, FDA will issue a response in writing within 20 calendar days of receipt of the clarifying questions. FDA's response will reference the original meeting minutes or WRO.

c. Transparency: On or before March 31st, 2025, FDA will publish on its public webpage certain metrics regarding the new Type 2a meeting and sponsor requests for face-to-face meetings for year 1 and year 2 of BsUFA III.

II. ENHANCING BIOSIMILAR AND INTERCHANGEABLE BIOLOGICAL PRODUCT DEVELOPMENT AND REGULATORY SCIENCE

To facilitate the timely development of biosimilar and interchangeable biological products and their availability to patients, FDA will focus on enhancing communications during application review, including inspection communications, and advancing the development of combination and interchangeable products. FDA will also pilot a regulatory science program focused on enhancing regulatory decision-making and facilitating science-based recommendations in areas foundational to biosimilar and interchangeable biological development.

A. PROMOTING BEST PRACTICES IN COMMUNICATION BETWEEN FDA AND SPONSORS DURING APPLICATION REVIEW

The utilization of best practices in communication during application review are the responsibility of both industry and FDA. Efforts from both industry and FDA are needed

in order to continue advancement, improvement, and updating of best practices.

To continue to enhance communication with sponsors during biosimilar application review in BsUFA III, FDA will update relevant guidances, MAPPs and SOPPs, as appropriate, on or before December 31st, 2023 regarding best practices in communication. FDA will utilize input from the BsUFA II final assessment of the Program, FDA experiences, and discussion from a meeting with industry on best practices in FY 2022 to update the above documents, as appropriate.

B. INSPECTIONS AND ALTERNATIVE TOOLS TO EVALUATE FACILITIES

1. Enhancing Inspection Communication for Applications, not Including Supplements

FDA and industry believe enhanced communication between review teams and industry on certain pre-license inspections can facilitate an efficient application review process.

When FDA determines for an application, not including supplements, that it is necessary to conduct a pre-license inspection at a time when the product identified in the application is being manufactured, FDA's goal is to communicate its intent to inspect a manufacturing facility at least 60 days in advance of the pre-license inspection and no later than mid-cycle. FDA reserves the right to conduct manufacturing facility inspections at any time during the review cycle, whether or not FDA has communicated to the facility the intent to inspect.

2. Alternative Tools to Assess Manufacturing Facilities Named in Pending Applications

During the COVID-19 public health emergency, the FDA expanded its use of alternate tools for assessing facilities named in applications, including exercising its authority to request records and other information in advance of or in lieu of an inspection, granted per section 704(a)(4) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 374(a)). Where appropriate, the Agency also increased the use of information, including inspection reports, shared by trusted foreign regulatory partners through mutual recognition agreements and other confidentiality agreements. As FDA continues to gain experience and lessons learned from the use of these tools, FDA will communicate its thinking on the use of such methods beyond the pandemic.

On or before September 30, 2023, FDA will issue draft guidance on the use of alternative tools to assess manufacturing facilities named in pending applications (e.g., requesting existing inspection reports from other trusted foreign regulatory partners through mutual recognition and confidentiality agreements, requesting information from applicants, requesting records and other information directly from facilities and other inspected entities, and, as appropriate, utilizing new or existing technology platforms to assess manufacturing facilities). The guidance will incorporate best practices, including those in existing published documents, from the use of such tools during the COVID-19 pandemic. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

C. ADVANCING THE DEVELOPMENT OF BIOSIMILAR BIOLOGICAL-DEVICE COMBINATION PRODUCTS REGULATED BY CDER AND CBER

1. Use-Related Risk Analysis (URRA)

Sponsors employ URRA to identify the need for risk mitigation strategies and to design a human factors (HF) validation study. Based on a URRA, a sponsor may propose that a HF validation study is not needed to be submitted to support the safe and effective use of a biosimilar biologic-device combination product. FDA will establish the following procedures for review of URRAs for combination products:

a. The sponsor should submit a request for review of their URRA to their IND. The submission should include specific questions, justification that a HF validation study is not needed to be submitted including any supporting information, and scientific and regulatory requirements for which the sponsor seeks agreement.

b. Within 60 days of Agency receipt of the URRA and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the URRA and answers to the questions posed by the sponsor. If the Agency does not agree that either the URRA or the sponsor's justification are adequate to support the absence of a HF validation study, the reasons for the disagreement will be explained in the response.

c. URRA submission: performance goals for FDA will be phased in, starting FY 2024 as follows:

i. By FY 2024, review and notify sponsor of agreement or non-agreement with comments for 50% of filed submissions, within 60 days of receipt of submission.

ii. By FY 2025, review and notify sponsor of agreement or non-agreement with comments for 70% of filed submissions, within 60 days of receipt of submission.

iii. By FY 2026, review and notify sponsor of agreement or non-agreement with comments for 90% of filed submissions, within 60 days of receipt of submission.

iv. By FY 2027, review and notify sponsor of agreement or non-agreement with comments for 90% of filed submissions, within 60 days of receipt of submission.

d. On or before the end of FY 2024, FDA will publish new draft or revised guidance for review staff and industry describing considerations related to biosimilar biologic-device combination products on the topics noted below.

Guidance will convey FDA's current thinking regarding how a URRA along with other information can be used to inform when the results from an HF validation study may need to be submitted to a marketing application. The guidance will provide a comprehensive, systematic and stepwise approach with examples, when applicable, to illustrate how to make this determination.

e. Sponsors may still elect to submit a URRA with a HF validation protocol and will only be subject to timelines in Section II.C.2., For Human Factor Validation Study Protocols.

2. Human Factor Validation Study Protocols

Human factors studies are conducted to evaluate the user interface of a biosimilar biologic-device combination product to eliminate or mitigate use-related hazards that may affect the safe and effective use of the combination product. Over the past decade, more combination products have been developed to deliver therapeutics via different routes of administration (e.g., parenteral, inhalation) with complex engineering designs. HF validation protocols are reviewed during the IND stage with the goal

towards developing a final finished combination product that supports the marketing application. To achieve this objective, FDA will establish the following procedures for review of HF validation study protocols:

a. The sponsor should submit a human factors protocol to the IND with specific questions, including scientific and regulatory requirements for which the sponsor seeks agreement (e.g., are the study participant groups appropriate to represent intended users, is the study endpoint adequate, are the critical tasks that should be evaluated appropriately identified).

b. Within 60 days of Agency receipt of the protocol and specific questions, the Agency will provide a written response to the sponsor that includes a succinct assessment of the protocol and answers to the questions posed by the sponsor. If the Agency does not agree that the protocol design, execution plans, and data analyses are adequate to achieve the goals of the sponsor, the reasons for the disagreement will be explained in the response.

Performance goals for FDA will be as follows:

c. Beginning in FY 2023, review and provide sponsor with written comments for 90% of human factors validation protocol submissions within 60 days of receipt of protocol submission.

D. ADVANCING DEVELOPMENT OF INTERCHANGEABLE BIOSIMILAR BIOLOGICAL PRODUCTS

FDA is committed to a focused effort to further advance the development of safe and effective interchangeable biosimilar biological products. The effort will address current needs, prospectively identify future needs and incorporate the following components:

1. Research: FDA will leverage the BsUFA III Regulatory Science Program to advance product development, assist regulatory decision-making, and support guidance development for interchangeable biosimilar products.

2. Foundational guidance development: FDA will develop foundational guidances for the development of interchangeable biosimilar biological products:

a. On or before September 30, 2025, FDA will publish a draft guidance describing considerations for developing presentations, container closure systems and device constituent parts for proposed interchangeable biosimilar biological products. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It will then work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

b. On or before September 30, 2023, FDA will publish draft guidance on labeling for interchangeable biosimilar biological products. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It will then work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

c. On or before September 30, 2024, FDA will publish a draft guidance on promotional

labeling and advertising considerations for interchangeable biosimilar biological products. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It will then work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

d. On or before September 30, 2024, FDA will publish a draft guidance on the nature and type of information, for different reporting categories, a sponsor should provide to support post-approval manufacturing changes to approved biosimilar and interchangeable biosimilar biological products. FDA will work towards the goal of publishing final guidance within 18 months after the close of the public comment period on the draft guidance. If, after receiving comments on the draft guidance, FDA determines that the guidance requires substantive changes on which further public comments are warranted, FDA will issue a revised draft guidance within those 18 months instead. It then will work towards publishing a final guidance within 18 months after the close of the public comment period on the revised draft guidance.

3. Stakeholder Engagement: FDA will hold a scientific workshop on the development of interchangeable products to help identify future needs (e.g., guidance, research) on or before October 31, 2025. Within 12 months following the public workshop, FDA will issue a draft strategy document for public comment that outlines the specific actions the agency will take to facilitate the development of interchangeable biosimilar biological products. The strategy document may identify activities and deliverables including updating or creating new procedures, MAPPs, SOPPs, guidances, and other changes to FDA's scientific and other programs related to the topics discussed in the workshop. The strategy document will also include proposed timeframes for the specific actions outlined in the document. FDA will consider public input and will publish a final strategy document within 9 months after the close of the public comment period on the draft strategy document.

E. REGULATORY SCIENCE TO ENHANCE THE DEVELOPMENT OF BIOSIMILAR AND INTERCHANGEABLE BIOLOGICAL PRODUCTS

FDA is committed to enhancing regulatory decision-making and facilitating science-based recommendations in areas foundational to biosimilar development. Starting in FY 2023, FDA will pilot a regulatory science program broadly applicable to facilitating biosimilar and interchangeable biological product development. Project goals should not be specific to a product or product class. The pilot program will focus on two demonstration projects: (1) advancing the development of interchangeable products, and (2) improving the efficiency of biosimilar product development.

1. Advancing Development of Interchangeable Products

This demonstration project will be focused on progressing research to advance the development of interchangeable products. Specifically, this demonstration project will:

a. Investigate and evaluate the data and information (including Real World Evidence) needed to meet the safety standards for determining interchangeability under section 351(k)(4) of the PHS Act, including:

i. Investigate and evaluate informative, scientifically appropriate methodologies to assess the potential impact of differences between proposed interchangeable biosimilar and reference product presentations and container closure systems.

ii. Investigate and evaluate informative, scientifically appropriate methodologies to predict immunogenicity by advancing the knowledge of analytical (including physical, chemical and biological function assays), pharmacological and clinical correlations as relates to interchangeability.

2. Improving the Efficiency of Biosimilar Product Development

This demonstration project will be focused on progressing research to advance the efficiency of biosimilar product development, enhance regulatory decision-making based on the latest scientific knowledge, and advance the use of innovative scientific methodologies and experience with biosimilars. Specifically, this demonstration project will:

a. Review and evaluate opportunities for streamlining and targeting biosimilar product development in consideration of scientific advancements in analytical (including physical, chemical and biological function assays), and pharmacological assessments and experience with prior biosimilar product development and marketed biosimilar products.

b. Investigate and evaluate informative, scientifically appropriate methodologies to predict immunogenicity by advancing the knowledge of analytical (including physical, chemical and biological function assays), pharmacological and clinical correlations as it relates to biosimilarity.

3. Stakeholder Engagement: On or before October 31, 2025, FDA will hold a public meeting to review the progress of the demonstration projects and solicit input on future priorities. An interim report will be posted on FDA's website in advance of the public meeting. On or before September 30, 2027, a final summary report of outcomes from the pilot program will be posted on FDA's website.

4. Deliverables: Within 12 months of the completion of the demonstration projects, FDA will use the learnings from the demonstration projects to publish a comprehensive strategy document outlining specific actions the agency will take to facilitate the development of biosimilar and interchangeable biological products. The comprehensive strategy document may include updating or creating new procedures, MAPPs, SOPPs, and guidances and will also include proposed timeframes for the specific actions outlined in the document. The comprehensive strategy document will be distinct from the final summary report of the pilot program.

III. CONTINUED ENHANCEMENT OF USER FEE RESOURCE MANAGEMENT

FDA is committed to ensuring the sustainability of BsUFA program resources and to enhancing the operational agility of the BsUFA program. FDA will build on the financial enhancements included in BsUFA II and continue activities in BsUFA III to ensure optimal use of user fee resources and the alignment of staff to workload through the continued maturation and assessment of the Agency's resource capacity planning capability. FDA will also continue activities to promote transparency of the use of financial resources in support of the BsUFA program.

A. RESOURCE CAPACITY PLANNING

FDA will continue activities to mature the Agency's resource capacity planning function, including utilization of modernized time reporting, to support enhanced management of BsUFA resources in BsUFA III and help ensure alignment of user fee resources to staff workload.

1. Resource Capacity Planning Implementation

a. On or before the end of the 2nd quarter of FY 2023, FDA will publish an implementation plan that will describe how resource capacity planning and time reporting will continue to be implemented during BsUFA III. This implementation plan will address topics relevant to the maturation of resource capacity planning, including, but not limited to, detailing FDA's approach to:

i. The continued implementation of the Agency's resource capacity planning capability, including:

1) The continual improvement of the Capacity Planning Adjustment (CPA); and

2) The continual improvement of time reporting and its utilization in the CPA.

ii. The integration of resource capacity planning analyses in the Agency's resource and operational decision-making processes.

b. FDA will provide annual updates on the FDA website on the Agency's progress relative to activities detailed in this implementation plan on or before the end of the 2nd quarter of each subsequent fiscal year.

c. FDA will document in the annual BsUFA Financial Report how the CPA fee revenues are being utilized.

2. Resource Capacity Planning Assessment

On or before the end of FY 2025, an independent contractor will complete and publish an evaluation of the resource capacity planning capability. This will include an assessment of the following topics:

a. The ability of the CPA to forecast resource needs for the BsUFA program, including an assessment of the scope of the workload drivers in the CPA and their ability to represent the overall workload of the BsUFA program;

b. Opportunities for the enhancement of time reporting toward informing resource needs; and

c. The integration and utilization of resource capacity planning information within resource and operational decision-making processes of the BsUFA program.

The contractor will provide options and recommendations in the evaluation regarding the continued enhancement of the above topics as warranted. The evaluation findings and any related recommendations will be discussed at the FY 2026 BsUFA 5-year financial plan public meeting. After review of the findings and recommendations of the evaluation, FDA will, as appropriate, continue improving the resource capacity planning capability and the CPA.

B. FINANCIAL TRANSPARENCY

1. FDA will publish a BsUFA 5-year financial plan on or before the end of the 2nd quarter of FY 2023. The plan shall recognize that the retention of the strategic hiring and retention adjustment required by section 744H(b)(1)(C) of the FD&C Act is subject to renegotiation under a subsequent reauthorization of BsUFA. FDA will publish updates to the 5-year plan on or before the end of the 2nd quarter of each subsequent fiscal year. The annual updates will include the following topics:

a. The changes in the personnel compensation and benefit costs for the process for the review of biosimilar biological product applications that exceed the amounts provided by the personnel compensation and benefit costs portion of the inflation adjustment; and

b. FDA's plan for managing costs related to strategic hiring and retention after the adjustment required by section 744H(b)(1)(C) of the FD&C Act expires at the end of fiscal year 2027, given this adjustment is not intended to be reauthorized in a subsequent reauthorization of BsUFA.

2. FDA will convene a public meeting on or before the end of the 3rd quarter of each fiscal year to discuss the BsUFA 5-year financial plan and the Agency's progress in implementing resource capacity planning, including the continual improvement of the CPA and time reporting, and the integration of resource capacity planning in resource and operational decision-making processes.

C. MANAGEMENT OF CARRYOVER BALANCE

FDA is committed to reducing the carryover balance to no greater than 21 weeks of the target revenue by the end of FY 2025.

In the annual updates to the BsUFA five-year financial plan, FDA will provide updates on its progress towards implementing its plan to reduce the carryover balance as outlined in the FY 2022 BsUFA financial report and the five-year financial plan.

IV. IMPROVING FDA HIRING AND RETENTION OF REVIEW STAFF

Enhancements to the biosimilar biological product review program require that FDA hire and retain sufficient numbers and types of technical and scientific experts to efficiently conduct reviews of 351

(k) applications. During BsUFA III, the FDA will commit to do the following:

A. SET CLEAR GOALS FOR BIOSIMILAR BIOLOGICAL PRODUCT REVIEW PROGRAM HIRING

1. The BsUFA III agreement provides FDA additional user fee funding to hire additional staff for the biosimilar biological product review program in BsUFA III. FDA will set clear goals to hire the new staff outlined in Table 1.

TABLE 1

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
CDER	14	1	0	0	0

2. FDA will report on progress against the hiring goal for BsUFA III on a quarterly basis posting updates to the FDA BsUFA Performance webpage.

B. COMPREHENSIVE AND CONTINUOUS ASSESSMENT OF HIRING AND RETENTION

The Directors of CDER and CBER will utilize a qualified, independent contractor with expertise in assessing HR operations to conduct a targeted assessment of the hiring and retention of staff for the biosimilar biological product review program. The BsUFA III assessment will be conducted under the same contract and by the same independent contractor that will conduct the assessment related to hiring and retention of staff for the human drug review program in PDUFA VII. The contractor will assess the factors that contribute to HR successes and challenges, including factors outside of FDA's control. The assessment will build upon the findings of previous evaluations conducted under BsUFA II and PDUFA VI with a focus on the changes and adjustments that have improved FDA's hiring and retention outcomes and which challenges remain. In addition to evaluating the outcomes of various hiring changes, the assessment will include metrics related to recruiting and retention in the biosimilar biological product review program, including, but not limited to, specific targeted scientific disciplines, attrition, and utilization of pay authorities. The report will include the contractor's findings and recommendations on further enhancements to hiring and retention of staff for the biosimilar biological product review program, if warranted.

The assessment will be published on FDA's website on or before June 30th, 2025 for public comment. FDA will also hold a public

meeting on or before September 30th, 2025 to discuss the report, its findings, and the Agency's specific plans to address the report recommendations.

V. INFORMATION TECHNOLOGY GOALS

Under BsUFA III, FDA will:

A. DEVELOP DATA AND TECHNOLOGY MODERNIZATION STRATEGY

FDA will progress a Data and Technology Modernization Strategy ("Strategy") that provides FDA's strategic direction for current and future state data-driven regulatory initiatives.

1. No later than Q4 FY 2023, FDA will establish a Data and Technology Modernization Strategy that reflects the vision in FDA's Technology and Data Modernization Action Plans, including:

a. outlining key areas of focus and approach including leveraging cloud technologies to support Applicant-FDA regulatory interaction;

b. articulating enterprise-wide approaches for both technology and data governance; and

c. aligning strategic initiatives in support of BsUFA review goals, drawing a line of sight between initiatives and the enterprise strategy (i.e. the agency-wide strategy also supporting components outside BsUFA).

2. The Strategy will be shared and annually updated to reflect progress and any needed adjustments. Milestones and metrics for BsUFA initiatives will be included in the updates.

B. MONITOR AND MODERNIZE ELECTRONIC SUBMISSION GATEWAY (ESG)

FDA will continue to ensure the usability and improvement of the ESG.

1. Annually, FDA will provide on the ESG website historic and current metrics on ESG performance in relation to published targets, characterizations and volume of submissions, and standards adoption and conformance.

FDA will advance the ESG cloud-based modernization with an improved architecture that supports greatly expanding data submission bandwidth and storage, while continuing to ensure its stable operation.

2. Annually, FDA will provide on the ESG website historic and current metrics on ESG performance in relation to published targets, characterizations and volume of submissions, and standards adoption and conformance.

3. By the end of FY 2025, FDA will complete ESG transition to the cloud, including set-up and integration of an enterprise Identity and Access Management solution that will streamline applicant access to FDA resources.

4. Annually, FDA will share progress against the implementation project plan.

5. FDA will engage industry to provide feedback and/or participate in pilot testing in advance of implementing significant changes that impact industry's interaction with the enterprise-wide systems.

VI. DEFINITIONS AND EXPLANATION OF TERMS

A. The term "review and act on" means the issuance of a complete action letter after the complete review of a filed complete application. The action letter, if it is not an approval, will set forth in detail the specific deficiencies and, where appropriate, the actions necessary to place the application in condition for approval.

B. A resubmitted original application is a complete response to an action letter addressing all identified deficiencies.

RECOGNIZING THE 38TH ANNIVERSARY OF ANTI-SIKH VIOLENCE IN INDIA

Mr. TOOMEY. Mr. President, as a proud member of the American Sikh

Caucus, I would like to join my Sikh friends in Pennsylvania's Sikh community and Sikhs around the world in recognizing the 38th anniversary of the November 1984 anti-Sikh violence in India.

For those of you who are not familiar, Sikhism traces its nearly 600-year history to the Punjab region of India. With nearly 30 million followers globally and 700,000 here in the U.S., Sikhism is one of the world's major religions.

Historically, Sikhs have showcased a commitment to serving individuals from all religious, cultural, and ethnic backgrounds—demonstrating their generosity and deep sense of community. During the COVID-19 pandemic, Sikh communities across Pennsylvania and the United States came together to deliver groceries, masks, and other supplies to tens of thousands of families in need no matter their race, gender, religion, or creed. In my many years serving the Commonwealth, I have personally witnessed the spirit of Sikhs and have come to better understand the Sikh tradition that is founded on equality, respect, and peace. It is clear that the presence and contributions of Sikh communities have thoroughly enriched their neighborhoods across the country.

1984 marks one of the darkest years in modern Indian history. The world watched as several violent incidents broke out among ethnic groups in India, with several notably targeting the Sikh community. Today we are here to remember the tragedy that commenced on November 1, 1984, following decades of ethnic tension between Sikhs in the Punjab province and the central Indian Government. As so often in such cases, the official estimates likely do not tell the whole story, but it is estimated that over 30,000 Sikh men, women, and children were deliberately targeted, raped, slaughtered, and displaced by mobs across India.

To prevent future human rights abuses, we must recognize their past forms. We must remember the atrocities committed against Sikhs so that those responsible may be held accountable and that this type of tragedy is not repeated against the Sikh community or other communities across the globe.

ADDITIONAL STATEMENTS

100 YEARS OF THE LEBANON AMERICAN CLUB IN DANBURY, CONNECTICUT

● Mr. BLUMENTHAL. Mr. President, today I rise to recognize the Lebanon American Club of Danbury, CT, as they celebrate 100 years of devoted cultural engagement and civic service in their community.

The Lebanon American Club—or "the Club," as it is affectionately known as by its members—was founded in 1922 as

the Syrian American Club. In its early days, this organization assisted members in becoming American citizens, learning English, and served as a vital social support system for Lebanese and Syrian immigrants. After initially meeting at various locations across Danbury, the Club established a permanent home in "Little Lebanon" on New Street in Danbury in the 1930s, before moving to its current West Street location in 1993.

Highly active in the civic and cultural life of the Arabic speaking community in Danbury, the Lebanon American Club boasted many members who were major contributors to the economic, professional, and social fabric of the region. After the election of Chicory Buzaid as Danbury City Sheriff in 1937—the first Lebanese American elected to public office in the State of Connecticut—the Club's members became more politically active as well.

From the 1940s through the 1960s, the Club's activities expanded with regular dinners, scholarship programs for students, fundraisers to aid members in need, and an annual Labor Day weekend "Mahrajan" festival celebrating their Lebanese and Syrian heritage.

In the 1970s, a new wave of Lebanese immigrants sparked a revitalization of the Lebanon American Club and their activities expanded. New Club programs were established—and continue today—including a children's Christmas party and a scholarship award dinner which has grown tremendously over the years, providing tens of thousands of dollars in college scholarships to high school graduates. Additionally, the Lebanon American Club Ladies Auxiliary routinely holds dinners and wine tastings and is a significant contributor to the Club's overall activities.

In recent years, the Lebanon American Club has continued to expand and flourish. The Lebanon American Teacher Exchange program was established in 2002, and the annual Lebanon American Day flag raising ceremony was first held the next year in 2003. In 2009, the Club established a heritage monument committee to pay tribute to their immigrant ancestors, and the monument was unveiled at city hall during the 2010 Lebanon Day celebration. The Club has continued to thrive of late, including hosting regular blood drives throughout the COVID-19 pandemic to provide lifesaving aid to the community.

For a century, the Lebanon American Club has provided cultural, civic, and social support to its members, the Lebanese community, and the Danbury community at large. I have attended many Club activities and greatly appreciate and admire their long-standing commitment to preserving and promoting their cultural heritage while selflessly serving their community through their many activities and programs. I hope my colleagues will join me in congratulating the Lebanon American Club of Danbury, CT, on this

momentous occasion of their 100th anniversary.●

TRIBUTE TO DR. JOAN PHILLIPS

Mr. MANCHIN. Mr. President, I rise today to honor the legacy of Dr. Joan Phillips for her many years of service dedicated to child well-being and to all people of West Virginia.

I have often said there is no greater accomplishment than to find yourself in a position to give back to the community you love. Dr. Phillips embodies giving, always willing to lend support and knowledge to those in need throughout her career.

Protecting and serving vulnerable people was her passion, one that motivated her throughout four decades of professional work. Dr. Phillips is viewed by her colleagues, and rightfully so, as an advocate for vulnerable children of West Virginia. Most recently serving as the co-medical director of Child Advocacy Center of Charleston Area Medical Center, her list of accomplishments is staggering, continuously pioneering child advocacy standards across the region.

As West Virginia's first ever board-certified child abuse pediatrician, Dr. Phillips has always been pivotal in ensuring that the children of our State receive the correct level of care. Over the course of her admirable career, Dr. Phillips has changed countless lives, both internally through the Child Advocacy Network and externally consulting through private practice. As a result of her efforts, she was in the first round of child abuse subspecialty recognized by the American Academy of Pediatrics.

Dr. Phillips always made time to consult on cases and never turned down the opportunity to assist regardless of location. Other physicians, law enforcement officers and child protective services workers regularly sought her expertise and advice.

Over the years, Dr. Phillips held many leadership roles, including president of the American Academy of Pediatrics, numerous boards of local and statewide organizations, community health agencies, family service agencies, as well as State and national committees related to issues regarding child well-being.

Not only did Dr. Phillips fiercely dedicate her time to advancing child healthcare, but she also found time to pass her knowledge along to others. She regularly presented at conferences, mentored other child abuse medical providers and taught within medical and residency programs at West Virginia University and Marshall University. I know she has inspired many young leaders throughout her illustrious career, and I am confident they will carry the torch to ensure a brighter tomorrow. Truly, her legacy of dedication to health and childcare services is one we should all instill in ourselves.

With an unrivaled, strong spirit of optimism and innovation, her commit-

ment to preventing and treating child abuse in our communities is something to admire. Her work has undoubtedly changed the quality of healthcare in the State of West Virginia. I will always be grateful to Dr. Phillips for her lifetime of influential work.

While she is retiring and everyone is sure to miss her strong leadership, Dr. Phillips' unwavering dedication will leave a lasting legacy on the countless lives she has touched. Again, I congratulate Dr. Phillips for her remarkable years of service and her outstanding dedication to improving our great Nation, and I am honored to wish good health and much happiness to her and her family in the days and years ahead.●

TRIBUTE TO KEVIN FERN

● 1Mr. MORAN. Mr. President, I rise today to pay tribute to a notable Kansan, Kevin Fern. Mr. Fern is currently executive director of Visit Shawnee, a division of the Shawnee Chamber of Commerce and the official Destination Marketing Organization for the city of Shawnee. He has served the city of Shawnee since 2008 and was also nominated by Governor Laura Kelly to the Kansas Council on Travel and Tourism.

Prior to his current position he spent a number of years in politics, working a variety of campaigns, including for Presidential candidate Dick Gephardt's campaign in 1988—always noting that he "wanted to be the guy behind the scenes, making everything happen." Following a number of years in campaign politics, Mr. Fern entered the hospitality industry, where he worked for more than 15 years in the hotel industry.

Mr. Fern is a long-time native of Shawnee, KS, and his passion for the city mixed with his ethos to "make our world just a little better" embodies the true Kansas spirit. I can confidently say Mr. Fern's impactful career has truly made the world and the city of Shawnee a better place.●

REMEMBERING P.J. O'ROURKE

● Mr. PORTMAN. Mr. President, I rise today in tribute to P.J. O'Rourke, one of America's greatest humorists. P.J. passed away after a brief illness earlier this year, leaving behind his beloved wife Tina and his three children, as well as countless readers who will miss the laughter and delight he brought them over a career that spanned nearly half a century.

P.J. was born 74 years ago in Toledo, OH. We are proud to call him an Ohio native. His father owned a car dealership; his mother was a homemaker. P.J. was the product of Toledo's public schools, then of Miami University in southwest Ohio. One of his English professors, spotting a unique talent, arranged a scholarship that allowed him to continue in school and get his degree in English, with honors.

In the 1970s, P.J. moved to New York. There, he became editor of the legendary satirical magazine "National Lampoon," then in its prime. After the Lampoon came stints at "Rolling Stone," the "Atlantic Monthly," and many other magazines, as well as 20 books known for their energy and wit.

Frequently, he turned his attention to American politics. Some here in Washington can still feel the sting. He even found humor in the world's trouble spots; He was in Beirut in the 1980s, Somalia and Afghanistan in the 1990s, Iraq in the 2000s.

One of my favorite P.J. O'Rourke quotes is: "Politics is a necessary evil, a necessary annoyance, a necessary conundrum." His tone was always one of mischievous irreverence, tempered by an abiding sympathy for our common humanity.

And he was never far from Toledo or from Ohio. "No Toledoan ever outgrows Toledo," he wrote several years ago, in a tribute to his hometown. He was clear-eyed about the charms of a Midwestern upbringing and blind to any imperfections.

"Toledo is better than exciting," he went on, "it's happy. Nothing is more conducive to unhappiness than taking yourself seriously, and taking yourself seriously is difficult when your baseball team is called the Mud Hens."

In truth, P.J. O'Rourke, while not taking himself too seriously, achieved much success in life—best-selling books, packed lecture halls in America and Europe, a journalistic career that took him to every corner of the world. But he never forgot he was from Toledo, from Ohio, from the heart of the country. And the country's heart always beat within him.

My fellow Buckeyes join me in bidding farewell and offering our thanks to a treasured native son.●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:02 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker pro tempore (Mr. RASKIN) has signed the following enrolled bill:

S. 2293. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, September 28, 2022, she had presented to the President of the United States the following enrolled bills:

S. 2293. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment

rights to reservists of the Federal Emergency Management Agency, and for other purposes.

S. 3895. An act to extend and authorize annual appropriations for the United States Commission on International Religious Freedom through fiscal year 2024.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5156. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thymol; Exemption from the Requirement of a Tolerance" (FRL No. 10188-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5157. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate; Pesticide Tolerances" (FRL No. 9521-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5158. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Novaluron; Pesticide Tolerances" (FRL No. 10187-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5159. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Oxirane, 2-methyl-, polymer with oxirane, mono-C9-11-isoalkyl ethers, C10-rich, phosphates, potassium salts; Tolerance Exemption" (FRL No. 9934-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5160. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Eugenol; Exemption from the Requirement of a Tolerance" (FRL No. 10130-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5161. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "IN-11470: Styrene, copolymers with acrylic acid and/or methacrylic acid, with none and/or one or more monomers or polymers; Tolerance Exemption Amendment" (FRL No. 10099-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5162. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "IN-11645: Oxirane, 2-(phenoxyethyl)-, polymer with oxirane, onobutyl ether, block (A CI); Tolerance Exemption" (FRL No. 10122-01-OCSP) received

in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5163. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Expansion of Crop Grouping Program VI" ((RIN2070-AJ28) (FRL No. 5031-13-OCSP)) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5164. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hypochlorous Acid; Exemption from the Requirement of a Tolerance" (FRL No. 10167-01-OCSP) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5165. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation's annual report for calendar year 2021; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5166. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to a strategic assessment of the Joint Force readiness to accomplish the National Security Strategy (OSS-2022-0760); to the Committee on Armed Services.

EC-5167. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Reauthorization and Improvement of Mentor-Protege Program (DFARS Case 2020-D009)" (RIN0750-AK96) received in the Office of the President of the Senate on September 21, 2022; to the Committee on Armed Services.

EC-5168. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Restriction on Acquisition of Tantalum (DFARS Case 2020-D007)" (RIN0750-AK94) received in the Office of the President of the Senate on September 21, 2022; to the Committee on Armed Services.

EC-5169. A communication from the Alternate Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Private Security Contractors (PSCs) Operating in Contingency Operations, Humanitarian or Peace Operations, or Other Military Operations or Exercises" (RIN0790-AK87) received in the Office of the President of the Senate on September 21, 2022; to the Committee on Armed Services.

EC-5170. A communication from the Under Secretary of Defense (Acquisition and Sustainment), transmitting, pursuant to law, the annual Selected Acquisition Reports (SARs) for the Army Major Defense Acquisition Programs (MDAPs) and qualifying Middle Tier of Acquisition (MTA) programs; to the Committee on Armed Services.

EC-5171. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5172. A communication from the President of the United States, transmitting, pursuant to law, a report of the continuation of the national emergency with respect to the

threat of foreign interference in or undermining public confidence in United States elections that was declared in Executive Order 13848 of September 12, 2018; to the Committee on Banking, Housing, and Urban Affairs.

EC-5173. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13894 with respect to the situation in and in relation to Syria; to the Committee on Banking, Housing, and Urban Affairs.

EC-5174. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13288 with respect to Zimbabwe; to the Committee on Banking, Housing, and Urban Affairs.

EC-5175. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13660 with respect to Ukraine; to the Committee on Banking, Housing, and Urban Affairs.

EC-5176. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12978 with respect to significant foreign narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-5177. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12957 with respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

EC-5178. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13692 with respect to Venezuela; to the Committee on Banking, Housing, and Urban Affairs.

EC-5179. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustments under Titles I and III of the JOBS Act" (Release Nos. 33-11098; 34-95715) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Banking, Housing, and Urban Affairs.

EC-5180. A communication from the Chair and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Switzerland; to the Committee on Banking, Housing, and Urban Affairs.

EC-5181. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedure for External Power Supplies" (RIN1904-AD86) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Energy and Natural Resources.

EC-5182. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedure for Cooking Products" (RIN1904-AF18) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Energy and Natural Resources.

EC-5183. A communication from the Assistant General Counsel for Legislation, Regula-

tion and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Final Determination of Portable Electric Spas as a Covered Consumer Product" (RIN1904-AF31) received in the Office of the President of the Senate on September 19, 2022; to the Committee on Energy and Natural Resources.

EC-5184. A communication from the Assistant General Counsel for Legislation, Office of Environment, Health, Safety and Security, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Workplace Substance Abuse Programs at DOE Sites" (RIN1992-AA60) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Energy and Natural Resources.

EC-5185. A communication from the Federal Register Liaison Officer, Bureau of Ocean Energy Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Service Fees for Outer Continental Shelf Activities" (RIN1010-AE16) received in the Office of the President of the Senate on September 19, 2022; to the Committee on Energy and Natural Resources.

EC-5186. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Drinking Water Compliance Monitoring Data Strategic Plan"; to the Committee on Environment and Public Works.

EC-5187. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Evaluation for EPRI Report 3002019621, 'Susceptibility of Valve Applications to Failure of the Stem-to-Disk Connection'" received in the Office of the President of the Senate on September 14, 2022; to the Committee on Environment and Public Works.

EC-5188. A communication from the Branch of Administrative Support Services, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removing the Braken Bat Cave Meshweaver From the List of Endangered and Threatened Wildlife" (RIN1018-BE43) received on September 15, 2022; to the Committee on Environment and Public Works.

EC-5189. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Regulatory Guide (RG) 5.77 Rev 1, 'Insider Mitigation Program'" received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5190. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Utah; Revisions to Utah Administrative Code: Environmental Quality; Title R307; Air Quality" (FRL No. 9930-02-R8) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5191. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Iowa; State Implementation Plan and State Operating Permits Program" (FRL No. 9913-02-R7) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5192. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Florida: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 10134-02-R4) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5193. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Amendments" (RIN2060-AU20) (FRL No. 6312-02-OAR) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5194. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Virginia; Negative Declaration Certification for the 2015 Ozone National Ambient Air Quality Standard for the 2016 Oil and Natural Gas Control Technique Guidelines" (FRL No. 8941-02-R3) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5195. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Disapproval; New York and New Jersey; Interstate Transport Infrastructure SIP Requirements for the 2008 Ozone NAAQS" (FRL No. 9125-02-R2) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5196. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; New York; Consumer Products" (FRL No. 9736-02-R2) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5197. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations; Consistency Update for New York" (FRL No. 9785-02-R2) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5198. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Missouri; St. Louis Area Vehicle Inspection and Maintenance Program" (FRL No. 9830-02-R7) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5199. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List" (FRL No. 10159-01-OLEM) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5200. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Rhode Island; Prevention of Significant Deterioration Infrastructure State Implementation Plan Elements for the 2012 PM2.5 NAAQS" (FRL No. 10193-02-R1) received in the Office of the President of the Senate on September 15, 2022; to the Committee on Environment and Public Works.

EC-5201. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Texas; Revised Emissions Inventory for the Dallas-Fort Worth Ozone Nonattainment Area" (FRL No. 10173-01-R6) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5202. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Michigan; Revisions to Part 1 and 2 Rules" (FRL No. 10162-02-R5) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5203. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Limited Approval and Limited Disapproval; California; South Coast Air Quality Management District; Refinery Flares" (FRL No. 9372-02-R9) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5204. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Kentucky; Source Specific Revision for Jefferson County" (FRL No. 10080-02-R4) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5205. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; GA; Revision of Enhanced Inspection and Maintenance Program" (FRL No. 9971-02-R4) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5206. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Mississippi; Infrastructure Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards" (FRL No. 9640-02-R4) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5207. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal and Partial Approval/Partial Disapproval of Clean Air Plans; San Joaquin Valley, California; Contingency Measures for 2008 Ozone Standards" (FRL No. 9690-02-R9) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5208. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality State Implementation Plans; Approvals and Promulgations; California; San Diego County Air Pollution Control District; Permits" (FRL No. 9713-03-R9) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5209. A communication from the Associate Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Plans; Base Year Emissions Inventories for the 2015 Ozone Standards; California" (FRL No. 8902-02-R9) received in the Office of the President of the Senate on September 20, 2022; to the Committee on Environment and Public Works.

EC-5210. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, a request for approval of Congressional notification letters to announce a change to the allocation formula methodology for the Reemployment Services and Eligibility Assessment grants; to the Committee on Finance.

EC-5211. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, an updated interim report entitled "Evaluation of the Medicare Patient Intravenous Immunoglobulin Demonstration Project"; to the Committee on Finance.

EC-5212. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, a notification, on behalf of the Secretary of Labor, of a permanent change to the base funding allocation formula methodology for funds appropriated for the Reemployment Services and Eligibility Assessment grants; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 521. An act to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled (Rept. No. 117-173).

By Mr. MANCHIN, from the Committee on Energy and Natural Resources, without amendment:

H.R. 5001. An act to authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins, and for other purposes (Rept. No. 117-174).

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 228. An act to designate the facility of the United States Postal Service located at 2141 Ferry Street in Anderson, California, as the "Norma Connick Post Office Building".

H.R. 1095. An act to designate the facility of the United States Postal Service located

at 101 South Willowbrook Avenue in Comp-ton, California, as the "PFC James Anderson, Jr., Post Office Building".

S. 4668. A bill to designate the facility of the United States Postal Service located at 400 North Main Street in Belen, New Mexico, as the "U.S. Senator Dennis Chavez Post Office".

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

H.R. 5615. An act to direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, and for other purposes.

By Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 5659. An act to designate the facility of the United States Postal Service located at 1961 North C Street in Oxnard, California, as the "John R. Hatcher III Post Office Building".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. REED for the Committee on Armed Services.

*Radha Iyengar Plumb, of New York, to be a Deputy Under Secretary of Defense.

*Army nomination of Maj. Gen. Patrick E. Matlock, to be Lieutenant General.

Army nomination of Col. James D. Turinetti IV, to be Brigadier General.

Mr. REED. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Army nomination of Travis J. Wilder, to be Major.

Army nominations beginning with David Law and ending with Rami Sarid, which nominations were received by the Senate and appeared in the Congressional Record on September 15, 2022.

Navy nomination of Amy M. Respondek, to be Commander.

Navy nomination of Ellen M. Nelson, to be Lieutenant Commander.

Space Force nomination of Ernest L. Bonner, to be Colonel.

By Mr. PETERS for the Committee on Homeland Security and Governmental Affairs.

*Kendra Davis Briggs, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Errol Rajesh Arthur, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Leslie A. Meek, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Carl Ezekiel Ross, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Laura E. Crane, of the District of Columbia, to be an Associate Judge of the Superior

Court of the District of Columbia for the term of fifteen years.

*Veronica M. Sanchez, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Vijay Shanker, of the District of Columbia, to be an Associate Judge of the District of Columbia Court of Appeals for the term of fifteen years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE (for himself and Mr. CARDIN):

S. 4969. A bill to amend the Internal Revenue Code of 1986 to disallow a deduction for charitable contributions for certain purposes relating to college athletics; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Mr. SCOTT of South Carolina, Mr. MURPHY, Mrs. CAPITO, Mr. BENNET, and Mr. CASSIDY):

S. 4970. A bill to amend the Higher Education Act of 1965 to promote comprehensive campus mental health and suicide prevention plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BLACKBURN (for herself and Ms. LUMMIS):

S. 4971. A bill to require the Secretary of Agriculture to establish an innovative agricultural technology pilot program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. SHAHEEN (for herself, Mr. CORNYN, Mr. BLUMENTHAL, Mr. WICKER, Mr. SCOTT of Florida, Mr. KAINE, Mrs. FISCHER, Ms. DUCKWORTH, and Ms. KLOBUCHAR):

S. 4972. A bill to establish the Critical Munitions Acquisition Fund; to the Committee on Foreign Relations.

By Mr. TOOMEY (for himself, Mr. SCOTT of South Carolina, and Ms. LUMMIS):

S. 4973. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify the fiduciary duties regarding asset classes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PADILLA (for himself, Ms. WARREN, Mr. LUJÁN, and Mr. DURBIN):

S. 4974. A bill to amend section 249 of the Immigration and Nationality Act to render available to certain long-term residents of the United States the benefit under that section; to the Committee on the Judiciary.

By Mr. BLUMENTHAL (for himself and Mr. BOOZMAN):

S. 4975. A bill to amend title 38, United States Code, to promote assistance from entities recognized by the Secretary of Veterans Affairs for individuals who file certain claims under laws administered by the Secretary, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. KING (for himself, Mr. LANKFORD, Mr. TILLIS, Ms. COLLINS,

Mr. MANCHIN, Mr. CORNYN, and Ms. SINEMA):

S. 4976. A bill to amend the Trademark Act of 1946 to provide that the licensing of a mark for use by a related company may not be construed as establishing an employment relationship between the owner of the mark, or an authorizing person, and either that related company or the employees of that related company, and for other purposes; to the Committee on the Judiciary.

By Mr. MURPHY (for himself, Mr. BLUMENTHAL, Mr. CASEY, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. MARKEY, Mrs. SHAHEEN, and Ms. WARREN):

S. 4977. A bill to prohibit the unauthorized possession of a firearm at a Federal election site; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Ms. SMITH, Ms. BALDWIN, Mrs. BLACKBURN, Mr. HOEVEN, Ms. KLOBUCHAR, and Ms. LUMMIS):

S. 4978. A bill to amend the Public Health Service Act to reauthorize the State offices of rural health program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself and Mr. CORNYN):

S. 4979. A bill to authorize grants for emotional support services for incarcerated victims of sexual abuse, and for other purposes; to the Committee on the Judiciary.

By Ms. WARREN (for herself and Mr. WHITEHOUSE):

S. 4980. A bill to amend title 11, United States Code, to add a bankruptcy chapter relating to the debt of individuals, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Ms. ROSEN):

S. 4981. A bill to amend title 28, United States Code, to require the Attorney General to submit an annual report to Congress on gang activity, reporting, investigation, and prosecution, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. MORAN, Mr. DURBIN, Ms. MURKOWSKI, Mr. LEAHY, Mrs. BLACKBURN, Mrs. SHAHEEN, Mr. TILLIS, Mr. KAINE, Ms. DUCKWORTH, Mr. MERKLEY, and Mr. MURPHY):

S. 4982. A bill to establish the International Children with Disabilities Protection Program within the Department of State, and for other purposes; to the Committee on Foreign Relations.

By Mr. HICKENLOOPER (for himself, Ms. KLOBUCHAR, Mr. KING, Mr. BENNET, Mr. HEINRICH, and Ms. SMITH):

S. 4983. A bill to require the Secretary of Energy to establish a program to encourage deployment of electric school buses and vehicle-to-grid technologies and applications, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COTTON (for himself, Mr. CORNYN, and Mr. HAWLEY):

S. 4984. A bill to amend the Controlled Substances Act to prohibit the deceptive sale of fentanyl, and for other purposes; to the Committee on the Judiciary.

By Mrs. BLACKBURN (for herself and Ms. LUMMIS):

S. 4985. A bill to amend the Cybersecurity Information Sharing Act of 2015 to include voluntary information sharing of cyber threat indicators among cryptocurrency companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARSHALL (for himself, Mr. BOOZMAN, Mr. CRAPO, Mr. DAINES, Mr. RISCH, and Ms. LUMMIS):

S. 4986. A bill to amend the Internal Revenue Code of 1986 to remove short-barreled rifles, short-barreled shotguns, and certain

other weapons from the definition of firearms for purposes of the National Firearms Act, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 4987. A bill to require certain nonprofit and not-for-profit social welfare organizations to submit disclosure reports on foreign funding to the Attorney General, and for other purposes; to the Committee on the Judiciary.

By Mr. OSSOFF (for himself, Mr. BRAUN, and Mr. DURBIN):

S. 4988. A bill to establish an inspections regime for the Bureau of Prisons, and for other purposes; to the Committee on the Judiciary.

By Ms. ERNST:

S. 4989. A bill to amend title 10, United States Code, to include additional special considerations for developing and implementing the energy performance goals and energy performance master plan of the Department of Defense and to require a report on the feasibility of terminating energy procurement from foreign entities of concern; to the Committee on Armed Services.

By Mr. TILLIS (for himself and Mr. BURR):

S. 4990. A bill to amend title 40, United States Code, to increase the mileage of the Appalachian Development Highway System to provide for improvements to and expansion of Corridor K in North Carolina, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEE:

S. 4991. A bill to prevent the distribution of intimate visual depictions without consent; to the Committee on the Judiciary.

By Mr. SCOTT of South Carolina (for himself and Mr. WARNER):

S. 4992. A bill to amend the Securities Act of 1933 to extend the maximum period for which a company can be an emerging growth company from 5 years to 10 years; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINRICH:

S. 4993. A bill to authorize the Secretary of Education to award grants for outdoor learning spaces and to develop living schoolyards; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LANKFORD:

S. 4994. A bill to amend the Federal Reserve Act to prohibit the Board of Governors of the Federal Reserve System from discontinuing Federal Reserve notes if a central bank digital currency is issued, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINRICH (for himself and Mr. DAINES):

S. 4995. A bill to require the Secretary of Agriculture and the Secretary of the Interior to prioritize the completion of the Continental Divide National Scenic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself and Mr. GRAHAM):

S. 4996. A bill to amend the National Defense Authorization Act for Fiscal Year 2020 to modify the establishment of a coordinator for detained ISIS members and relevant displaced populations in Syria, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEE:

S. 4997. A bill to prohibit agencies of the government from soliciting or entering into agreements with nongovernmental organizations to conduct voter registration or voter mobilization activities on the property or website of the agency or from using Federal funds to carry out activities directed under Executive Order 14019, and for other purposes; to the Committee on Rules and Administration.

By Ms. DUCKWORTH (for herself, Mr. CASEY, Mr. SCHATZ, and Mr. MARKEY):

S. 4998. A bill to establish uniform accessibility standards for websites and applications of employers, employment agencies, labor organizations, joint labor-management committees, public entities, public accommodations, testing entities, and commercial providers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE:

S. 4999. A bill to provide exemptions from certain Jones Act restrictions to vessels providing disaster relief to Puerto Rico for the areas affected by Hurricane Fiona; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE:

S. 5000. A bill to amend title 5, United States Code, to prohibit investments under the Thrift Savings Plan in certain mutual funds that make investment decisions based primarily on environmental, social, or governance criteria, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HEINRICH (for himself, Mr. HOEVEN, and Mr. LUJAN):

S. 5001. A bill to amend the Communications Act of 1934 to improve access by Indian Tribes to support from universal service programs of the Federal Communications Commission, and for other purposes; to the Committee on Indian Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. HIRONO (for herself and Mr. SCHATZ):

S. Res. 801. A resolution recognizing the 50th anniversary of the establishment of Hanalei National Wildlife Refuge and Pearl Harbor National Wildlife Refuge in the State of Hawaii; to the Committee on Environment and Public Works.

By Mr. GRAHAM (for himself and Mr. BLUMENTHAL):

S. Res. 802. A resolution condemning any attempts by Russia to claim sovereignty over any portion of Ukraine; to the Committee on Foreign Relations.

By Mr. COONS (for himself, Mr. LANKFORD, Mr. RISCH, Mrs. SHAHEEN, Mr. BOOKER, Mr. KAINE, Mr. CARDIN, Mr. HICKENLOOPER, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. PETERS, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Ms. ROSEN, Mrs. FEINSTEIN, Mr. PADILLA, Mr. BROWN, Mr. BENNET, Mrs. GILLIBRAND, Mr. MURPHY, Mr. MORAN, Ms. COLLINS, Mr. CASSIDY, Mrs. FISCHER, Mr. TILLIS, Mr. DAINES, Mr. BRAUN, Mr. BOOZMAN, Mr. SULIVAN, Mr. BLUNT, Mr. INHOFE, Mr. ROMNEY, Mrs. BLACKBURN, Ms. ERNST, Mr. CRUZ, Mr. CORNYN, Mrs. CAPITO, Mr. COTTON, Mr. GRAHAM, and Mr. MARKEY):

S. Res. 803. A resolution condemning the detention and death of Mahsa Amini and calling on the Government of Iran to end its systemic persecution of women; to the Committee on Foreign Relations.

By Mr. MANCHIN (for himself, Mr. SCOTT of South Carolina, Mr. REED, Mr. CASEY, Mrs. CAPITO, Mr. GRAHAM, and Mr. HAWLEY):

S. Res. 804. A resolution designating September 2022 as "National Childhood Cancer Awareness Month"; considered and agreed to.

By Mr. SCHATZ (for himself, Mr. WICKER, Mr. CARDIN, Mr. THUNE, Mr. WARNER, and Mrs. HYDE-SMITH):

S. Res. 805. A resolution supporting the designation of the week of September 18 through September 24, 2022 as "Telehealth Awareness Week"; considered and agreed to.

By Ms. CORTEZ MASTO (for herself and Ms. ROSEN):

S. Res. 806. A resolution commending and congratulating the Las Vegas Aces basketball team on winning the 2022 Women's National Basketball Association championship; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. MORAN, Mr. THUNE, Mr. CRAMER, Mr. BRAUN, Mr. INHOFE, Mr. MARSHALL, Ms. SMITH, Ms. LUMMIS, Mr. LUJAN, Mr. BENNET, Mr. PORTMAN, Mr. BOOZMAN, and Mr. TESTER):

S. Res. 807. A resolution designating November 5, 2022, as "National Bison Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 445

At the request of Ms. HASSAN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 445, a bill to amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V, such as buprenorphine, for maintenance or detoxification treatment, and for other purposes.

S. 766

At the request of Ms. CORTEZ MASTO, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 766, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with consumer claim awards.

S. 864

At the request of Mr. KAINE, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 864, a bill to extend Federal Pell Grant eligibility of certain short-term programs.

S. 1024

At the request of Mr. DURBIN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 1024, a bill to enhance our Nation's nurse and physician workforce during the COVID-19 crisis by recapturing unused immigrant visas.

S. 1079

At the request of Mr. HEINRICH, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Colorado (Mr. HICKENLOOPER) were added as cosponsors of S. 1079, a bill to award a Congressional Gold Medal to the troops from the United States and the Philippines who defended Bataan and Corregidor, in recognition of their personal sacrifice and service during World War II.

S. 1216

At the request of Mr. GRASSLEY, the name of the Senator from Nevada (Ms. CORTEZ MASTO) was added as a cospon-

sor of S. 1216, a bill to extend the temporary scheduling order for fentanyl-related substances.

S. 1408

At the request of Mr. MARKEY, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of S. 1408, a bill to posthumously award the Congressional Gold Medal, collectively, to Glen Doherty, Tyrone Woods, J. Christopher Stevens, and Sean Smith, in recognition of their contributions to the Nation.

S. 1457

At the request of Mr. MARKEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1457, a bill to establish programs to address addiction and overdoses caused by illicit fentanyl and other opioids, and for other purposes.

S. 1670

At the request of Ms. ERNST, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1670, a bill to amend the Internal Revenue Code of 1986 to provide a non-refundable credit for working family caregivers.

S. 1793

At the request of Mr. MANCHIN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 1793, a bill to amend title XXVII of the Public Health Service Act to improve health care coverage under vision and dental plans, and for other purposes.

S. 1893

At the request of Mr. TESTER, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 1893, a bill to amend title XVIII of the Social Security Act to support rural residency training funding that is equitable for all States, and for other purposes.

S. 2287

At the request of Ms. BALDWIN, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 2287, a bill to improve Federal population surveys by requiring the collection of voluntary, self-disclosed information on sexual orientation and gender identity in certain surveys, and for other purposes.

S. 2981

At the request of Ms. BALDWIN, her name was added as a cosponsor of S. 2981, a bill to amend the National Housing Act to establish a mortgage insurance program for first responders, and for other purposes.

S. 3357

At the request of Mr. BOOKER, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 3357, a bill to substantially restrict the use of animal testing for cosmetics.

S. 3531

At the request of Mr. COONS, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 3531, a bill to require the Federal Government to produce a national climate adaptation and resilience strategy, and for other purposes.

S. 3638

At the request of Mr. DURBIN, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 3638, a bill to provide lawful permanent resident status for certain advanced STEM degree holders, and for other purposes.

S. 3678

At the request of Mr. WARNOCK, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3678, a bill to authorize the National Detector Dog Training Center, and for other purposes.

S. 3855

At the request of Mr. LUJAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of S. 3855, a bill to amend section 7014 of the Elementary and Secondary Education Act of 1965 to advance toward full Federal funding for impact aid, and for other purposes.

S. 3972

At the request of Mr. BOOKER, the names of the Senator from Georgia (Mr. WARNOCK) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 3972, a bill to improve research and data collection on stillbirths, and for other purposes.

S. 4168

At the request of Mr. PORTMAN, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 4168, a bill to amend title 54, United States Code, to reauthorize the National Park Foundation.

S. 4295

At the request of Mr. CRAPO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 4295, a bill to amend securities and banking laws to make the information reported to financial regulatory agencies electronically searchable, to further enable the development of regulatory technologies and artificial intelligence applications, to put the United States on a path towards building a comprehensive Standard Business Reporting program to ultimately harmonize and reduce the private sector's regulatory compliance burden, while enhancing transparency and accountability, and for other purposes.

S. 4325

At the request of Ms. SINEMA, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 4325, a bill to amend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes.

S. 4505

At the request of Mr. ROUNDS, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of S. 4505, a bill to amend title 38, United States Code, to improve the program for direct housing loans made to Native American veterans, and for other purposes.

S. 4565

At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 4565, a bill to amend title 38, United States Code, to repeal the copayment requirement for recipients of Department of Veterans Affairs payments or allowances for beneficiary travel, and for other purposes.

S. 4573

At the request of Ms. COLLINS, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Missouri (Mr. BLUNT), the Senator from Arizona (Mr. KELLY) and the Senator from Kentucky (Mr. McCONNELL) were added as cosponsors of S. 4573, a bill to amend title 3, United States Code, to reform the Electoral Count Act, and to amend the Presidential Transition Act of 1963 to provide clear guidelines for when and to whom resources are provided by the Administrator of General Services for use in connection with the preparations for the assumption of official duties as President or Vice President.

S. 4649

At the request of Mr. CASEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 4649, a bill to amend the Global Food Security Act of 2016 to improve the comprehensive strategic approach for United States foreign assistance to developing countries to reduce global poverty and hunger, achieve food and nutrition security, promote inclusive, sustainable, agricultural-led economic growth, improve nutritional outcomes, especially for women and children, build resilience among vulnerable populations, and for other purposes.

S. 4702

At the request of Mr. KAINE, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 4702, a bill to impose limits on excepting competitive service positions from the competitive service, and for other purposes.

S. 4709

At the request of Mr. LUJAN, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 4709, a bill to direct the Secretary of Agriculture to amend regulations to allow for certain packers to have an interest in market agencies, and for other purposes.

S. 4717

At the request of Mr. BENNET, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 4717, a bill to authorize the Director of the Bureau of Land Management and

the Director of the National Park Service to carry out activities to control the movement of aquatic invasive species into, across, and out of Federal land and waters, to provide for financial assistance from the Commissioner of Reclamation to Reclamation States for watercraft inspection and decontamination stations, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to make certain technical corrections, and for other purposes.

S. 4837

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 4837, a bill to amend the Omnibus Public Land Management Act of 2009 to establish within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, and for other purposes.

S. 4840

At the request of Mr. GRAHAM, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 4840, a bill to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes.

S. 4867

At the request of Mr. LUJAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4867, a bill to provide enhanced student loan relief to educators.

S. 4876

At the request of Mr. DAINES, his name was added as a cosponsor of S. 4876, a bill to punish the distribution of fentanyl resulting in death as felony murder.

At the request of Mr. MARSHALL, his name was added as a cosponsor of S. 4876, *supra*.

S. 4882

At the request of Mr. PETERS, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 4882, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs.

S. 4892

At the request of Mr. SCOTT of South Carolina, the names of the Senator from Florida (Mr. SCOTT), the Senator from Idaho (Mr. RISCH), the Senator from Idaho (Mr. CRAPO) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 4892, a bill to require elementary and middle schools that receive Federal funds to obtain parental consent before changing a minor child's gender markers, pronouns, or preferred name on any school form, allowing a child to change the child's sex-based accommodations, including locker rooms or bathrooms.

S. CON. RES. 10

At the request of Ms. STABENOW, the name of the Senator from Arizona (Ms.

SINEMA) was added as a cosponsor of S. Con. Res. 10, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. RES. 774

At the request of Mr. GRASSLEY, the names of the Senator from Florida (Mr. SCOTT), the Senator from Mississippi (Mrs. HYDE-SMITH), the Senator from Maine (Ms. COLLINS) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. Res. 774, a resolution designating September 2022 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

AMENDMENT NO. 5524

At the request of Mr. DURBIN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 5524 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5546

At the request of Mr. LANKFORD, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of amendment No. 5546 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5585

At the request of Mr. CORNYN, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 5585 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5601

At the request of Mrs. FEINSTEIN, the names of the Senator from Colorado (Mr. HICKENLOOPER) and the Senator from Arizona (Ms. SINEMA) were added as cosponsors of amendment No. 5601 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5639

At the request of Mr. WARNOCK, the name of the Senator from California

(Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 5639 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5640

At the request of Mr. WARNOCK, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 5640 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5643

At the request of Mr. WARNOCK, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a cosponsor of amendment No. 5643 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5706

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 5706 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5707

At the request of Mr. CRUZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 5707 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5709

At the request of Mr. CRUZ, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 5709 intended to be proposed to H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THUNE (for himself and Mr. CARDIN):

S. 4969. A bill to amend the Internal Revenue Code of 1986 to disallow a deduction for charitable contributions for certain purposes relating to college athletics; to the Committee on Finance.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Athlete Opportunity and Taxpayer Integrity Act".

SEC. 2. DISALLOWANCE OF DEDUCTION FOR CONTRIBUTIONS FOR CERTAIN PURPOSES RELATING TO COLLEGE ATHLETICS.

(a) IN GENERAL.—Section 170 of the Internal Revenue Code of 1986 is amended by redesignating subsections (p) and (q) as subsections (q) and (r), respectively, and by inserting after subsection (o) the following new subsection:

“(p) CONTRIBUTIONS FOR CERTAIN PURPOSES RELATING TO COLLEGE ATHLETICS.—

“(1) IN GENERAL.—No deduction shall be allowed for any contribution any portion of which is used by the donee to compensate 1 or more secondary or post-secondary school athletes for the use of their name, image, or likeness by reason of their status as athletes.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any contribution made directly to an organization which is an eligible educational institution (as defined in section 25A(f)(2)).”

(b) CONFORMING AMENDMENT.—Section 63(b)(4) of the Internal Revenue Code of 1986 is amended by striking “170(p)” and inserting “170(q)”.’

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after the date of the enactment of this Act.

By Mr. PADILLA (for himself, Ms. WARREN, Mr. LUJÁN, and Mr. DURBIN):

S. 4974. A bill to amend section 249 of the Immigration and Nationality Act to render available to certain long-term residents of the United States the benefit under that section; to the Committee on the Judiciary.

Mr. PADILLA. Mr. President, I rise to introduce the Renewing Immigration Provisions of the Immigration Act of 1929 Act.

There are currently 11 million non-citizens in the United States. It is not feasible or productive to remove all them. The vast majority of these non-citizens have established roots in the United States and are law-abiding citizens. They have made contributions to

their communities and have served as essential workers during the pandemic. Leaving them without a path to permanent residence denies them the opportunity to become full participants in our society.

This legislation would ensure that long-term residents who have lived in the United States continuously for at least 7 years are able to apply for lawful permanent residence.

The Renewing Immigration Provisions of the Immigration Act of 1929 Act would amend the existing registry statute in the Immigration and Nationality Act by establishing a rolling cutoff date of 7 years prior to the date that an immigrant files an application to register permanent or adjusted status.

This bill would ensure that long-term residents already in the United States who have been waiting for a visa number to become available for over 7 years can immediately file an application to register permanent or adjust status.

This legislation also provides a much needed pathway to a green card for Dreamers and forcibly displaced citizens, such as TPS holders, who have been in legal limbo for many years.

Finally, the bill would preempt the need for further congressional action by making the eligibility cutoff rolling, instead of tying it to a specific date, as it is now.

Advancing the registry date is not unprecedented. Congress has updated the registry in a bipartisan fashion four times since it was first codified in 1929. As a result of the 1958 changes, the registry mechanism became available to immigrants who had entered the country improperly or who had overstayed or who violated the terms of a temporary period of entry. With this change, Congress intended the registry to be a mechanism for noncitizens to adjust to lawful permanent resident status.

Currently, the eligibility cutoff date is January 1, 1972, more than 50 years ago. Fewer and fewer immigrants are able to meet this cutoff entry date requirement, rendering this provision all but useless. From 2015 to 2019 only 305 individuals were able to adjust their status based on the registry, down from 58,914 from 1985 to 1989.

It is imperative that we provide immigrants who have been living with uncertainty about their futures a path to permanent residence status.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 801—RECOGNIZING THE 50TH ANNIVERSARY OF THE ESTABLISHMENT OF HANALEI NATIONAL WILDLIFE REFUGE AND PEARL HARBOR NATIONAL WILDLIFE REFUGE IN THE STATE OF HAWAII

Ms. HIRONO (for herself and Mr. SCHATZ) submitted the following reso-

lution; which was referred to the Committee on Environment and Public Works:

S. RES. 801

Whereas, on October 17, 1972, Pearl Harbor National Wildlife Refuge was established as mitigation for the construction of the Honolulu International Airport Reef Runway;

Whereas effective management of Pearl Harbor National Wildlife Refuge has necessitated partnerships between the U.S. Fish and Wildlife Service, the Navy, the Federal Aviation Administration, the State of Hawaii, and several private conservation organizations, as well as the general public;

Whereas Pearl Harbor National Wildlife Refuge protects some of the last remaining wetlands on Oahu and is home to threatened and endangered wildlife and plants;

Whereas the Honouliuli and Waiawa units of Pearl Harbor National Wildlife Refuge are managed under a cooperative agreement with the Navy to provide wetland habitat for 4 endangered waterbirds: the aeo (Hawaiian stilt), the alae keokeo (Hawaiian coot), the alae ula (Hawaiian moorhen), and the koloa maoli (Hawaiian duck);

Whereas the Honouliuli unit of Pearl Harbor National Wildlife Refuge has served as a conservation site for the endangered endemic Ko oloa ula shrub (*Abutilon menziesii*) since its translocation there in 2002 and 2003;

Whereas the Kalaeloa unit of Pearl Harbor National Wildlife Refuge was established in 2001 to protect and enhance the habitat for 2 endangered plants, the akoko and the ewa hinahina, and is home to the largest and second largest populations of these plants, respectively;

Whereas all 3 units of Pearl Harbor National Wildlife Refuge are closed to the general public to protect endangered wildlife but provide educational and volunteer opportunities during the nonbreeding season of the aeo;

Whereas the Honouliuli unit of Pearl Harbor National Wildlife Refuge serves as the site of the wetlands education program conducted by the Hawaii Nature Center, bringing more than 4,000 third-grade students to the Honouliuli unit during the fall semester to learn about the recovery of Hawaii's waterbirds and the value of wetlands;

Whereas Hanalei National Wildlife Refuge was established under the Endangered Species Conservation Act of 1969 (Public Law 89-669; 80 Stat. 926) on November 30, 1972, to aid in the recovery of threatened and endangered species, including the aeo, the alae keokeo, the alae ula, the koloa maoli, and the nene (Hawaiian goose);

Whereas Hanalei National Wildlife Refuge consists of 917 acres in Hanalei Valley on the north shore of Kauai island and includes a portion of the Hanalei River, a designated American Heritage River;

Whereas Hanalei National Wildlife Refuge provides an important habitat for a diverse array of fish, wildlife, and plants, including 27 species of migratory waterfowl, 23 species of migratory shorebirds, and all 5 species of endemic Hawaiian oopu (amphidromous gobies);

Whereas kalo farming has occurred for several hundred years in Hanalei Valley and remains an ecologically, culturally, and economically important practice on Hanalei National Wildlife Refuge;

Whereas kalo farming in the greater Hanalei watershed, including Hanalei National Wildlife Refuge, provides shallow-water habitat for threatened and endangered waterbirds and generates at least 40 percent of all kalo grown in the State of Hawaii; and

Whereas the U.S. Fish and Wildlife Service is opening the new Hanalei Viewpoint to provide residents and visitors with increased op-

portunities to learn about and connect with the natural and cultural history of Hanalei Valley and the Hanalei National Wildlife Refuge; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates and celebrates Pearl Harbor National Wildlife Refuge and Hanalei National Wildlife Refuge on the 50th anniversary of their establishment;

(2) acknowledges the range of natural and cultural wonders that make up the other national wildlife refuges of the State of Hawaii, including—

(A) Hawaiian Islands National Wildlife Refuge;

(B) Huleia National Wildlife Refuge;

(C) Kakahaia National Wildlife Refuge;

(D) James Campbell National Wildlife Refuge;

(E) Kilauea Point National Wildlife Refuge;

(F) Hakalau Forest National Wildlife Refuge;

(G) Kealia Pond National Wildlife Refuge; and

(H) Oahu Forest National Wildlife Refuge; and

(3) encourages the people of Hawaii and of the United States to learn about, support, and appreciate those national wildlife refuges, which are national treasures.

SENATE RESOLUTION 802—CONDEMNING ANY ATTEMPTS BY RUSSIA TO CLAIM SOVEREIGNTY OVER ANY PORTION OF UKRAINE

Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 802

Whereas the Russian Federation violated the sovereignty of Ukraine beginning with the illegal annexation of Crimea and its invasion into eastern Ukraine;

Whereas beginning in February 2022, the Russian Federation sought to further violate Ukraine's sovereignty by launching unprovoked military action against Ukraine;

Whereas on September 22, 2022, the North Atlantic Treaty Organization condemned the then upcoming referendum stating that the "[s]ham referenda in the Donetsk, Luhansk, Zaporizhzhia, and Kherson regions of Ukraine have no legitimacy and will be a blatant violation of the UN Charter. NATO Allies will not recognize their illegal and illegitimate annexation. These lands are Ukraine. We call on all states to reject Russia's blatant attempts at territorial conquest";

Whereas on September 23, 2022, President Joe Biden stated, "The United States will never recognize Ukrainian territory as anything other than part of Ukraine.";

Whereas beginning on September 23, 2022, Russia conducted sham referenda in 4 Ukrainian regions (Donetsk, Luhansk, Kherson, and Zaporizhzhia) in an attempt to validate Moscow's illegal annexation of the territory;

Whereas reports indicate that—

(1) Ukrainians have been forced to vote in the sham referenda "under a gun barrel"; and

(2) Russian officials have visited schools, hospitals, and other workplaces to force Ukrainians to vote in favor of annexation; and

Whereas the Kremlin has stated that once the sham referenda are concluded, the process of absorbing the annexed areas into Russia will be completed "promptly": Now, therefore, be it

Resolved, That the Senate—

(1) refuses to recognize any claim of sovereignty by the Russian Federation over any portion of Ukraine;

(2) views the recent sham referenda beginning on September 23, 2022, directed by the Government of the Russian Federation, as a violation of international law; and

(3) calls upon the President of the United States to restrict all economic and military aid and assistance to any nation that recognizes Russian sovereignty over any portion of Ukraine.

SENATE RESOLUTION 803—CON-DEMNING THE DETENTION AND DEATH OF MAHSA AMINI AND CALLING ON THE GOVERNMENT OF IRAN TO END ITS SYSTEMIC PERSECUTION OF WOMEN

Mr. COONS (for himself, Mr. LANKFORD, Mr. RISCH, Mrs. SHAHEEN, Mr. BOOKER, Mr. Kaine, Mr. CARDIN, Mr. HICKENLOOPER, Mr. VAN HOLLEN, Mr. BLUMENTHAL, Mr. PETERS, Mrs. MURRAY, Mr. SANDERS, Mr. DURBIN, Ms. ROSEN, Mrs. FEINSTEIN, Mr. PADILLA, Mr. BROWN, Mr. BENNET, Mrs. GILLIBRAND, Mr. MURPHY, Mr. MORAN, Ms. COLLINS, Mr. CASSIDY, Mrs. FISCHER, Mr. TILLIS, Mr. DAINES, Mr. BRAUN, Mr. BOOZMAN, Mr. SULLIVAN, Mr. BLUNT, Mr. INHOFE, Mr. ROMNEY, Mrs. BLACKBURN, Ms. ERNST, Mr. CRUZ, Mr. CORNYN, Mrs. CAPITO, Mr. COTTON, Mr. GRAHAM, and Mr. MARKEY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 803

Whereas Mahsa Amini, a 22-year-old Iranian woman, died in the custody of the Morality Police of Iran after being detained for purportedly wearing a hijab “improperly”;

Whereas the Morality Police of Iran, an element of the Law Enforcement Forces of Iran, continually suppress Iranian women’s right to freedom of expression and opinion, including restrictions on women’s clothing such as compulsory wearing of the hijab;

Whereas the protests over the death of Ms. Amini are the largest in Iran since 2019 and have spread throughout the capital of Iran, all of the 31 provinces of Iran, and at least 80 other cities and towns nationwide;

Whereas the Government of Iran has instituted a violent crackdown against peaceful protesters following the death of Ms. Amini, resulting in the injury and detention of hundreds of protesters and the deaths of at least 41 people as of September 26, 2022;

Whereas, to prevent protests from spreading, the biggest telecommunications operator in Iran largely shut down mobile internet access—the most severe internet restriction in the country since 2019;

Whereas the Government of Iran consistently engages in a range of human rights abuses in addition to its systematic persecution of women and peaceful protesters, including—

- (1) unlawful or arbitrary killings;
- (2) trials without due process;
- (3) forced disappearances;
- (4) torture;
- (5) arbitrary arrest and detention;
- (6) harsh and life-threatening prison conditions;
- (7) transnational attacks against dissidents;
- (8) severe restrictions on free expression and the media;
- (9) substantial interference with the freedom of peaceful assembly and freedom of association;

(10) severe restrictions on religious freedom; and

(11) restrictions on the ability of citizens to change their government peacefully through free and fair elections;

Whereas the Government of Iran is ranked as one of the worst human rights violators in the world, having received a 14 out of 100 “Global Freedom Score” and a 16 out of 100 “Internet Freedom Score” from Freedom House;

Whereas Iran has been designated as a “country of particular concern” by the Department of State for its suppression of religious freedom every year since 1999; and

Whereas improvements in the human rights of women, freedom of expression, and other human rights are fundamental to strengthening the accountability of the Government of Iran to its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) condemns the detention and death of Mahsa Amini;

(2) recognizes the bravery and right of the Iranian people protesting the death of Ms. Amini, including many Iranian women;

(3) calls on the Government of Iran to end its systemic persecution of women;

(4) calls on the Government of Iran to allow peaceful protest and free elections;

(5) supports human rights, including the human rights of women in Iran; and

(6) supports holding all human rights violators in Iran to account.

SENATE RESOLUTION 804—DESIGNATING SEPTEMBER 2022 AS “NATIONAL CHILDHOOD CANCER AWARENESS MONTH”

Mr. MANCHIN (for himself, Mr. SCOTT of South Carolina, Mr. REED, Mr. CASEY, Mrs. CAPITO, Mr. GRAHAM, and Mr. HAWLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 804

Whereas, each year, more than 15,500 children under the age of 19 in the United States are diagnosed with cancer;

Whereas, every year, more than 1,700 children in the United States lose their lives to cancer;

Whereas childhood cancer is the leading cause of death from disease and the second overall leading cause of death for children in the United States;

Whereas the 5-year survival rate for children with cancer in the United States has increased from 58 percent in the mid-1970s to 85 percent in 2022, representing a significant improvement from previous decades;

Whereas approximately two-thirds of children in the United States who survive cancer will develop at least one chronic health condition, and many survivors will face a late effect from treatment that can be severe or life-threatening;

Whereas cancer patients face a higher risk of contracting COVID-19 due to weakened immune systems; and

Whereas childhood cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2022 as “National Childhood Cancer Awareness Month”;

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the month with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer;

(3) encourages survivors of childhood cancer to continue to receive ongoing monitoring and physical and psychosocial care throughout their adult lives;

(4) recognizes the human toll of cancer and pledges to make the prevention of and cure for cancer a public health priority; and

(5) reminds the people of the United States of the bravery of children who are diagnosed with cancer, and commends and honors the courage of such children.

SENATE RESOLUTION 805—SUPPORTING THE DESIGNATION OF THE WEEK OF SEPTEMBER 18 THROUGH SEPTEMBER 24, 2022 AS “TELEHEALTH AWARENESS WEEK”

Mr. SCHATZ (for himself, Mr. WICKER, Mr. CARDIN, Mr. THUNE, Mr. WARNER, and Mrs. HYDE-SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 805

Whereas telehealth allows a health care practitioner to furnish health care services to a patient or a practitioner at a different physical location than the health care practitioner;

Whereas telehealth has played a significant role in supporting access to quality health care services for millions of patients during the COVID-19 public health emergency and will continue to be essential beyond the end of the public health emergency;

Whereas more than 28,000,000 Medicare beneficiaries used telehealth during the first year of the COVID-19 pandemic;

Whereas Medicare beneficiaries used 88 times more telehealth services during the first year of the COVID-19 pandemic than they did in the prior year while the overall use of health care services among such beneficiaries remained relatively stable;

Whereas, following the unprecedented use of telehealth and virtual care services in response to the public health emergency, telehealth now represents a critical component of care delivery, demonstrating the need to balance in-person and virtual care in the health care system;

Whereas, in 2021, 91 percent of Medicare beneficiaries were satisfied with their telehealth experiences;

Whereas legislative efforts to increase telehealth access have received bipartisan support in the Senate and the House of Representatives;

Whereas the United States has the opportunity to help improve broader access to health services for all individuals, including members of rural and underserved communities; and

Whereas “Telehealth Awareness Week” unites the efforts of patients, caregivers, health care providers, policymakers, and other stakeholders to advance the role of telehealth in health care: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of the week of September 18 through September 24, 2022, as “Telehealth Awareness Week”;

(2) recognizes the impact of telehealth in delivering health care services for patients across the United States; and

(3) urges that steps should be taken—

(A) to raise awareness about the benefits of expanding telehealth;

(B) to highlight resources for health care providers and patients regarding telehealth;

(C) to collect and analyze data on the impacts of telehealth; and

(D) to promote continued access to telehealth for all communities and across settings beyond the COVID-19 pandemic.

**SENATE RESOLUTION 806—COM-
MENDING AND CONGRATU-
LATING THE LAS VEGAS ACES
BASKETBALL TEAM ON WINNING
THE 2022 WOMEN'S NATIONAL
BASKETBALL ASSOCIATION
CHAMPIONSHIP**

Ms. CORTEZ MASTO (for herself and Ms. ROSEN) submitted the following resolution; which was considered and agreed to:

S. RES. 806

Whereas, on September 18, 2022, the professional women's basketball team the Las Vegas Aces (referred to in this preamble as the "Aces") won the Women's National Basketball Association (referred to in this preamble as the "WNBA") championship (referred to in this preamble as "the championship");

Whereas the Aces defeated the Connecticut Sun in Game 4 of the 2022 WNBA Finals, winning the championship 3 games to 1;

Whereas the championship is the first for the Aces franchise and also marks the first major league professional sports championship in the history of the city of Las Vegas and the State of Nevada;

Whereas Aces head coach Becky Hammon led the team to the championship, becoming—

(1) the first former WNBA player to coach a championship team; and

(2) the first coach in WNBA history to win a title in her first season as a head coach since the inaugural season of the WNBA;

Whereas Aces player A'ja Wilson was named—

(1) WNBA Defensive Player of the Year; and

(2) WNBA Most Valuable Player (referred to in this preamble as "MVP") for the second time, following her selection as MVP in 2020, becoming the seventh player in WNBA history to be so honored more than once;

Whereas Aces player Chelsea Gray was named—

(1) WNBA Finals MVP, finishing Game 4 of the Finals with a game-high 20 points in the 78-71 win to help clinch the championship for the Aces; and

(2) MVP of the Commissioner's Cup, earlier in the 2022 season;

Whereas Aces players Kierstan Bell, Sydney Colson, Dearica Hamby, Theresa Plaisance, Kelsey Plum, Ilana Rupert, Aisha Sheppard, Kiah Stokes, Riquna Williams, and Jackie Young should be congratulated for their dedication, teamwork, and display of impressive athletic talent;

Whereas behind the Aces players is a team of coaches and support staff, without whom those players could not have been successful;

Whereas Aces owner Mark Davis is a champion for women in sports and has invested significantly in the Aces, advancing the game of basketball;

Whereas the members of the Aces organization are committed to enriching and impacting the Las Vegas community, actively participating in community efforts through partnerships with schools and community-based organizations that promote—

- (1) diversity and inclusion;
- (2) health and wellness; and
- (3) education; and

Whereas the Aces represent their loyal fans, the Las Vegas community, and the entire State of Nevada with a commitment to excellence: Now, therefore, be it

Resolved, That the Senate—

(1) commends and congratulates the Las Vegas Aces on winning the 2022 Women's National Basketball Association championship and completing a successful 2022 season;

(2) recognizes the achievements of all players, coaches, and staff who contributed to the success of the Las Vegas Aces during the 2022 season; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) Las Vegas Aces owner Mark Davis;

(B) Las Vegas Aces President Nikki Fargas and General Manager Natalie Williams; and

(C) Las Vegas Aces Head Coach Becky Hammon.

**SENATE RESOLUTION 807—DESIG-
NATING NOVEMBER 5, 2022, AS
"NATIONAL BISON DAY"**

Mr. HOEVEN (for himself, Mr. HEINRICH, Mr. MORAN, Mr. THUNE, Mr. CRAMER, Mr. BRAUN, Mr. INHOFE, Mr. MARSHALL, Ms. SMITH, Ms. LUMMIS, Mr. LUJÁN, Mr. BENNET, Mr. PORTMAN, Mr. BOOZMAN, and Mr. TESTER) submitted the following resolution; which was considered and agreed to:

S. RES. 807

Whereas, on May 9, 2016, the North American bison was adopted as the national mammal of the United States;

Whereas bison are considered a historical and cultural symbol of the United States;

Whereas bison are integrally linked with the economic and spiritual lives of many Indian Tribes through trade and sacred ceremonies;

Whereas there are approximately 76 Indian Tribes participating in the InterTribal Buffalo Council, which is a Tribal organization incorporated pursuant to section 17 of the Act of June 18, 1934 (commonly known as the "Indian Reorganization Act") (48 Stat. 988, chapter 576; 25 U.S.C. 5124);

Whereas numerous members of Indian Tribes are involved in bison restoration on Tribal land;

Whereas members of Indian Tribes have a combined herd of almost 20,000 bison on more than 1,000,000 acres of Tribal land;

Whereas bison play an important role in the health of the wildlife, landscapes, and grasslands of the United States;

Whereas bison hold significant economic value for private producers and Tribal and rural communities;

Whereas, as of 2017, the Department of Agriculture estimates that 182,780 head of bison were under the stewardship of private producers, creating jobs and contributing to the food security of the United States by providing a sustainable and healthy meat source;

Whereas a bison has been depicted on the official seal of the Department of the Interior since 1912;

Whereas the Department of the Interior has launched the Bison Conservation Initiative, a 10-year cooperative initiative to coordinate the conservation and restoration of wild American bison;

Whereas a bison is portrayed on 2 State flags;

Whereas the bison has been adopted by 3 States as the official mammal or animal of those States;

Whereas the buffalo nickel played an important role in modernizing the currency of the United States;

Whereas several sports teams and businesses have the bison as a mascot, which highlights the iconic and cultural significance of bison in the United States;

Whereas Indigenous communities and a group of ranchers helped save bison from extinction in the late 1800s by gathering the remaining bison of the diminished herds;

Whereas, on December 8, 1905, William Hornaday, Theodore Roosevelt, and others formed the American Bison Society in response to the near extinction of bison in the United States;

Whereas, on October 11, 1907, the American Bison Society sent 15 captive-bred bison from the New York Zoological Park, now known as the "Bronx Zoo", to the first big game refuge in the United States, now known as the "Wichita Mountains Wildlife Refuge";

Whereas, in 2005, the American Bison Society was reestablished, bringing together bison ranchers, Native American leaders and bison herd managers, Federal and State agencies, conservation organizations, artists and writers, young people, and natural and social scientists from the United States, Canada, and Mexico to create a vision for the North American bison in the 21st century;

Whereas there are bison herds in national wildlife refuges, national parks, and national forests, and on other Federal land;

Whereas there are bison in State-managed herds across 11 States;

Whereas private, public, and Tribal bison leaders are working together to continue bison restoration throughout North America;

Whereas there is a growing effort to celebrate and officially recognize the historical, cultural, and economic significance of the North American bison to the heritage of the United States; and

Whereas members of Indian Tribes, bison producers, conservationists, sportsmen, educators, and other public and private partners have celebrated the annual National Bison Day since 2012 and are committed to continuing this tradition annually on the first Saturday of November: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 5, 2022, the first Saturday of November, as "National Bison Day"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

**AMENDMENTS SUBMITTED AND
PROPOSED**

SA 5747. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5748. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5749. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5750. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5789. Ms. ROSEN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFF) and intended to be proposed to the bill H.R. 7900, *supra*; which was ordered to lie on the table.

SA 5830. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself

and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5831. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5832. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5833. Mr. CASEY (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5834. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5835. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table.

SA 5836. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, supra; which was ordered to lie on the table.

SA 5837. Mr. CARPER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5838. Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5839. Ms. STABENOW submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5840. 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, supra; which was ordered to lie on the table.

SA 5841. Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5842. 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, supra; which was ordered to lie on the table.

SA 5843. Mr. GRAHAM submitted an amendment intended to be proposed to

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

SA 5844. Mr. GRAHAM (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5845. Mr. GRAHAM (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. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5846. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5847. Mr. CRUZ (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5848. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5849. 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, supra; which was ordered to lie on the table.

SA 5850. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5851. Mrs. SHAHEEN (for herself, Mrs. FISCHER, Mr. CORNYN, Mr. CRAMER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5852. Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mr. CARPER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. DURBIN, Ms. BALDWIN, Mr. MENENDEZ, Mr. SANDERS, Mr. KING, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. FEINSTEIN, Ms. HIRONO, Mr. WYDEN, Ms. HASSAN, Ms. CANTWELL, Mr. MURPHY, Mr. LEAHY, Mr. HICKENLOOPER, Ms. WARREN, Mr. BOOKER, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5853. Mrs. SHAHEEN (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5854. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5855. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to

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

SA 5856. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5857. Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. CORNYN, Mr. BLUMENTHAL, Mr. WICKER, Mr. KAINE, Mrs. FISCHER, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. SINEMA, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5858. Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5859. Mr. DURBIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5860. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5861. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5862. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5863. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table.

SA 5864. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 6833, supra; which was ordered to lie on the table.

SA 5865. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 5866. Mr. MORAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5867. Mr. MORAN submitted an amendment intended to be proposed to amendment

SA 5946. Mr. DURBIN (for himself, Mr. MURPHY, Mr. LEAHY, Mr. MEKLEY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, supra; which was ordered to lie on the table.

SA 5988. Mr. LEE submitted an amendment intended to be proposed to amendment SA

SA 6031. Mr. SCHUMER proposed an amendment to the bill H.R. 6833, *supra*.

SA 6032. Mr. SCHUMER proposed an amendment to amendment SA 6031 proposed by Mr. SCHUMER to the bill H.R. 6833, *supra*.

TEXT OF AMENDMENTS

SA 5747. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) SECTION 112B OF TITLE 1.—

(1) IN GENERAL.—Chapter 2 of title 1, United States Code, is amended by striking section 112b and inserting the following:

“§ 112b. United States international agreements and non-binding instruments; transparency provisions

“(a)(1) Not less frequently than once each month, the Secretary shall provide in writing to the appropriate congressional committees the following:

“(A)(i) A list of all international agreements approved for negotiation by the Secretary or another Department of State officer at the Assistant Secretary level or higher and a list of all qualifying non-binding instruments described in subsection (1)(6)(A)(ii)(II) approved for negotiation by the appropriate department or agency during the prior month, or, in the event an international agreement or qualifying non-binding instrument is not included in the lists required by this clause, a certification corresponding to the international agreement or qualifying non-binding instrument as authorized under paragraph (5)(A).

“(ii) A description of the intended subject matter and parties to or participants for each international agreement and qualifying non-binding instrument listed pursuant to clause (i).

“(B)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

“(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and that, in the view of the appropriate department or agency, provides authorization for each qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement, the Secretary shall cite all such authorities, and if multiple authorities are relied upon in relation to a qualifying non-binding instrument, the appropriate department or agency shall cite all such authorities. All citations to the Constitution of the United States, a treaty, or a statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes ar-

ticle II of the Constitution of the United States, the Secretary or appropriate department or agency shall explain the basis for that reliance.

“(C)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

“(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i) if such text differs from the text of the agreement or instrument previously provided pursuant to subparagraph (B)(ii).

“(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

“(2) Not less frequently than once every three months, the Secretary shall provide in writing to the appropriate congressional committees the following:

“(A) A list of all qualifying non-binding instruments described in subsection (1)(6)(A)(ii)(I) approved for negotiation by the appropriate department or agency during the prior three months, or, in the event a qualifying non-binding instrument is not included in the list required by this subparagraph, a certification corresponding to the qualifying non-binding instrument as authorized under paragraph (5)(A).

“(B) A description of the intended subject matter and participants for each qualifying non-binding instrument listed pursuant to subparagraph (A).

“(3) The information and text required by paragraphs (1) and (2) shall be submitted in unclassified form, but may include a classified annex.

“(4) In the case of a general authorization issued for the negotiation or conclusion of a series of international agreements of the same general type, the requirements of paragraph (1)(A) may be satisfied by the provision in writing of—

“(A) a single notification containing all the information required by paragraph (1)(A); and

“(B) a list, to the extent described in such general authorization, of the countries or entities with which such agreements are contemplated.

“(5)(A) The Secretary may, on a case-by-case basis, waive the requirements of paragraph (1)(A) or (2)(A) with respect to a specific international agreement or qualifying non-binding instrument, as applicable, for renewable periods of up to 180 days if the Secretary certifies in writing to the appropriate congressional committees that—

“(i) exercising the waiver authority is vital to the negotiation of a particular international agreement or qualifying non-binding instrument; and

“(ii) the international agreement or qualifying non-binding instrument would significantly and materially advance the foreign policy or national security interests of the United States.

“(B) The Secretary shall brief the Majority Leader and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Chairs and Ranking Members of the appropriate congressional committees on the scope and status of the negotiation that is the subject of the waiver under subparagraph (A)—

“(i) not later than 90 days after the date on which the Secretary exercises the waiver; and

“(ii) once every 180 days during the period in which a renewed waiver is in effect.

“(C) The certification required by subparagraph (A) may be provided in classified form.

“(D) The Secretary shall not delegate the waiver authority or certification requirements under subparagraph (A). The Secretary shall not delegate the briefing requirements under subparagraph (B) to any person other than the Deputy Secretary.

“(b)(1) Not later than 120 days after the date on which an international agreement enters into force, the Secretary shall make the text of the agreement, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement, available to the public on the website of the Department of State.

“(2) Not less frequently than once every 120 days, the Secretary shall make the text of each qualifying non-binding instrument that became operative during the preceding 120 days, and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to each such instrument, available to the public on the website of the Department of State.

“(3) The requirements under paragraphs (1) and (2) shall not apply to the following categories of international agreements or qualifying non-binding instruments, or to information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to such agreements or qualifying non-binding instruments:

“(A) International agreements and qualifying non-binding instruments that contain information that has been given a national security classification pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or any predecessor or successor order, or that contain any information that is otherwise exempt from public disclosure pursuant to United States law.

“(B) International agreements and qualifying non-binding instruments that address specified military operations, military exercises, acquisition and cross servicing, logistics support, military personnel exchange or education programs, or the provision of health care to military personnel on a reciprocal basis.

“(C) International agreements and qualifying non-binding instruments that establish the terms of grant or other similar assistance, including in-kind assistance, financed with foreign assistance funds pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Food for Peace Act (7 U.S.C. 1691 et seq.).

“(D) International agreements and qualifying non-binding instruments, such as project annexes and other similar instruments, for which the principal function is to establish technical details for the implementation of a specific project undertaken pursuant to another agreement or qualifying non-binding instrument that has been published in accordance with paragraph (1) or (2).

“(E) International agreements and qualifying non-binding instruments that have been separately published by a depository or other similar administrative body, except that the Secretary shall make the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1), relating to such agreements or qualifying non-binding instruments, available to the public on the website of the Department of State within the timeframes required by paragraph (1) or (2).

“(c) For any international agreement or qualifying non-binding instrument for which an implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, is not otherwise required to be submitted to the appropriate congressional committees under subparagraphs (B)(ii) or (C)(ii) of subsection (a)(1), not later than 30 days after the date on

which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting the text of any such implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the appropriate congressional committees.

“(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

“(1) notify the Secretary of the approval for negotiation of a qualifying non-binding instrument within 15 days of such approval;

“(2) provide to the Secretary the text of each international agreement not later than 15 days after the date on which such agreement is signed or otherwise concluded;

“(3) provide to the Secretary the text of each qualifying non-binding instrument not later than 15 days after the date on which such instrument is concluded or otherwise becomes finalized;

“(4) provide to the Secretary a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative not later than 15 days after such instrument is signed or otherwise becomes finalized; and

“(5) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

“(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

“(A) be selected from among employees of such department or agency;

“(B) serve concurrently as the Chief International Agreements Officer; and

“(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

“(2) There shall be a Chief International Agreements Officer who serves at the Department of State with the title of International Agreements Compliance Officer.

“(f) The substance of oral international agreements and qualifying non-binding instruments shall be reduced to writing for the purpose of meeting the requirements of subsections (a) and (b).

“(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

“(h)(1) If the Secretary is aware or has reason to believe that the requirements of subsection (a)(1), (a)(2), (b), or (c) have not been fulfilled with respect to an international agreement or qualifying non-binding instrument, the Secretary shall—

“(A) immediately bring the matter to the attention of the office or agency responsible for the agreement or qualifying non-binding instrument; and

“(B) request the office or agency to provide within 7 days the information necessary to fulfill the requirements of the relevant subsection.

“(2) Upon receiving the information requested pursuant to paragraph (1), the Secretary shall—

“(A) fulfill the requirements of subsection (a), (b), or (c), as the case may be, with re-

spect to the agreement or qualifying non-binding instrument concerned—

“(i) by including such information in the next submission required by subsection (a)(1);

“(ii) by providing such information in writing to the appropriate congressional committees before provision of the submission described in clause (i); or

“(iii) in relation to subsection (b), by making the text of the agreement or qualifying non-binding instrument and the information described in subparagraphs (B)(iii) and (C)(iii) of subsection (a)(1) relating to the agreement or instrument available to the public on the website of the Department of State within 15 days; and

“(B) provide to the appropriate congressional committees, either in the next submission required by subsection (a)(1) or before such submission, a written statement explaining the reason for the delay in fulfilling the requirements of subsection (a), (b), or (c), as the case may be.

“(3) Notwithstanding any other provision of law, if the requirements of subsection (a) have not been fulfilled with respect to an international agreement within 45 days of the date on which the Secretary made a request to an office or agency as described in paragraph (1)(B), no amounts appropriated to the Department of State under any law shall be available for obligation or expenditure to implement or to support the implementation of (including through the use of personnel or resources subject to the authority of a chief of mission) that particular international agreement, other than to facilitate compliance with this section, until the Secretary satisfies the substantive requirements in subsection (a) with respect to that particular international agreement.

“(i)(1) Not later than 3 years after the date of the enactment of this section, and not less frequently than once every 3 years thereafter during the 9-year period beginning on the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

“(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

“(A) the cause and scope of such failure or refusal;

“(B) the specific office or offices responsible for such failure or refusal; and

“(C) recommendations for measures to ensure compliance with statutory requirements.

“(3) The Comptroller General shall submit to the appropriate congressional committees in writing the results of each audit required by paragraph (1).

“(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

“(j) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

“(k) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

“(l) In this section:

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Foreign Relations of the Senate; and

“(B) the Committee on Foreign Affairs of the House of Representatives.

“(2) The term ‘appropriate department or agency’ means the department or agency of the United States Government that negotiates and enters into a qualifying non-binding instrument on behalf of itself or the United States.

“(3) The term ‘Deputy Secretary’ means the Deputy Secretary of State.

“(4) The term ‘intelligence community’ has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(5) The term ‘international agreement’ includes—

“(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

“(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

“(6)(A) The term ‘qualifying non-binding instrument’ means a non-binding instrument that—

“(i) is or will be under negotiation, is signed or otherwise becomes operative, or is implemented with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

“(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

“(II) is the subject of a written communication from the Chair or Ranking Member of either of the appropriate congressional committees to the Secretary.

“(B) The term ‘qualifying non-binding instrument’ does not include any non-binding instrument that is signed or otherwise becomes operative or is implemented pursuant to the authorities relied upon by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community.

“(7) The term ‘Secretary’ means the Secretary of State.

“(8)(A) The term ‘text’ with respect to an international agreement or qualifying non-binding instrument includes—

“(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

“(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

“(B) Under clauses (i) and (ii) of subparagraph (A), the term ‘contemporaneously and in conjunction with’ shall be construed liberally and shall not be interpreted to require any action to have occurred simultaneously or on the same day.

“(m) Nothing in this section shall be construed to authorize the withholding from disclosure to the public of any record if such disclosure is required by law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

"112b. United States international agreements and non-binding instruments; transparency provisions."

(3) **TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.**—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking "Section 112b(c)" and inserting "Section 112b(g)".

(4) **MECHANISM FOR REPORTING.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall establish a mechanism for personnel of the Department of State who become aware or who have reason to believe that the requirements of section 112b of title 1, United States Code, as amended by this subsection, have not been fulfilled with respect to an international agreement or qualifying non-binding instrument (as those terms are defined in that section) to report such instances to the Secretary.

(5) **RULES AND REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the President shall, through the Secretary of State, promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by this subsection.

(6) **CONSULTATION AND BRIEFING REQUIREMENT.**—

(A) **CONSULTATION.**—The Secretary of State shall consult with the appropriate congressional committees on matters related to the implementation of this Act and the amendments made by this Act prior to and after the effective date described in subsection (c).

(B) **BRIEFING.**—Not later than 90 days after the date of the enactment of this Act, and once every 90 days thereafter for 1 year, the Secretary of State shall brief the appropriate congressional committees on the status of efforts to implement this Act and the amendments made by this Act.

(C) **DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this paragraph, the term "appropriate congressional committees" means—

(i) the Committee on Foreign Relations of the Senate; and

(ii) the Committee on Foreign Affairs of the House of Representatives.

(7) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Department of State \$1,000,000 for each of fiscal years 2023 through 2027 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by this subsection.

(b) **SECTION 112A OF TITLE 1.**—Section 112a of title 1, United States Code, is amended by striking subsections (b), (c), and (d) and inserting the following:

"(b) Copies of international agreements and qualifying non-binding instruments in the possession of the Department of State but not published, other than the agreements described in subsection (b)(3)(A) of section 112b, shall be made available by the Department of State upon request."

(c) **EFFECTIVE DATE OF AMENDMENTS.**—The amendments made by this Act shall take effect 270 days after the date of the enactment of this Act.

SA 5748. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS REGARDING MILITARY HOUSING.

(a) **BASIC ALLOWANCE FOR HOUSING.**—The Secretary of Defense shall ensure that the Military Compensation Policy directorate within the Office of the Deputy Assistant Secretary of Defense for Military Personnel Policy, in coordination with each military department, not later than one year after the date of the enactment of this Act—

(1) assesses the process of the Department of Defense for collecting rental property data to determine ways to increase the sample size of current representative data and ensure sample size targets are met;

(2) reviews and updates guidance for basic allowance for housing under section 403 of title 37, United States Code, to ensure that information about the rate-setting process for such allowance, including its sampling methodology and use of minimum sample size targets, is accurately and fully reflected in such guidance; and

(3) establishes and implements a process for consistently monitoring anchor points, the interpolation table, external alternative data, and any indications of potential bias by using quality information to set rates for such allowance and ensuring timely remediation of any identified deficiencies.

(b) **WORK ORDER DATA FOR PRIVATIZED MILITARY HOUSING.**—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Sustainment, not later than one year after the date of the enactment of this Act—

(1) requires the military departments to establish a process to validate data collected by privatized military housing partners to better ensure the reliability and validity of work order data and to allow for more effective use of such data for monitoring and tracking purposes; and

(2) provides in future reports to Congress additional explanation of such work order data collected and reported, such as explaining the limitations of available survey data, how resident satisfaction was calculated, and reasons for any missing data.

(c) **FINANCES FOR PRIVATIZED MILITARY HOUSING PROJECTS.**—The Secretary of Defense shall ensure that the Assistant Secretary of Defense for Energy, Installations, and Environment, not later than one year after the date of the enactment of this Act—

(1) takes steps to resume issuing required reports to Congress on the financial condition of privatized military housing in a timely manner;

(2) reports financial information on future sustainment of each privatized military housing project in its reports to Congress;

(3) provides guidance directing the military departments to assess the significance of the specific risks to individual privatized military housing projects resulting from reduction in the basic allowance for housing under section 403 of title 37, United States Code, and identify courses of action to respond to any risks based on the significance of such risks; and

(4) revises its guidance on privatized military housing to require the military departments to define their risk tolerances regarding the future sustainability of their privatized military housing projects.

(d) **PRIVATIZED MILITARY HOUSING DEFINED.**—In this section, the term "privatized military housing" means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 5749. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. COMPTROLLER GENERAL ASSESSMENT OF IMPLEMENTATION OF CERTAIN STATUTORY PROVISIONS INTENDED TO IMPROVE THE EXPERIENCE OF RESIDENTS OF PRIVATIZED MILITARY HOUSING.

(a) **ASSESSMENT REQUIRED.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct an independent assessment of the implementation by the Department of Defense of sections 2890, 2891c(b), and 2894(c) of title 10, United States Code.

(2) **ELEMENTS.**—The assessment required under paragraph (1) shall include—

(A) a summary and evaluation of the analysis and information provided to residents of privatized military housing regarding the assessment of performance indicators pursuant to section 2891c(b) of title 10, United States Code, and the extent to which such residents have requested such an assessment;

(B) a summary of the extent to which the Department collects and uses data on whether members of the Armed Forces and their families residing in privatized military housing, including family and unaccompanied housing, have exercised the rights afforded in the Military Housing Privatization Initiative Tenant Bill of Rights under subsection (a) of section 2890 of title 10, United States Code, to include the rights specified under paragraphs (8), (12), (13), (14), and (15) of subsection (b) of such section, and an evaluation of the implementation by each military department of such section;

(C) an evaluation of the implementation by each military department of section 2894(c) of title 10, United States Code, including, with regard to paragraph (5) of such section—

(i) the number of requests that have been resolved favorably; and

(ii) the number of requests that have been resolved in compliance within the required time period; and

(D) such other matters as the Comptroller General considers necessary.

(b) **BRIEFING AND REPORT.**—

(1) **BRIEFING.**—Not later than March 31, 2022, the Comptroller General shall provide to the Committees on Armed Services of the Senate and the House of Representatives an interim briefing on the assessment conducted under subsection (a).

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the assessment conducted under subsection (a).

(c) **PRIVATIZED MILITARY HOUSING DEFINED.**—In this section, the term "privatized military housing" means military housing provided under subchapter IV of chapter 169 of title 10, United States Code.

SA 5750. Mr. WARNER submitted an amendment intended to be proposed to

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

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

SEC. 564. FOOD INSECURITY AMONG MEMBERS OF THE ARMED FORCES TRANSITIONING OUT OF ACTIVE DUTY SERVICE.

(a) STUDY; EDUCATION AND OUTREACH EFFORTS.—

(1) STUDY.—The Secretary of Defense shall, in conjunction with the Secretary of Veterans Affairs, conduct a study to identify the means by which members of the Armed Forces are provided information about the availability of Federal nutrition assistance programs as they transition out of active duty service.

(2) EDUCATION AND OUTREACH EFFORTS.—The Secretary of Defense, working with the Secretary of Veterans Affairs, shall increase education and outreach efforts to members of the Armed Forces who are transitioning out of active duty service, particularly those members identified as being at-risk for food insecurity, to increase awareness of the availability of Federal nutrition assistance programs and eligibility for those programs.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the results of the study conducted under paragraph (1); and

(B) publish such report on the website of the Department of Defense.

(b) REPORT ON COORDINATION AMONG DEPARTMENTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of Agriculture, shall submit to each congressional committee with jurisdiction over the Department of Defense, the Department of Veterans Affairs, and the Department of Agriculture a report on the coordination, data sharing, and evaluation efforts on food insecurity across those departments.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An accounting of the funding each department referred to in paragraph (1) has obligated toward food insecurity research.

(B) An outline of methods of comparing programs and sharing best practices for addressing food insecurity by each such department.

(C) An outline of—

(i) the plan each such department has to achieve greater government efficiency and cross-agency coordination, data sharing, and evaluation in addressing food insecurity among members of the Armed Forces; and

(ii) efforts that the departments can undertake to improve coordination to better address food insecurity as it impacts members before, during, and after their active duty service.

(D) Any other information the Secretary of Defense, the Secretary of Veterans Affairs, or the Secretary of Agriculture determines to be appropriate.

(c) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—The Comptroller General of the United States shall conduct a study to evaluate the feasibility and advisability of expanding eligibility for the basic needs allowance under section 402b of title 37, United States Code, to individuals during the period following the transition of the individuals out of active duty service, up to three months.

SA 5751. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 916. DESIGNATION OF SENIOR OFFICIAL TO COMBAT FOOD INSECURITY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to be responsible for, and accountable to the Secretary with respect to, combating food insecurity among members of the Armed Forces and their families. The Secretary shall designate the senior official from among individuals who are appointed to a position in the Department by the President, by and with the advice and consent of the Senate.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Oversight of policy, strategy, and planning for efforts of the Department of Defense to combat food insecurity among members of the Armed Forces and their families.

(2) Coordinating with other Federal agencies with respect to combating food insecurity.

(3) Such other matters as the Secretary considers appropriate.

SA 5752. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. REPEAL OF WAIVER AUTHORITY FOR THE PROVISION OF MOST ASSISTANCE TO THE GOVERNMENT OF AZERBAIJAN.

Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115; 22 U.S.C. 5812 note) is amended by striking paragraphs (2) through (6) of subsection (g).

SA 5753. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr.

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

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

SEC. 3118. AMENDMENTS TO THE ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM ACT OF 2000.

(a) SHORT TITLE.—This section may be cited as the “Beryllium Testing Fairness Act”.

(b) MODIFICATION OF DEMONSTRATION OF BERYLLIUM SENSITIVITY.—Section 3621(8)(A) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 73841(8)(A)) is amended—

(1) by striking “established by an abnormal” and inserting the following: “established by—

“(i) an abnormal”;

(2) by striking the period at the end and inserting “; or”;

(3) by adding at the end the following:

“(ii) three borderline beryllium lymphocyte proliferation tests performed on blood cells.”.

(c) EXTENSION OF ADVISORY BOARD ON TOXIC SUBSTANCES AND WORKER HEALTH.—Section 3687(j) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-16(j)) is amended by striking “10 years” and inserting “15 years”.

SA 5754. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. LIMITATION ON TRANSFER OF F-16 AIRCRAFT.

The President may not sell or authorize a license for the export of new F-16 aircraft or F-16 upgrade technology or modernization kits pursuant to any authority provided by the Arms Export Control Act (22 U.S.C. 2751 et seq.) to the Government of Turkey, or to any agency or instrumentality of Turkey, unless the President provides to the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the congressional defense committees a certification—

(1) that such transfer is in the national interest of the United States; and

(2) that includes a detailed description of concrete steps taken to ensure that such F-16s are not used by Turkey for repeated unauthorized territorial overflights of Greece.

SA 5755. Ms. HIRONO (for herself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended

to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1026. BATTLE FORCE SHIP EMPLOYMENT, MAINTENANCE, AND MANNING BASELINE PLANS.

(a) IN GENERAL.—Chapter 863 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8696. Battle force ship employment, maintenance, and manning baseline plans

“(a) IN GENERAL.—Not later than 45 days after the date of delivery of the first ship in a new class of battle force ships, the Secretary of the Navy shall submit to the congressional defense committees a report on the employment, maintenance, and manning baseline plans for the class, including a description of the following:

“(1) The sustainment and maintenance plans for the class that encompass the number of years the class is expected to be in service, including—

“(A) the allocation of maintenance tasks among organizational, intermediate, depot, or other activities;

“(B) the planned duration and interval of maintenance for all depot-level maintenance availabilities; and

“(C) the planned duration and interval of drydock maintenance periods.

“(2) Any contractually required integrated logistics support deliverables for the ship, including technical manuals, and an identification of—

“(A) the deliverables provided to the Government on or before the delivery date; and

“(B) the deliverables not provided to the Government on or before the delivery date and the expected dates those deliverables will be provided to the Government.

“(3) The planned maintenance system for the ship, including—

“(A) the elements of the system, including maintenance requirement cards, completed on or before the delivery date;

“(B) the elements of the system not completed on or before the delivery date and the expected completion date of those elements; and

“(C) the plans to complete planned maintenance from the delivery date until all elements of the system have been completed.

“(4) The coordinated shipboard allowance list for the class, including—

“(A) the items on the list onboard on or before the delivery date; and

“(B) the items on the list not onboard on or before the delivery date and the expected arrival date of those items.

“(5) The ship manpower document for the class, including—

“(A) the number of officers by grade and designator; and

“(B) the number of enlisted personnel by rate and rating.

“(6) The personnel billets authorized for the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

“(A) the number of officers by grade and designator; and

“(B) the number of enlisted personnel by rate and rating.

“(7) Programmed funding for manning and end strength on the ship for the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including—

“(A) the number of officers by grade and designator; and

“(B) the number of enlisted personnel by rate and rating.

“(8) Personnel assigned to the ship on the delivery date, including—

“(A) the number of officers by grade and designator; and

“(B) the number of enlisted personnel by rate and rating.

“(9) For each critical hull, mechanical, electrical, propulsion, and combat system of the class as so designated by the Senior Technical Authority pursuant to section 8669b(c)(2)(C) of this title, the following:

“(A) The Government-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

“(B) The contractor-provided training available for personnel assigned to the ship at the time of delivery, including the nature, objectives, duration, and location of the training.

“(C) Plans to adjust how the training described in subparagraphs (A) and (B) will be provided to personnel after delivery, including the nature and timeline of those adjustments.

“(10) The notional employment schedule of the ship for each month of the fiscal year in which the ship is delivered and each of the four fiscal years thereafter, including an identification of time spent in the following phases:

“(A) Basic.

“(B) Integrated or advanced.

“(C) Deployment.

“(D) Maintenance.

“(E) Sustainment.

“(b) NOTIFICATION REQUIRED.—Not less than 30 days before implementing a significant change to the baseline plans described in subsection (a) or any subsequent significant change, the Secretary of the Navy shall submit to the congressional defense committees written notification of the change, including for each such change the following:

“(1) An explanation of the change.

“(2) The desired outcome.

“(3) The rationale.

“(4) The duration.

“(5) The operational impact.

“(6) The budgetary impact, including—

“(A) in the year in which the change is made;

“(B) over the five years thereafter; and

“(C) over the expected service life of the relevant class of battle force ships.

“(7) The personnel impact, including—

“(A) in the year in which the change is made;

“(B) over the five years thereafter; and

“(C) over the expected service life of the relevant class of battle force ships.

“(8) The sustainment and maintenance impact, including—

“(A) in the year in which the change is made;

“(B) over the five years thereafter; and

“(C) over the expected service life of the relevant class of battle force ships.

“(c) TREATMENT OF CERTAIN SHIPS.—(1) For the purposes of this section, the Secretary of the Navy shall treat as the first ship in a new class of battle force ships the following:

“(A) U.S.S. John F. Kennedy (CVN-79).

“(B) U.S.S. Michael Monsoor (DDG-1001).

“(C) U.S.S. Jack H. Lucas (DDG-125).

“(2) For each ship described in paragraph (1), the Senior Technical Authority shall identify critical systems for the purposes of subsection (a)(9).

“(d) DEFINITIONS.—In this section:

“(1) The term ‘battle force ship’ means the following:

“(A) A commissioned United States Ship warship capable of contributing to combat operations.

“(B) A United States Naval Ship that contributes directly to Navy warfighting or support missions.

“(2) The term ‘delivery’ has the meaning provided for in section 8671 of this title.

“(3) The term ‘Senior Technical Authority’ has the meaning provided for in section 8669b of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of this title is amended by adding at the end the following new item:

“8696. Battle force ship employment, maintenance, and manning baseline plans.”

SA 5756. Mr. COTTON (for himself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 645, between lines 10 and 11, insert the following:

(8) Scandium.

SA 5757. Mr. COTTON (for himself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1414. SUPPORT FOR UNITED STATES PRODUCERS AND PROCESSORS OF STRATEGIC AND CRITICAL MATERIALS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Defense Production Act Fund under section 304 of the Defense Production Act of 1950 (50 U.S.C. 4534) for fiscal year 2023 \$500,000,000 for activities of the Department of Defense pursuant to section 108 and title III of the Defense Production Act of 1950 (50 U.S.C. 4518 and 4531 et seq.).

(2) REQUIREMENTS FOR STRATEGIC AND CRITICAL MINERALS.—Of the amount authorized to be appropriated by paragraph (1), not less than \$200,000,000 shall be available to meet the requirements of the Department of Defense for—

(A) materials specified in paragraphs (1) through (8) of section 1413(a); and

(B) components and unfinished precursors of such materials.

(b) INCREASE IN LIMITATION ON COST OF DEFENSE PRODUCTION ACT PROJECTS FOR STRATEGIC AND CRITICAL MATERIALS.—Section 303(a)(6) of the Defense Production Act (50 U.S.C. 4533(a)(6)) is amended—

(1) in subparagraph (B)—

(A) by striking “If the taking” and inserting the following:

“(i) IN GENERAL.—If the taking”;

(B) by inserting “(except as provided in clause (ii))” after “\$50,000,000”; and

(C) by adding at the end the following:

“(ii) EXCEPTION FOR STRATEGIC AND CRITICAL MINERALS.—If the taking of any action under this subsection to correct a domestic industrial base shortfall in materials, components, or precursors described in section 1414(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 would cause the aggregate outstanding amount of all such actions for such shortfall to exceed \$100,000,000, the action or actions may be taken only after the 30-day period following the date on which the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives have been notified in writing of the proposed action.”; and

(2) in subparagraph (C)—

(A) by striking “If the taking” and inserting the following:

“(i) IN GENERAL.—If the taking”;

(B) by inserting “(except as provided in clause (ii))” after “\$50,000,000”; and

(C) by adding at the end the following:

“(ii) EXCEPTION FOR RARE EARTH ELEMENTS AND CRITICAL MINERALS.—If the taking of any action or actions under this section to correct an industrial resource shortfall in materials, components, or precursors described in section 1414(a)(2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 would cause the aggregate outstanding amount of all such actions for such industrial resource shortfall to exceed \$100,000,000, no such action or actions may be taken, unless such action or actions are authorized to exceed such amount by an Act of Congress.”.

SA 5758. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. AUTHORIZATION OF APPROPRIATIONS FOR COUNTERING THE PEOPLE'S REPUBLIC OF CHINA MALIGN INFLUENCE FUND.

(a) COUNTERING THE PEOPLE'S REPUBLIC OF CHINA MALIGN INFLUENCE FUND.—There is authorized to be appropriated \$300,000,000 for each of fiscal years 2023 through 2027 for the Countering the People's Republic of China Malign Influence Fund to counter the malign influence of the Chinese Communist Party globally. Amounts appropriated pursuant to this authorization are authorized to remain available until expended and shall be in addition to amounts otherwise authorized to be appropriated to counter such influence.

(b) CONSULTATION REQUIRED.—The obligation of funds appropriated or otherwise made available to counter the malign influence of the Chinese Communist Party globally shall be subject to prior consultation with, and consistent with section 634A of the Foreign Assistance Act of 1961 (22 U.S.C. 2394-1), the regular notification procedures of—

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

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

(c) POLICY GUIDANCE, COORDINATION, AND APPROVAL.—

(1) COORDINATOR.—The Secretary of State shall designate an existing senior official of the Department of State at the rank of Assistant Secretary or above to provide policy guidance, coordination, and approval for the obligation of funds authorized pursuant to subsection (a).

(2) DUTIES.—The senior official designated pursuant to paragraph (1) shall be responsible for—

(A) on an annual basis, the identification of specific strategic priorities for using the funds authorized to be appropriated by subsection (a), such as geographic areas of focus or functional categories of programming that funds are to be concentrated within, consistent with the national interests of the United States and the purposes of this section;

(B) the coordination and approval of all programming conducted using the funds authorized to be appropriated by subsection (a), based on a determination that such programming directly counters the malign influence of the Chinese Communist Party, including specific activities or policies advanced by the Chinese Communist Party, pursuant to the strategic objectives of the United States, as established in the 2017 National Security Strategy, the 2018 National Defense Strategy, and other relevant national and regional strategies as appropriate;

(C) ensuring that all programming approved bears a sufficiently direct nexus to such acts by the Chinese Communist Party described in subsection (d) and adheres to the requirements outlined in subsection (e); and

(D) conducting oversight, monitoring, and evaluation of the effectiveness of all programming conducted using the funds authorized to be appropriated by subsection (a) to ensure that it advances United States interests and degrades the ability of the Chinese Communist Party, to advance activities that align with subsection (d) of this section.

(3) INTERAGENCY COORDINATION.—The senior official designated pursuant to paragraph (1) shall, in coordinating and approving programming pursuant to paragraph (2), seek—

(A) to conduct appropriate interagency consultation; and

(B) to ensure, to the maximum extent practicable, that all approved programming functions in concert with other Federal activities to counter the malign influence and activities of the Chinese Communist Party.

(4) ASSISTANT COORDINATOR.—The Administrator of the United States Agency for International Development shall designate a senior official at the rank of Assistant Administrator or above to assist and consult with the senior official designated pursuant to paragraph (1).

(d) MALIGN INFLUENCE.—In this section, the term “malign influence” with respect to the Chinese Communist Party shall be construed to include acts conducted by the Chinese Communist Party or entities acting on its behalf that—

(1) undermine a free and open international order;

(2) advance an alternative, repressive international order that bolsters the Chinese Communist Party's hegemonic ambitions and is characterized by coercion and dependency;

(3) undermine the national security or sovereignty of the United States or other countries; or

(4) undermine the economic security of the United States or other countries, including by promoting corruption and advancing coercive economic practices.

(e) COUNTERING MALIGN INFLUENCE.—In this section, countering malign influence through the use of funds authorized to be appropriated by subsection (a) shall include efforts—

(1) to promote transparency and accountability, and reduce corruption, including in governance structures targeted by the malign influence of the Chinese Communist Party;

(2) to support civil society and independent media to raise awareness of and increase transparency regarding the negative impact of activities related to the Belt and Road Initiative, associated initiatives, other economic initiatives with strategic or political purposes, and coercive economic practices;

(3) to counter transnational criminal networks that benefit, or benefit from, the malign influence of the Chinese Communist Party;

(4) to encourage economic development structures that help protect against predatory lending schemes, including support for market-based alternatives in key economic sectors, such as digital economy, energy, and infrastructure;

(5) to counter activities that provide undue influence to the security forces of the People's Republic of China;

(6) to expose misinformation and disinformation of the Chinese Communist Party's propaganda, including through programs carried out by the Global Engagement Center; and

(7) to counter efforts by the Chinese Communist Party to legitimize or promote authoritarian ideology and governance models.

SA 5759. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.

The Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.) is amended by inserting after section 108A the following:

“SEC. 108B. REPORTING REQUIREMENTS WITH RESPECT TO PARTICIPATION BY UNITED STATES ENTITIES IN CULTURAL EXCHANGE PROGRAMS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

“(a) SENSE OF CONGRESS.—It is the sense of Congress that State and local entities in the United States and other organizations and individuals in the United States who sponsor, carry out, or otherwise participate in cultural, educational, and economic exchange programs with the People's Republic of China should adopt measures that facilitate rigorous oversight of such programs, including compliance with the oversight requirements described in this section, as applicable.

“(b) INITIAL CERTIFICATION TO CONGRESS.—Not later than 5 days after entering into an

agreement to establish or reestablish any cultural exchange program that involves the Government of the People's Republic of China pursuant to section 108A, the Secretary of State shall certify to the appropriate congressional committees that—

“(1) establishing or reestablishing such program is in the national interests of the United States;

“(2) such program will adhere to the purposes set forth in section 101; and

“(3) the Department of State has established mechanisms requiring each United States entity carrying out or otherwise participating in such program to submit an annual report to the Department of State (and make such report publicly available) that includes—

“(A) the total number of cultural exchange programs conducted by the entity;

“(B) a description and purpose of each such program;

“(C) an agenda or itinerary that describes the activities engaged in by program participants; and

“(D) a list of participants in each such program, including the names and professional affiliation of the participants.

“(c) ANNUAL CERTIFICATIONS TO CONGRESS.—

“(1) IN GENERAL.—Not later than 1 year after establishing or reestablishing a cultural exchange program described in subsection (b), and annually thereafter through fiscal year 2027, the Secretary of State shall submit a certification to the appropriate congressional committees that indicates whether—

“(A) the continuation of such program is in the national interests of the United States;

“(B) such program is adhering to the purposes set forth in section 101; and

“(C) the mechanisms described in subsection (b)(3) provide the Department sufficient transparency and oversight of each program.

“(2) FAILURE TO CERTIFY.—If the Secretary of State fails to certify that all of the requirements under paragraph (1) have been met with respect to a program described in subsection (b), the Secretary shall suspend or terminate the corresponding agreement described in subsection (b).

“(d) TRANSPARENCY REPORT.—

“(1) IN GENERAL.—The Secretary of State shall include, with the annual certification required under subsection (c), a detailed summary of the reporting received pursuant to subsection (b)(3) from United States entities that are carrying out or otherwise participating in any cultural exchange program that involves the Government of the People's Republic of China pursuant to section 108A.

“(2) MATTERS TO BE INCLUDED.—The summary required under paragraph (1) shall include, for the reporting period—

“(A) the total number of cultural exchange programs conducted;

“(B) the total number of participants in such cultural exchange programs;

“(C) a list of the names and professional affiliations of such participants;

“(D) an overview of the cultural exchange programs, including the inclusion of not fewer than 3 sample itineraries and illustrative examples of activities in which participants engaged;

“(E) an assessment of whether the cultural programs conducted during the reporting period adhere to purposes set forth in section 101, including a description of any noticeable deviations from such purposes;

“(F) a description of all actions by the Department of State to remediate deviations from such purposes; and

“(G) a detailed rationale for continuing the program despite any deviations described in the report.

“(3) FORM OF REPORT.—The summary required under paragraph (1) shall be submitted in unclassified form.

“(e) EFFECT OF FAILURE OF UNITED STATES ENTITY TO REPORT.—The Secretary of State may not award any United States entity that fails to comply with the reporting requirements described in (b)(3) any funds, in the form of grants or otherwise, until such entity is in compliance with the reporting requirements under this section.

“(f) RULEMAKING.—The Secretary of State shall promulgate regulations to carry out this section.”.

SA 5760. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. INFRASTRUCTURE TRANSACTION AND ASSISTANCE NETWORK.

(a) AUTHORITY.—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, is authorized to establish an initiative, to be known as the “Infrastructure Transaction and Assistance Network”, under which the Secretary of State, in consultation with other relevant Federal agencies, shall carry out various programs to advance the development of sustainable, transparent, and high-quality infrastructure in the Indo-Pacific region by—

(1) strengthening capacity-building programs to improve project evaluation processes, regulatory and procurement environments, and project preparation capacity of countries that are partners of the United States in such development;

(2) providing transaction advisory services and project preparation assistance to support sustainable infrastructure; and

(3) coordinating the provision of United States assistance for the development of infrastructure, including infrastructure that uses United States-manufactured goods and services, and catalyzing investment led by the private sector.

(b) TRANSACTION ADVISORY FUND.—As part of the Infrastructure Transaction and Assistance Network described in subsection (a), the Secretary of State is authorized to provide support, including through the Transaction Advisory Fund, for advisory services to help boost the capacity of partner countries to evaluate contracts and assess the financial and environmental impacts of potential infrastructure projects, including through providing services such as—

(1) legal services;

(2) project preparation and feasibility studies;

(3) debt sustainability analyses;

(4) bid or proposal evaluation; and

(5) other services relevant to advancing the development of sustainable, transparent, and high-quality infrastructure.

(c) STRATEGIC INFRASTRUCTURE FUND.—

(1) IN GENERAL.—As part of the Infrastructure Transaction and Assistance Network described in subsection (a), the Secretary of

State is authorized to provide support, including through the Strategic Infrastructure Fund, for technical assistance, project preparation, pipeline development, and other infrastructure project support.

(2) JOINT STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used in coordination with the Department of Defense, the International Development Finance Corporation, like-minded donor partners, and multilateral banks, as appropriate, to support joint infrastructure projects in the Indo-Pacific region.

(3) STRATEGIC INFRASTRUCTURE PROJECTS.—Funds authorized for the Strategic Infrastructure Fund should be used to support strategic infrastructure projects that are in the national security interest of the United States and vulnerable to strategic competitors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for each of fiscal years 2023 through 2027, \$75,000,000 to the Infrastructure Transaction and Assistance Network, of which \$20,000,000 shall be made available for the Transaction Advisory Fund.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and semiannually thereafter for 3 years, the President shall submit to the appropriate committees of Congress a report that includes—

(A) an identification of infrastructure projects, particularly in the transport, energy, and digital sectors, that the United States is currently supporting or is considering supporting through financing, foreign assistance, technical assistance, or other means;

(B) for each project identified under subparagraph (A)—

(i) the sector of the project; and

(ii) the recipient country of any such United States support;

(C) a detailed explanation of the United States and partner country interests served by such United States support;

(D) a detailed accounting of the authorities and programs upon which the United States Government has relied in providing such support; and

(E) a detailed description of any support provided by United States allies and partners for such projects.

(2) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 5761. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. INCREASING DEPARTMENT OF STATE PERSONNEL AND RESOURCES DEVOTED TO THE INDO-PACIFIC REGION.

(a) ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit an action plan to the appropriate committees of Congress that—

(1) identifies requirements to advance United States strategic objectives in the Indo-Pacific region and the personnel and budgetary resources needed to meet such objectives, assuming an unconstrained resource environment;

(2) includes a plan for increasing the portion of the Department of State's budget that is dedicated to the Indo-Pacific region in terms of diplomatic engagement and foreign assistance focused on development, economic, and security assistance;

(3) includes a summary of the actions that have been taken to increase the number of positions at posts in the Indo-Pacific region and bureaus with responsibility for the Indo-Pacific region, and an action plan for further increasing such positions during the next 2 fiscal years including—

(A) a description of increases at each post or bureau;

(B) a breakdown of increases by cone;

(C) a description of how such increases in personnel will advance United States strategic objectives in the Indo-Pacific region; and

(D) a description of training opportunities to be provided to such officers to improve their abilities—

(i) to advance free, fair, and reciprocal trade and open investment environments for United States companies, and engaged in increased commercial diplomacy in key markets;

(ii) to better articulate and explain United States policies;

(iii) to strengthen civil society and democratic principles;

(iv) to enhance reporting on the People's Republic of China's global activities;

(v) to promote people-to-people exchanges;

(vi) to advance United States' influence in the Indo-Pacific region; and

(vii) to increase capacity at small- and medium-sized embassies and consulates in the Indo-Pacific region and in other regions around the world, as necessary;

(4) defines concrete and annual benchmarks that the Department of State will meet in implementing the action plan; and

(5) describes any barriers to implementing the action plan.

(b) **UPDATES TO REPORT AND BRIEFING.**—Not later than 90 days after the submission of the action plan required under subsection (a), and semiannually thereafter until September 30, 2030, the Secretary of State shall submit an updated action plan and brief the appropriate committees of Congress on the implementation of such action plan, with supporting data, including a detailed assessment of benchmarks that have been reached.

(c) **SECRETARY OF STATE CERTIFICATION.**—Not later than 2 years after the date of the enactment of this Act, the Secretary of State shall submit a certification to the appropriate committees of Congress that indicates whether or not the benchmarks described in the action plan required under subsection (a) have been met. This certification requirement may not be delegated to another Department of State official.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated, for fiscal year 2024—

(1) \$2,300,000,000 for bilateral and regional foreign assistance resources to carry out the purposes of part 1 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq. and 2346 et seq.) in the Indo-Pacific region; and

(2) \$1,000,000,000 for diplomatic engagement resources to the Indo-Pacific region.

SA 5762. 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 in title II, insert the following:

SEC. _____. ADDITIONAL AMOUNT FOR FABRICATION OF ONE ADDITIONAL MEDIUM UNMANNED SURFACE VEHICLE.

(a) **ADDITIONAL FUNDING.**—The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by \$23,566,000, with the amount of the increase to be available for Medium Unmanned Surface Vehicles (MUSVS) (PE 0605512N) to carry out the fabrication of one additional medium unmanned surface vehicle.

(b) **OFFSET.**—

(1) **IN GENERAL.**—The amount authorized to be appropriated for fiscal year 2023 by section 301 for operation and maintenance is hereby decreased by \$23,566,000.

(2) **AVAILABILITY.**—Of the amounts available pursuant to the authorization of appropriations in section 301 as specified in the funding tables in section 4301—

(A) the amount available for Operation and Maintenance, Navy, Base Operating Support, is hereby reduced by \$20,000,000; and

(B) the amount available for Operation and Maintenance, Defense-wide, Office of the Secretary of Defense, is hereby reduced by \$3,566,000.

SA 5763. 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. 1254. SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.

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

(1) the United States must increase its diplomatic activity and presence in the Pacific, particularly among Pacific Island nations; and

(2) the Special Envoy to the Pacific Islands Forum—

(A) should be used to coordinate policies across the Pacific region with like-minded democracies; and

(B) should have a direct line to the President and the Secretary of State to communicate regarding the unique and particular needs of Pacific partner nations.

(b) **SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.**—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

(1) by redesignating subsection (h) (as added by section 361(a)(1) of division FF of Public Law 116-260) as subsection (k); and

(2) by adding at the end the following:

“(1) **SPECIAL ENVOY TO THE PACIFIC ISLANDS FORUM.**—

“(1) **APPOINTMENT.**—The President shall appoint, by and with the advice and consent of the Senate, either the United States Ambassador to a country that is a member of the Pacific Islands Forum or another qualified individual to serve as Special Envoy to the Pacific Islands Forum (referred to in this section as the ‘Special Envoy’). If an Ambassador is appointed to serve as the Special Envoy pursuant this paragraph, he or she may not begin such service until after Senate confirmation to such position and shall serve concurrently as an Ambassador and as the Special Envoy without receiving additional compensation.

“(2) **DUTIES.**—The Special Envoy shall—

“(A) represent the United States in its role as dialogue partner to the Pacific Islands Forum; and

“(B) carry out such other duties as the President or the Secretary of State may prescribe.”.

SA 5764. Mr. COONS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. ENDING GLOBAL WILDLIFE POACHING AND TRAFFICKING.

(a) **SHORT TITLE.**—This section may be cited as the “Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022”.

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

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order 13648 (78 Fed. Reg. 40621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.

(c) **DEFINITIONS.**—Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting “involving local communities” after “approach to conservation”; and

(2) by amending paragraph (4) to read as follows:

“(4) **COUNTRY OF CONCERN.**—The term ‘country of concern’ means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

“(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

“(B) the government facilitates such trafficking through conduct that may include a

persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.”; and

(3) in paragraph (11), by striking “section 201” and inserting “section 301”.

(d) **FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.**—

(1) **REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.**—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(A) in subsection (a), by striking “annually thereafter” and inserting “biennially thereafter by June 1 of each year in which a report is required”; and

(B) by striking subsection (c) and inserting the following:

“(c) **DESIGNATION.**—A country may be designated as a country of concern under subsection (b) regardless of such country’s status as a focus country.

“(d) **PROCEDURE FOR REMOVING COUNTRIES FROM LIST.**—In the first report required under this section submitted after the date of the enactment of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2022, the Secretary of State, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall publish, in the Federal Register, a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4).

“(e) **SUNSET.**—This section shall cease to have force or effect on September 30, 2028.”.

(2) **PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.**—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(A) in paragraph (4), by striking “and” at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

“(5) pursue programs and develop a strategy—

“(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

“(B) to enable local governments to develop and use such technologies;

“(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

“(7)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

“(B) set benchmarks for measuring the effectiveness of such interventions; and

“(C) consider alignment and coordination with indicators developed by the Task Force;

“(8) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and”.

(3) **PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.**—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by paragraph (2), is further amended—

(A) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking “annually” and inserting “biennially”; and

(ii) in paragraph (4), by striking “and” at the end;

(iii) in paragraph (5), by striking the period at the end and inserting “; and”; and

(iv) by adding at the end the following:

“(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries.”; and

(B) in subsection (e), by striking “5 years after” and all that follows and inserting “on September 30, 2028”.

SA 5765. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION H—CONSTITUTIONAL CONVENTION OF THE UNITED STATES

SEC. 101. DEFINITION.

In this division:

(1) **ARCHIVIST.**—The term “Archivist” means the Archivist of the United States.

(2) **ARTICLE V CONVENTION.**—The term “Article V Convention” means a convention as described in Article V of the Constitution of the United States that is called by Congress and organized by the Archivist on the application of the legislatures of ¾ of the several States for proposing amendments that shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of ¾ of the several States, or by conventions in ¾ thereof, as one or the other mode of ratification may be proposed by Congress.

SEC. 102. FINDINGS.

Congress finds the following:

(1) Article V of the Constitution of the United States requires that “The Congress . . . on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments” to the Constitution of the United States.

(2) Since the first application approved by a State for an Article V Convention in 1788, 42 States in total have submitted applications.

(3) The Constitution of the United States states that an Article V Convention shall be called upon the active application of ¾ of the States. Such application occurs when a State, through its legislature, approves a petition for an Article V Convention. The threshold of applications from ¾ of the States to require an Article V Convention has been met several times, as—

(A) in 1979, there were 39 active applications;

(B) in 1983, there were 40 active applications; and

(C) not less than 34 States have filed active applications as recently as 2021.

(4) Alexander Hamilton in *The Federalist* No. 85 stated that “The Congress ‘shall call a convention’. Nothing in this particular is left to the discretion of that body”.

(5) Beginning in 1979, the Federal Government failed in its constitutional duty to count applications and organize an Article V Convention. Since that time, the debt of the United States has increased to more than \$30,000,000,000,000 from \$830,000,000,000.

(6) The unanimous opinion of the United States Supreme Court in *Chiafalo v. Washington*, 140 S. Ct. 2316, 2328 (2020) stated, “electors . . . have no ground for reversing the vote of millions of its citizens. That direction accords with the Constitution—as well as with the trust of the Nation that here, We the People rule.”.

SEC. 3. DUTIES OF ARCHIVIST RELATING TO STATE APPLICATIONS FOR CALLING FOR CONVENTIONS OF STATES FOR PROPOSING CONSTITUTIONAL AMENDMENTS.

(a) **DUTIES DESCRIBED.**—Chapter 2 of title 1, United States Code, is amended by inserting after section 106b the following:

“§ 106c. Duties relating to State applications calling for Article V Conventions

“(a) **DEFINITIONS.**—In this section:

“(1) **ARCHIVIST.**—The term ‘Archivist’ means the Archivist of the United States.

“(2) **ARTICLE V CONVENTION.**—The term ‘Article V Convention’ means a convention as described in Article V of the Constitution of the United States that is called by Congress and organized by the Archivist on the application of the legislatures of ¾ of the several States for proposing amendments that shall be valid to all intents and purposes as part of the Constitution of the United States when ratified by the legislatures of ¾ of the several States, or by conventions in ¾ thereof, as one or the other mode of ratification may be proposed by Congress.

“(b) **CERTIFICATION AND NOTIFICATION.**—

“(1) **IN GENERAL.**—Not later than 30 days after receiving an application of a State calling for an Article V Convention, the Archivist shall authenticate, count, and publish, on a publicly available website, such applications, together with any resolution of any State to rescind any such previous application submitted by that State.

“(2) **EXISTING APPLICATIONS.**—Not later than 180 days after the date of enactment of this section, the Archivist shall authenticate, count, and publish all applications of a State calling for an Article V Convention received before the date of enactment of this section.

“(c) **CERTIFICATION AND NOTIFICATION REQUIREMENTS.**—Upon receipt and authentication by the Archivist under subsection (b) of applications calling for an Article V Convention of the legislatures of ¾ of the several States which have not been rescinded, the Archivist shall publish in the Federal Register a certification that ¾ of the several States have called for the Article V Convention, together with a list of the States submitting applications calling for the Article V Convention.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for chapter 2 of title 1, United States Code, is amended by inserting after the item relating to section 106b the following:

“106c. Duties relating to State applications calling for Article V Conventions.”.

SA 5766. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for

fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—PRAY SAFE ACT

SEC. 5001. SHORT TITLE.

This Act may be cited as the “Pray Safe Act”.

SEC. 5002. DEFINITIONS.

In this division—

(1) the term “Clearinghouse” means the Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship established under section 2220A of the Homeland Security Act of 2002, as added by section 5003 of this division;

(2) the term “Department” means the Department of Homeland Security;

(3) the terms “faith-based organization” and “house of worship” have the meanings given such terms under section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division; and

(4) the term “Secretary” means the Secretary of Homeland Security.

SEC. 5003. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“SEC. 2220E. FEDERAL CLEARINGHOUSE ON SAFETY AND SECURITY BEST PRACTICES FOR FAITH-BASED ORGANIZATIONS AND HOUSES OF WORSHIP.

“(a) DEFINITIONS.—In this section—

“(1) the term ‘Clearinghouse’ means the Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship established under subsection (b)(1);

“(2) the term ‘faith-based organization’ means a group, center, or nongovernmental organization with a religious, ideological, or spiritual motivation, character, affiliation, or purpose;

“(3) the term ‘house of worship’ means a place or building, including synagogues, mosques, temples, and churches, in which congregants practice their religious or spiritual beliefs; and

“(4) the term ‘safety and security’, for the purpose of the Clearinghouse, means prevention of, protection against, or recovery from threats, including manmade disasters, natural disasters, or violent attacks.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Pray Safe Act, the Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall establish a Federal Clearinghouse on Safety and Security Best Practices for Faith-Based Organizations and Houses of Worship within the Department.

“(2) PURPOSE.—The Clearinghouse shall be the primary resource of the Federal Government—

“(A) to educate and publish online best practices and recommendations for safety and security for faith-based organizations and houses of worship; and

“(B) to provide information relating to Federal grant programs available to faith-based organizations and houses of worship.

“(3) PERSONNEL.—

“(A) ASSIGNMENTS.—The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

“(B) DETAILEES.—The Secretary may coordinate detailees as required for the Clearinghouse.

“(C) DESIGNATED POINT OF CONTACT.—There shall be not less than 1 employee assigned or detailed to the Clearinghouse who shall be the designated point of contact to provide information and assistance to faith-based organizations and houses of worship, including assistance relating to the grant program established under section 5005 of the Pray Safe Act. The contact information of the designated point of contact shall be made available on the website of the Clearinghouse.

“(D) QUALIFICATION.—To the maximum extent possible, any personnel assigned or detailed to the Clearinghouse under this paragraph should be familiar with faith-based organizations and houses of worship and with physical and online security measures to identify and prevent safety and security risks.

“(c) CLEARINGHOUSE CONTENTS.—

“(1) EVIDENCE-BASED TIERS.—

“(A) IN GENERAL.—The Secretary, in consultation with the Attorney General, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and the head of any other agency that the Secretary determines appropriate, shall develop tiers for determining evidence-based practices that demonstrate a significant effect on improving safety or security, or both, for faith-based organizations and houses of worship.

“(B) REQUIREMENTS.—The tiers required to be developed under subparagraph (A) shall—

“(i) prioritize—

“(I) strong evidence from not less than 1 well-designed and well-implemented experimental study; and

“(II) moderate evidence from not less than 1 well-designed and well-implemented quasi-experimental study; and

“(ii) consider promising evidence that demonstrates a rationale based on high-quality research findings or positive evaluations that such activity, strategy, or intervention is likely to improve security and promote safety for faith-based organizations and houses of worship.

“(2) CRITERIA FOR BEST PRACTICES AND RECOMMENDATIONS.—The best practices and recommendations of the Clearinghouse shall, at a minimum—

“(A) identify areas of concern for faith-based organizations and houses of worship, including event planning recommendations, checklists, facility hardening, tabletop exercise resources, and other resilience measures;

“(B) involve comprehensive safety measures, including threat prevention, preparedness, protection, mitigation, incident response, and recovery to improve the safety posture of faith-based organizations and houses of worship upon implementation;

“(C) involve comprehensive safety measures, including preparedness, protection, mitigation, incident response, and recovery to improve the resiliency of faith-based organizations and houses of worship from man-made and natural disasters;

“(D) include any evidence or research rationale supporting the determination of the Clearinghouse that the best practices or recommendations under subparagraph (B) have been shown to have a significant effect on improving the safety and security of individuals in faith-based organizations and houses of worship, including—

“(i) findings and data from previous Federal, State, local, Tribal, territorial, private sector, and nongovernmental organization

research centers relating to safety, security, and targeted violence at faith-based organizations and houses of worship; and

“(ii) other supportive evidence or findings relied upon by the Clearinghouse in determining best practices and recommendations to improve the safety and security posture of a faith-based organization or house of worship upon implementation; and

“(E) include an overview of the available resources the Clearinghouse can provide for faith-based organizations and houses of worship.

“(3) ADDITIONAL INFORMATION.—The Clearinghouse shall maintain and make available a comprehensive index of all Federal grant programs for which faith-based organizations and houses of worship are eligible, which shall include the performance metrics for each grant management that the recipient will be required to provide.

“(4) PAST RECOMMENDATIONS.—To the greatest extent practicable, the Clearinghouse shall identify and present, as appropriate, best practices and recommendations issued by Federal, State, local, Tribal, territorial, private sector, and nongovernmental organizations relevant to the safety and security of faith-based organizations and houses of worship.

“(d) ASSISTANCE AND TRAINING.—The Secretary may produce and publish materials on the Clearinghouse to assist and train faith-based organizations, houses of worship, and law enforcement agencies on the implementation of the best practices and recommendations.

“(e) CONTINUOUS IMPROVEMENT.—

“(1) IN GENERAL.—The Secretary shall—

“(A) collect for the purpose of continuous improvement of the Clearinghouse—

“(i) Clearinghouse data analytics;

“(ii) user feedback on the implementation of resources, best practices, and recommendations identified by the Clearinghouse; and

“(iii) any evaluations conducted on implementation of the best practices and recommendations of the Clearinghouse; and

“(B) in coordination with the Faith-Based Security Advisory Council of the Department, the Department of Justice, the Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships, and any other agency that the Secretary determines appropriate—

“(i) assess and identify Clearinghouse best practices and recommendations for which there are no resources available through Federal Government programs for implementation;

“(ii) provide feedback on the implementation of best practices and recommendations of the Clearinghouse; and

“(iii) propose additional recommendations for best practices for inclusion in the Clearinghouse; and

“(C) not less frequently than annually, examine and update the Clearinghouse in accordance with—

“(i) the information collected under subparagraph (A); and

“(ii) the recommendations proposed under subparagraph (B)(iii).

“(2) ANNUAL REPORT TO CONGRESS.—The Secretary shall submit to Congress, on an annual basis, a report on the updates made to the Clearinghouse during the preceding 1-year period under paragraph (1)(C), which shall include a description of any changes made to the Clearinghouse.”.

(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended—

(1) by moving the item relating to section 2220D to appear after the item relating to section 2220C; and

(2) by inserting after the item relating to section 2220D the following:

“Sec. 2220E. Federal Clearinghouse on Safety Best Practices for Faith-Based Organizations and Houses of Worship.”.

SEC. 5004. NOTIFICATION OF CLEARINGHOUSE.

The Secretary shall provide written notification of the establishment of the Clearinghouse, with an overview of the resources required as described in section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division, and section 5005 of this division, to—

- (1) every State homeland security advisor;
- (2) every State department of homeland security;
- (3) other Federal agencies with grant programs or initiatives that aid in the safety and security of faith-based organizations and houses of worship, as determined appropriate by the Secretary;
- (4) every Federal Bureau of Investigation Joint Terrorism Task Force;
- (5) every Homeland Security Fusion Center;
- (6) every State or territorial Governor or other chief executive;
- (7) the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate; and
- (8) the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives.

SEC. 5005. GRANT PROGRAM OVERVIEW.

(a) **DHS GRANTS AND RESOURCES.**—The Secretary shall include a grants program overview on the website of the Clearinghouse that shall—

- (1) be the primary location for all information regarding Department grant programs that are open to faith-based organizations and houses of worship;
- (2) directly link to each grant application and any applicable user guides;
- (3) identify all safety and security homeland security assistance programs managed by the Department that may be used to implement best practices and recommendation of the Clearinghouse;
- (4) annually, and concurrent with the application period for any grant identified under paragraph (1), provide information related to the required elements of grant applications to aid smaller faith based organizations and houses of worship in earning access to Federal grants; and
- (5) provide frequently asked questions and answers for the implementation of best practices and recommendations of the Clearinghouse and best practices for applying for a grant identified under paragraph (1).

(b) **OTHER FEDERAL GRANTS AND RESOURCES.**—Each Federal agency notified under section 5004(3) shall provide necessary information on any Federal grant programs or resources of the Federal agency that are available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(c) **STATE GRANTS AND RESOURCES.**—

(1) **IN GENERAL.**—Any State notified under paragraph (1), (2), or (6) of section 5004 may provide necessary information on any grant programs or resources of the State available for faith-based organizations and houses of worship to the Secretary or the appropriate point of contact for the Clearinghouse.

(2) **IDENTIFICATION OF RESOURCES.**—The Clearinghouse shall, to the extent practicable, identify, for each State—

(A) each agency responsible for safety for faith-based organizations and houses of worship in the State, or any State that does not have such an agency designated;

(B) any grant program that may be used for the purposes of implementing best prac-

tices and recommendations of the Clearinghouse; and

(C) any resources or programs, including community prevention or intervention efforts, that may be used to assist in targeted violence and terrorism prevention.

SEC. 5006. OTHER RESOURCES.

The Secretary shall, on the website of the Clearinghouse, include a separate section for other resources that shall provide a centralized list of all available points of contact to seek assistance in grant applications and in carrying out the best practices and recommendations of the Clearinghouse, including—

- (1) a list of contact information to reach Department personnel to assist with grant-related questions;
- (2) the applicable Cybersecurity and Infrastructure Security Agency contact information to connect houses of worship with Protective Security Advisors;
- (3) contact information for all Department Fusion Centers, listed by State;
- (4) information on the If you See Something Say Something Campaign of the Department; and
- (5) any other appropriate contacts.

SEC. 5007. RULE OF CONSTRUCTION.

Nothing in this division or the amendments made by this division shall be construed to create, satisfy, or waive any requirement under Federal civil rights laws, including—

- (1) title II of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131 et seq.); or
- (2) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

SEC. 5008. EXEMPTION.

Chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”) shall not apply to any rulemaking or information collection required under this division or under section 2220E of the Homeland Security Act of 2002, as added by section 5003 of this division.

SEC. 5009. ADDITIONAL TECHNICAL AMENDMENT.

(a) **AMENDMENT.**—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “Homeland Security Act” and inserting “Homeland Security Act of 2002”.

(b) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260).

SA 5767. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United Nations Relief and Works Agency for Palestine Refugees in the Near East

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “UNRWA Accountability and Transparency Act”.

SEC. 1282. STATEMENT OF POLICY.

(a) **PALESTINIAN REFUGEE DEFINED.**—It shall be the policy of the United States, in matters concerning the United Nations Relief and Works Agency for Palestine Refu-

gees in the Near East (referred to in this Act as “UNRWA”), which operates in Syria, Lebanon, Jordan, the Gaza Strip, and the West Bank, to define a Palestinian refugee as a person who—

(1) resided, between June 1946 and May 1948, in the region controlled by Britain between 1922 and 1948 that was known as Mandatory Palestine;

(2) was personally displaced as a result of the 1948 Arab-Israeli conflict; and

(3) has not accepted an offer of legal residency status, citizenship, or other permanent adjustment in status in another country or territory.

(b) **LIMITATIONS ON REFUGEE AND DERIVATIVE REFUGEE STATUS.**—In applying the definition under subsection (a) with respect to refugees receiving assistance from UNRWA, it shall be the policy of the United States, consistent with the definition of refugee in section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) and the requirements for eligibility for refugee status under section 207 of such Act (8 U.S.C. 1157), that—

(1) derivative refugee status may only be extended to the spouse or a minor child of a Palestinian refugee; and

(2) an alien who is firmly resettled in any country is not eligible to retain refugee status.

SEC. 1283. UNITED STATES CONTRIBUTIONS TO UNRWA.

Section 301(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2221) is amended to read as follows:

“(c) **WITHHOLDING.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **ANTI-SEMITIC.**—The term ‘anti-Semitic’—

“(i) has the meaning adopted on May 26, 2016, by the International Holocaust Remembrance Alliance as the non-legally binding working definition of anti-Semitism; and

“(ii) includes the contemporary examples of anti-Semitism in public life, the media, schools, the workplace, and in the religious sphere identified on such date by the International Holocaust Remembrance Alliance.

“(B) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Foreign Relations of the Senate;

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

“(iii) the Committee on Foreign Affairs of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives.

“(C) **BOYCOTT OF, DIVESTMENT FROM, AND SANCTIONS AGAINST ISRAEL.**—The term ‘boycott of, divestment from, and sanctions against Israel’ has the meaning given to such term in section 909(f)(1) of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4452(f)(1)).

“(D) **FOREIGN TERRORIST ORGANIZATION.**—The term ‘foreign terrorist organization’ means an organization designated as a foreign terrorist organization by the Secretary of State in accordance with section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

“(E) **UNRWA.**—The term ‘UNRWA’ means the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

“(2) **CERTIFICATION.**—Notwithstanding any other provision of law, the United States may not provide contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) unless the Secretary of State submits a written

certification to the appropriate congressional committees that—

“(A) no official, employee, consultant, contractor, subcontractor, representative, affiliate of UNRWA, an UNRWA partner organization, or an UNRWA contracting entity pursuant to completion of a thorough vetting and background check process—

“(i) is a member of, is affiliated with, or has any ties to a foreign terrorist organization, including Hamas and Hezbollah;

“(ii) has advocated, planned, sponsored, or engaged in any terrorist activity;

“(iii) has propagated or disseminated anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including—

“(I) calling for or encouraging the destruction of Israel;

“(II) failing to recognize Israel’s right to exist;

“(III) showing maps without Israel;

“(IV) describing Israelis as ‘occupiers’ or ‘settlers’;

“(V) advocating, endorsing, or expressing support for violence, hatred, jihad, martyrdom, or terrorism, glorifying, honoring, or otherwise memorializing any person or group that has advocated, sponsored, or committed acts of terrorism, or providing material support to terrorists or their families;

“(VI) expressing support for boycott of, divestment from, and sanctions against Israel (commonly referred to as ‘BDS’);

“(VII) claiming or advocating for a ‘right of return’ of refugees into Israel;

“(VIII) ignoring, denying, or not recognizing the historic connection of the Jewish people to the land of Israel; and

“(IX) calling for violence against Americans; or

“(iv) has used any UNRWA resources, including publications, websites, or social media platforms, to propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of clause (iii);

“(B) no UNRWA school, hospital, clinic, facility, or other infrastructure or resource is being used by a foreign terrorist organization or any member thereof—

“(i) for terrorist activities, such as operations, planning, training, recruitment, fundraising, indoctrination, communications, sanctuary, storage of weapons or other materials; or

“(ii) as an access point to any underground tunnel network, or any other terrorist-related purposes;

“(C) UNRWA is subject to comprehensive financial audits by an internationally recognized third party independent auditing firm that—

“(i) is agreed upon by the Government of Israel and the Palestinian Authority; and

“(ii) has implemented an effective system of vetting and oversight to prevent the use, receipt, or diversion of any UNRWA resources by any foreign terrorist organization or members thereof;

“(D) no UNRWA controlled or funded facility, such as a school, an educational institution, or a summer camp, uses textbooks or other educational materials that propagate or disseminate anti-American, anti-Israel, or anti-Semitic rhetoric, incitement, or propaganda, including with respect to any of the matters described in subclauses (I) through (IX) of subparagraph (A)(iii);

“(E) no recipient of UNRWA funds or loans is—

“(i) a member of, is affiliated with, or has any ties to a foreign terrorist organization; or

“(ii) otherwise engaged in terrorist activities; and

“(F) UNRWA holds no accounts or other affiliations with financial institutions that the United States considers or believes to be complicit in money laundering and terror financing.

“(3) PERIOD OF EFFECTIVENESS.—

“(A) IN GENERAL.—A certification described in paragraph (2) shall be effective until the earlier of—

“(i) the date on which the Secretary receives information rendering the certification described in paragraph (2) factually inaccurate; or

“(ii) the date that is 180 days after the date on which it is submitted to the appropriate congressional committees.

“(B) NOTIFICATION OF RENUNCIATION.—If a certification becomes ineffective pursuant to subparagraph (A), the Secretary shall promptly notify the appropriate congressional committees of the reasons for renouncing or failing to renew such certification.

“(4) LIMITATION.—During any year in which a certification described in paragraph (1) is in effect, the United States may not contribute to UNRWA, or to any successor entity, an amount that—

“(A) is greater than the highest contribution to UNRWA made by a member country of the League of Arab States for such year; and

“(B) is greater (as a proportion of the total UNRWA budget) than the proportion of the total budget for the United Nations High Commissioner for Refugees paid by the United States.”.

SEC. 1284. REPORT.

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Appropriations of the Senate;

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

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

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit a report to the appropriate congressional committees describing the actions being taken to implement a comprehensive plan for—

(1) encouraging other countries to adopt the policy regarding Palestinian refugees that is described in section 1282;

(2) urging other countries to withhold their contributions to UNRWA, to any successor or related entity, or to the regular budget of the United Nations for the support of UNRWA or a successor entity (through staff positions provided by the United Nations Secretariat or otherwise) until UNRWA has met the conditions listed in subparagraphs (A) through (F) of section 301(c)(2) of the Foreign Assistance Act of 1961, as added by section 1283;

(3) working with other countries to phase out UNRWA and assist Palestinians receiving UNRWA services by—

(A) integrating such Palestinians into their local communities in the countries in which they are residing; or

(B) resettling such Palestinians in countries other than Israel or territories controlled by Israel in the West Bank in accordance with international humanitarian principles; and

(4) ensuring that the actions described in paragraph (3)—

(A) are being implemented in complete coordination with, and with the support of, Israel; and

(B) do not endanger the security of Israel in any way.

SA 5768. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. LIMITATION ON FUNDING FOR PEACEKEEPING TRAINING OF FOREIGN MILITARY FORCES.

Section 552 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a) is amended by adding at the end the following:

“(e) None of the funds appropriated or otherwise made available to carry out this chapter, including funding for the Global Peace Operations Initiative of the Department of State, may be used to train or support foreign military forces in peacekeeping training exercises administered by the Government of the People’s Republic of China or by the People’s Liberation Army unless, by not later than the first day of the fiscal year in which such training or support is scheduled to occur, the Secretary of State certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such training or support is important to the national security interests of the United States.”.

SA 5769. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. DEPARTMENT OF STATE REPORT ON THE PEOPLE’S REPUBLIC OF CHINA’S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People’s Republic of China United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People’s Republic of China contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People’s Republic of China peacekeeping troops;

(2) an estimate of the amount of money that the People’s Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People’s Republic of China receives for its peacekeeping operations and troops that

comes from United States contributions to United Nations peacekeeping efforts;

(4) an analysis comparing the locations of People's Republic of China peacekeeping troops and the locations of "One Belt, One Road" projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People's Liberation Army or People's Armed Police, including which rank, divisions, branches, and theater commands.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

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

SEC. 1254. DEPARTMENT OF STATE REPORT ON THE PEOPLE'S REPUBLIC OF CHINA'S UNITED NATIONS PEACEKEEPING EFFORTS.

(a) ANNUAL REPORT.—Not later than January 31 of each year through January 31, 2027, the Secretary of State shall submit to the appropriate congressional committees a report on the People's Republic of China United Nations peacekeeping efforts.

(b) ELEMENTS.—The report required under subsection (a) shall include an assessment of the People's Republic of China contributions to United Nations peacekeeping missions, including—

(1) a detailed list of the placement of People's Republic of China peacekeeping troops;

(2) an estimate of the amount of money that the People's Republic of China receives from the United Nations for its peacekeeping contributions;

(3) an estimate of the portion of the money the People's Republic of China receives for its peacekeeping operations and troops that comes from United States contributions to United Nations peacekeeping efforts;

(4) an analysis comparing the locations of People's Republic of China peacekeeping troops and the locations of "One Belt, One Road" projects; and

(5) an assessment of the number of Chinese United Nations peacekeepers who are part of the People's Liberation Army or People's Armed Police, including which rank, divisions, branches, and theater commands.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

SA 5770. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. UNITED STATES MULTILATERAL AID REVIEW.

(a) SHORT TITLE.—This section may be cited as the "Multilateral Aid Review Act of 2022".

(b) PURPOSE.—The purpose of this section is to establish a United States Multilateral Aid Review (referred to in this section as the "Review") to publicly assess the value of United States Government investments in multilateral entities.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

(2) the Committee on Appropriations of the Senate;

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

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

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

(d) OBJECTIVES.—The objectives of the Review are—

(1) to provide a tool to guide the United States Government's decision making and prioritization with regard to funding multilateral entities;

(2) to provide a methodological basis for allocating budgetary resources to entities that advance relevant United States foreign policy objectives;

(3) to incentivize improvements in the performance of multilateral entities to achieve better outcomes, including in developing, fragile, and crisis-afflicted regions; and

(4) to protect United States taxpayer investments in foreign assistance by promoting transparency with regard to the funding of multilateral entities.

(e) SCOPE.—The Review shall assess, at a minimum, the following multilateral entities to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind:

(1) The World Bank Group, including the International Bank for Reconstruction and Development, the International Development Association, and the International Finance Corporation.

(2) The regional development banks, including the Asian Development Bank, the African Development Bank, the Inter-American Development Bank, the European Bank for Reconstruction and Development, and the North American Development Bank.

(3) Climate Investment Funds.

(4) The Food and Agriculture Organization.

(5) Gavi, the Vaccine Alliance.

(6) The Global Environment Facility.

(7) The Global Fund to Fight AIDS, Tuberculosis and Malaria.

(8) The Green Climate Fund.

(9) The Inter-American Institute for Co-operation for Agriculture.

(10) The International Civil Aviation Organization.

(11) The International Committee of the Red Cross.

(12) The International Fund for Agricultural Development.

(13) The International Labour Organization.

(14) The International Organization for Migration.

(15) The International Telecommunication Union.

(16) The Joint UN Program on HIV/AIDS.

(17) The Multilateral Fund for the Implementation of the Montreal Protocol.

(18) The Office of the United Nations High Commissioner for Human Rights.

(19) The Office of the United Nations High Commissioner for Refugees.

(20) The Organisation for Economic Co-operation and Development.

(21) The Organization of American States.

(22) The Pacific Forum Fisheries Agency.

(23) The Pan American Health Organization.

(24) The United Nations Children's Fund.

(25) The United Nations Department of Economic and Social Affairs.

(26) The United Nations Development Programme.

(27) The United Nations Entity for Gender Equality and the Empowerment of Women.

(28) The United Nations Environment Programme.

(29) The United Nations Framework Convention on Climate Change.

(30) The United Nations Office for Project Services.

(31) The United Nations Office for the Coordination of Humanitarian Affairs.

(32) The United Nations Office on Drugs and Crime.

(33) The United Nations Population Fund.

(34) The United Nations Relief and Works Agency for Palestine Refugees in the Near East.

(35) The United Nations Voluntary Fund for Victims of Torture.

(36) The World Food Program.

(37) The World Health Organization.

(38) The World Meteorological Organization.

(f) REPORT ON REVIEW.—

(1) SUBMISSION.—

(A) IN GENERAL.—Not later than 21 months after the date of the enactment of this Act, the Task Force established under subsection (g), in regular consultation with the Peer Review Group established under subsection (h), shall submit a report to the appropriate congressional committees that describes the findings of the Review.

(B) PUBLICATION.—The Secretary of State shall publish the report described in subparagraph (A) on the internet website of the Department of State not later than 15 days after the date on which the report is submitted to the appropriate congressional committees.

(2) METHODOLOGY.—

(A) USE OF CRITERIA.—The Task Force shall establish an analytical framework and assessment scorecard for the Review using the criteria set forth in paragraph (3).

(B) CONSULTATION WITH CONGRESS.—

(i) SUBMISSION OF METHODOLOGY.—Not later than 90 days after the appointments to the Peer Review Group are made pursuant to subsection (h)(2), the Task Force shall submit the methodology for the Review to the appropriate congressional committees.

(ii) CONSIDERATION OF CONGRESSIONAL VIEWS.—The Task Force may not proceed with the Review until 30 days after the methodology to the appropriate congressional committees, taking into consideration the views of the Chairmen and Ranking Members of each of the appropriate congressional committees.

(C) PUBLICATION OF CRITERIA AND METHODOLOGY.—The Secretary of State shall publish the final criteria and methodology for the Review on the internet website of the Department of State not later than 60 days after submitting the proposed methodology to the appropriate congressional committees pursuant to subparagraph (B)(i).

(3) ASSESSMENT CRITERIA.—The assessment scorecard shall include the following criteria:

(A) RELATIONSHIP OF STATED GOALS TO ACTUAL RESULTS.—The extent to which the stated mission, goals, and objectives of the entity have been achieved during the review period, including—

(i) an identification of the stated mission, goals, and objectives of each entity;

(ii) an evaluation of the extent to which the entity met its stated implementation timelines and achieved declared results; and

(iii) an evaluation of whether the entity optimizes resources to achieve the stated mission, goals, and objectives of the entity.

(B) RESPONSIBLE MANAGEMENT.—The extent to which management of the entity follows best management practices, including—

(i) an evaluation of the ratio of management and administrative expenses to program expenses, including an evaluation of entity resources spent on nonprogrammatic expenses;

(ii) an evaluation of program expense growth, including a comparison of the annual growth of program expenses to the annual growth of management and administrative expenses; and

(iii) an evaluation of whether the entity has established appropriate levels of senior management compensation.

(C) ACCOUNTABILITY AND TRANSPARENCY.—The extent to which the policies and procedures of the entity follow best practices of accountability and transparency, taking into consideration credible reporting regarding unauthorized conversion or diversion of entity resources, and including an evaluation of whether the entity has—

(i) established and enforced—

(I) appropriate auditing procedures;

(II) appropriate rules to reduce the risk of conflicts of interest among the senior leadership of the entity; and

(III) appropriate whistleblower policies;

(ii) established and maintained—

(I) appropriate records retention policies and guidelines;

(II) best practices with respect to transparency and public disclosure; and

(III) best practices with respect to disclosure of the compensation of senior leadership officials.

(D) ALIGNMENT WITH UNITED STATES FOREIGN POLICY OBJECTIVES.—The extent to which the policies and practices of the entity align with relevant United States foreign policy objectives, including an evaluation of—

(i) the entity's stated mission, goals, and objectives in comparison to relevant United States foreign policy objectives;

(ii) any significant divergence between the actions of the entity and relevant United States foreign policy objectives; and

(iii) whether continued participation by the United States in the entity contributes a net benefit towards achieving relevant United States foreign policy objectives, including the reasons for such conclusion.

(E) MULTILATERAL APPROACH COMPARED TO BILATERAL APPROACH.—The extent to which pursuing relevant United States foreign policy objectives through a multilateral approach is effective and cost-efficient compared to, or complementary to, a bilateral approach, including an evaluation of—

(i) whether relevant United States foreign policy objectives are effectively pursued through the entity, compared to existing or potential bilateral approaches, including the criteria used in the evaluation; and

(ii) whether relevant United States foreign policy objectives are pursued on a cost-effective basis through the entity, including the amount of funding leveraged from non-United States Government sources, compared to existing or potential bilateral approaches.

(F) REDUNDANCIES AND OVERLAP.—The extent to which the mission, goals, and objectives of the entity overlap with, or complement, the mission, goals, objectives, and programs of other multilateral institutions to which the United States Government contributes voluntary or assessed funding, whether cash or in-kind, including—

(i) a comparison of the extent to which relevant United States foreign policy objectives are effectively pursued on a cost-effective basis through each of the overlapping entities; and

(ii) whether continued participation in each entity contributes a benefit towards achieving United States foreign policy objectives.

(g) UNITED STATES MULTILATERAL REVIEW TASK FORCE.—

(1) ESTABLISHMENT.—The President shall establish an interagency Multilateral Review Task Force (referred to in this section as the “Task Force”) to review and assess United States participation in multilateral entities identified in subsection (e) and to develop and submit the report required under subsection (f) to the appropriate congressional committees.

(2) LEADERSHIP.—The Task Force shall be chaired by the Secretary of State, who may delegate his or her responsibilities under this section to an appropriate senior Senate-confirmed Department of State official.

(3) MEMBERSHIP.—The President may appoint to the interagency Task Force senior Senate-confirmed officials from the Department of State, the Department of the Treasury, the United States Agency for International Development, the Centers for Disease Control and Prevention, the Department of Agriculture, the Department of Energy, and any other relevant executive branch department or agency.

(4) CONSULTATION.—In preparing the report under subsection (f), including the initial review of methodology, the Task Force shall consult regularly with the Peer Review Group established under subsection (h).

(h) UNITED STATES MULTILATERAL AID REVIEW PEER REVIEW GROUP.—

(1) ESTABLISHMENT.—There is established the United States Multilateral Aid Review Peer Review Group (referred to in this section as the “Peer Review Group”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Peer Review Group shall be composed of 8 nongovernmental volunteer members, of whom—

(i) 2 shall be appointed by the majority leader of the Senate;

(ii) 2 shall be appointed by the minority leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives; and

(iv) 2 shall be appointed by the minority leader of the House of Representatives.

(B) APPOINTMENT CRITERIA.—The members of the Peer Review Group shall have appropriate expertise and knowledge of the multilateral entities subject to the Review established under this section. In making appointments to the Peer Review Group, the appointing authorities should take into account potential conflicts of interest.

(C) DATE.—The appointments to the Peer Review Group shall be made not later than 30 days after the date on which the Task Force is established pursuant to subsection (g)(1), and the terms of the members so appointed shall begin on such date.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Peer Review Group shall select a Chairman and Vice Chairman from among the members of the Peer Review Group.

(3) EXPERT ANALYSIS.—The Peer Review Group shall meet regularly with the Task Force, including regarding the initial review of methodology, to offer their expertise of the funding and performance of multilateral entities.

(4) REVIEW OF REPORT.—

(A) IN GENERAL.—Not later than 180 days before submitting the report required under subsection (f)(1), the Task Force shall submit a draft of the report to—

(i) the Peer Review Group; and

(ii) the appropriate congressional committees.

(B) REVIEW.—The Peer Review Group shall—

(i) review the draft report submitted under subparagraph (A); and

(ii) not later than 90 days before the submission of the report required under subsection (f)(1), provide to the Task Force and to the appropriate congressional committees—

(I) an analysis of the conclusions of the report;

(II) an analysis of the established methodologies used to reach such conclusions;

(III) an analysis of the evidence used to reach such conclusions; and

(IV) any additional comments to improve the evaluations and analysis of the report.

(5) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Each member of the Peer Review Group shall be appointed for a 2-year term.

(B) VACANCIES.—Any vacancy in the Peer Review Group—

(i) shall not affect the powers of the Peer Review Group; and

(ii) shall be filled in the same manner as the original appointment.

(6) MEETINGS.—

(A) IN GENERAL.—The Peer Review Group shall meet at the call of the Chairman.

(B) INITIAL MEETING.—The Peer Review Group shall hold its first meeting not later than 30 days after its last member is appointed.

(C) QUORUM.—A majority of the members of the Peer Review Group shall constitute a quorum, but a lesser number of members may hold meetings.

(i) TERMINATION OF AUTHORITIES.—The authorities and requirements provided under this section shall terminate on the date that is 2 years after the date of the enactment of this Act.

SA 5771. Mr. RISCH (for himself, Mr. ROUNDS, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. SOMALILAND PARTNERSHIP ACT.

(a) SHORT TITLE.—This section may be cited as the “Somaliland Partnership Act”.

(b) DEFINED TERM.—In this section, the term “Somaliland” means the territory that—

(1) received its independence from the United Kingdom on June 26, 1960, before the creation of the Somali Republic;

(2) has been a self-declared independent and sovereign state since 1991 that is not internationally recognized; and

(3) exists as a semi-autonomous region of the Federal Republic of Somalia.

(c) REPORT ON FOREIGN ASSISTANCE AND OTHER ACTIVITIES IN SOMALILAND.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

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

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) REPORT.—

(A) IN GENERAL.—Not later than September 30, 2022, and annually thereafter until the date that is 5 years after the date of the enactment of this Act, the Secretary of State,

in consultation with the Administrator of the United States Agency for International Development, shall submit a report to the appropriate congressional committees that, with respect to the most recently concluded 12-month period—

(i) describes United States foreign assistance to Somaliland, including—

(I) the value of such assistance (in United States dollars);

(II) the source from which such assistance was funded;

(III) the names of the programs through which such assistance was administered;

(IV) the implementing partners through which such assistance was provided;

(V) the sponsoring bureau of the United States Government; and

(VI) if the assistance broadly targeted the Federal Republic of Somalia, the portion of such assistance that was—

(aa) explicitly intended to support Somaliland; and

(bb) ultimately employed in Somaliland;

(i) details the staffing and responsibilities of the Department of State and the United States Agency for International Development supporting foreign assistance, relations, consular services, and security initiatives in Somaliland, including the location of such personnel (duty station) and their corresponding bureau;

(iii) provides—

(I) a detailed account of travel to Somaliland by employees of the Department of State and the United States Agency for International Development, if any, including the position, duty station, and trip purpose for each such trip; or

(II) the justification for not traveling to Somaliland if no such personnel traveled during the reporting period;

(iv) describes consular services provided by the Department of State for the residents of Somaliland;

(v) discusses the Department of State's Travel Advisory for Somalia related to the region of Somaliland; and

(vi) if the Travel Advisory for all or part of Somaliland is identical to the Travel Advisory for other regions of Somalia, justifies such ranking based on a security assessment of the region of Somaliland.

(B) FORM.—The report required under subparagraph (A) shall be submitted in unclassified form, but may contain a classified annex.

(D) FEASIBILITY STUDY.—

(1) DEFINED TERM.—In this subsection, the term “appropriate congressional committees” means—

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

(B) the Committee on Armed Services of the Senate;

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

(D) the Committee on Armed Services of the House of Representatives.

(2) FEASIBILITY STUDY.—The Secretary of State, in coordination with the Secretary of Defense, shall conduct a feasibility study that—

(A) includes coordination with Somaliland security organs;

(B) determines opportunities for collaboration in the pursuit of United States national security interests in the Horn of Africa, the Gulf of Aden, and the broader Indo-Pacific region;

(C) identifies the practicability of improving the professionalization and capacity of Somaliland security sector actors; and

(D) identifies the most effective way to conduct and carry out programs, transactions, and other relations in the City of Hargeisa on behalf of the United States Government.

(3) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense and the heads of other relevant Federal departments and agencies, shall submit a classified report to the appropriate congressional committees that contains the results of the feasibility study required under paragraph (2), including an assessment of the extent to which—

(A) opportunities exist for the United States to support the training of Somaliland's security sector actors with a specific focus on counterterrorism and border and maritime security;

(B) Somaliland's security forces were implicated, if any, in gross violations of human rights during the 3-year period immediately preceding the date of the enactment of this Act;

(C) the United States has provided or discussed with officials of Somaliland the provision of training to security forces, including—

(i) where such training has occurred;

(ii) the extent to which Somaliland security forces have demonstrated the ability to absorb previous training; and

(iii) the ability of Somaliland security forces to maintain and appropriately utilize such training, as applicable;

(D) a United States diplomatic and security engagement partnership with Somaliland would have a strategic impact, including by protecting the United States and allied maritime interests in the Bab-el-Mandeb Strait and at Somaliland's Port of Berbera;

(E) Somaliland could—

(i) serve as a maritime gateway in East Africa for the United States and its allies; and

(ii) counter Iran's presence in the Gulf of Aden and China's growing regional military presence;

(F) a United States security and defense partnership could—

(i) bolster cooperation between Somaliland and Taiwan;

(ii) stabilize this semi-autonomous region of Somalia further as a democratic counterweight to anti-democratic forces in the greater Horn of Africa region; and

(iii) impact the capacity of the United States to achieve policy objectives in Somalia, particularly to degrade and ultimately defeat the terrorist threat posed by Al-Shabaab, the Islamic State in Somalia (the Somalia-based Islamic State affiliate), and other terrorist groups operating in Somalia;

(G) the extent to which an improved relationship with Somaliland could—

(i) support United States policy focused on the Red Sea corridor, the Indo-Pacific region, and the Horn of Africa;

(ii) improve cooperation on counterterrorism and intelligence sharing;

(iii) enable cooperation on counter-trafficking, including the trafficking of humans, wildlife, weapons, and illicit goods; and

(iv) support trade and development, including how Somaliland could benefit from Prosper Africa and other regional trade initiatives.

(4) FORM.—The report required under paragraph (3) shall be submitted in unclassified form, but may contain a classified annex.

(e) RULE OF CONSTRUCTION.—Nothing in this Act, including the reporting requirement under subsection (c) and the conduct of the feasibility study under subsection (d), may be construed to convey United States recognition of Somaliland as an independent state.

SA 5772. 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 E of title III, add the following:

SEC. 372. PLAN FOR RESOLVING CHALLENGES REGARDING SMALL ARMS TRAINING AND QUALIFICATION FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Manpower and Reserve Affairs shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for resolving existing challenges regarding small arms training and qualifications for members of the reserve components of the Armed Forces.

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

(1) specific details for the resolution of barriers to small arms training and qualifications for members of the reserve components of the Armed Forces; and

(2) a plan for providing necessary resources for access to live-fire ranges without incurring significant cost and excessive travel time for a majority of such members.

SA 5773. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1414. BRIEFING ON ABILITY OF DEPARTMENT OF DEFENSE TO RECOVER RARE EARTH MATERIALS FROM END-OF-LIFE ITEMS.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall brief the Committees on Armed Services of the Senate and the House of Representatives on the ability of the Department of Defense—

(1) to identify end-of-life items that contain rare earth materials;

(2) to sell or barter such items to rare earth recycling manufacturers; and

(3) to ensure that recovered rare earth materials and other critical materials are retained in the United States.

SA 5774. 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:

In the funding table in section 4101, in the item relating to V-22 (MEDIUM LIFT), strike the amount in the Senate Authorized column and insert “1,099,795”.

In the funding table in section 4101, in the item relating to Total Aircraft Procurement, Navy, strike the amount in the Senate Authorized column and insert “19,527,814”.

In the funding table in section 4101, in the item relating to Total Procurement, strike the amount in the Senate Authorized column and insert “158,987,016”.

SA 5775. 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. 1239. LIMITATION ON UNITED STATES FORCE STRUCTURE REDUCTIONS IN EASTERN EUROPE AND THE BALTIC COUNTRIES.

(a) IN GENERAL.—The Secretary of Defense may not reduce the total number of members of the Armed Forces serving on active duty who are stationed in each of Bulgaria, Estonia, Latvia, Lithuania, Poland, or Romania below the levels in each such country as of January 1, 2022, until the date that is 120 days after the date on which the Secretary, in consultation with the heads of other relevant Federal departments and agencies, submits to the appropriate committees of Congress a written assessment that contains the following:

(1) An analysis as to whether such a reduction—

(A) would be in the national security interest of the United States; and

(B) would not detract from United States military posture and alignment in the European theater.

(2) An analysis of the impact of such a reduction on—

(A) the security of the United States;

(B) the security of United States allies and partners in Europe;

(C) the deterrence and defense posture of the North Atlantic Treaty Organization;

(D) the ability of the Armed Forces to execute contingency plans of the Department of Defense, including ongoing operations executed by the United States Central Command and the United States Africa Command;

(E) military families, including with respect to additional costs for relocation of associated infrastructure; and

(F) military training and major military exercises, including with respect to interoperability and joint activities with United States allies and partners.

(3) A description of—

(A) the consultations made with United States allies and partners in Europe, including a description of the consultations with each member of the North Atlantic Treaty Organization regarding such a reduction; and

(B) the capabilities that would be impacted in the country in which the total number of Armed Forces serving on active duty is being

reduced, and any actions designed to mitigate such a reduction.

(4) A detailed description of the requirements for the Department to effectuate any relocation and redeployment of members of the Armed Forces from the country in which the total number of Armed Forces serving on active duty is being reduced and the associated relocation of military families.

(5) A detailed analysis of—

(A) the impact of such a reduction and redeployment of military capabilities on the ability of the United States—

(i) to meet commitments under the North Atlantic Treaty; and

(ii) to support operations in the Middle East and Africa;

(B) the impact of such a reduction and redeployment on the implementation of the National Defense Strategy and on Joint Force Planning; and

(C) the cost implications of such a reduction and redeployment, including—

(i) the cost of any associated new facilities to be constructed, or existing facilities to be renovated, at the location where the members of the Armed Forces are to be moved and stationed; and

(ii) the costs associated with rotational deployments.

(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.

(c) TERMINATION.—This section shall cease to have effect on September 30, 2023.

SA 5776. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. IMPOSITION OF SANCTIONS WITH RESPECT TO ANSARALLAH.

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

(1) designate Ansarallah 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 Ansarallah and any foreign person the President determines is an official, agent, or affiliate of Ansarallah, 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, threaten to commit, or support terrorism).

(b) DETERMINATION REQUIRED.—Not later than 30 days after the President makes the designation required by paragraph (1) of subsection (a) and imposes the sanctions required by paragraph (2) of that subsection, the President shall 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 following foreign persons are officials, agents, or affiliates of Ansarallah:

(1) Abdul Malik al-Houthi.

(2) Abd al-Khalik Badr al-Din al-Houthi.

(3) Abdullah Yahya al-Hakim.

(c) ANSARALLAH DEFINED.—In this section, the term “Ansarallah” means the movement known as Ansarallah, the Houthi movement, or any other alias.

SA 5777. Mr. SULLIVAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . FEDERAL COST SHARE FOR DISASTER RELIEF RELATED TO TYPHOON MERBOK.

Notwithstanding sections 403(b), 403(c)(4), 404(a), 406(b), 407(d), 408(g)(2), 428(e)(2)(B), and 503(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), for any emergency or major disaster declared by the President under such Act with a declaration occurring or an incident period beginning between September 15, 2022, and September 20, 2022, the Federal share of assistance, including direct Federal assistance, provided under such sections shall be not less than 100 percent of the eligible cost of such assistance during the 30-day period beginning on the date of the declaration.

SA 5778. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . PROHIBITION ON USE OF FUNDS TO PRODUCE INSTRUCTIONAL MATERIALS REGARDING GENDER IDENTITY OR CORRECT PRONOUN USAGE.

None of the funds authorized to be appropriated by this Act for fiscal year 2023 may be used to produce instructional materials regarding gender identity or correct pronoun usage.

SA 5779. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION AND UKRAINIAN MILITARY, ECONOMIC, AND HUMANITARIAN AID.

(a) **PURPOSES.**—The purposes of this section are—

(1) to provide for the independent and objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available to Ukraine for military, economic, and humanitarian aid;

(2) to provide for the independent and objective leadership and coordination of, and recommendations concerning, policies designed—

(A) to promote economic efficiency and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) to prevent and detect waste, fraud, and abuse in such programs and operations; and

(3) to provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies fully and currently informed about—

(A) problems and deficiencies relating to the administration of the programs and operations described in paragraph (1); and

(B) the necessity for, and the progress toward implementing, corrective action related to such programs.

(b) **DEFINITIONS.**—In this section:

(1) **AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE FOR THE MILITARY, ECONOMIC, OR HUMANITARIAN AID FOR UKRAINE.**—The term “amounts appropriated or otherwise made available for military, economic, or humanitarian aid for Ukraine” means amounts appropriated or otherwise made available for any fiscal year—

(A) for the Ukraine Security Assistance Initiative;

(B) for Foreign Military Financing funding for Ukraine;

(C) under titles III and VI of the Ukraine Supplemental Appropriations Act (division N of Public Law 117–103);

(D) under the Additional Ukraine Supplemental Appropriations Act, 2022 (Public Law 117–128); and

(E) for military, economic, or humanitarian aid for Ukraine under any other provision of law.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Armed Services of the Senate;

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

(D) the Committee on Appropriations of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

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

(3) **OFFICE.**—The term “Office” means the Office of the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid renamed under subsection (c)(1).

(4) **SPECIAL INSPECTOR GENERAL.**—The term “Special Inspector General” means the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid renamed under subsection (c)(2).

(c) **EXPANSION OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.**—

(1) **RENAMING OF OFFICE.**—Beginning on the date of the enactment of this Act, the Office

of the Special Inspector General for Afghanistan Reconstruction shall be referred to as the Office of the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid and shall carry out the purposes described in subsection (a).

(2) **RENAMING OF SPECIAL INSPECTOR GENERAL.**—Beginning on the date of the enactment of this Act, the Special Inspector General for Afghanistan Reconstruction shall be referred to as the Special Inspector General for Afghanistan Reconstruction and Ukrainian Military, Economic, and Humanitarian Aid.

(3) **COMPENSATION.**—The annual rate of basic pay of the Special Inspector General shall be 3 percent higher than the annual rate of basic pay provided for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.

(4) **PROHIBITION ON POLITICAL ACTIVITIES.**—For purposes of section 7324 of title 5, United States Code, the Special Inspector General is not an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(5) **REMOVAL.**—The Special Inspector General shall be removable from office in accordance with section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(6) **APPOINTMENT.**—If the Special Inspector General is removed from office or otherwise leaves such office, the President shall appoint a new Special Inspector General.

(d) **ASSISTANT INSPECTORS GENERAL.**—The Special Inspector General shall be assisted by—

(1) the Assistant Inspector General for Auditing appointed pursuant to section 1229(d)(1) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of auditing activities relating to programs and operations supported by amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(2) the Assistant Inspector General for Investigations appointed pursuant to section 1229(d)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), who shall supervise the performance of investigative activities relating to the programs and operations described in paragraph (1).

(e) **SUPERVISION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Special Inspector General shall report directly to, and be under the general supervision of, the Secretary of State and the Secretary of Defense.

(2) **INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.**—No officer of the Department of Defense, the Department of State, the United States Agency for International Development, or any other relevant Federal agency may prevent or prohibit the Special Inspector General from—

(A) initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine; or

(B) issuing any subpoena during the course of any such audit or investigation.

(f) **DUTIES.**—

(1) **OVERSIGHT OF MILITARY, ECONOMIC, AND HUMANITARIAN AID TO UKRAINE PROVIDED AFTER FEBRUARY 24, 2022.**—In addition to any duties previously carried out as the Special Inspector General for Afghanistan Reconstruction, the Special Inspector General shall conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for military, economic, and humanitarian aid to

Ukraine, and of the programs, operations, and contracts carried out utilizing such funds, including—

(A) the oversight and accounting of the obligation and expenditure of such funds;

(B) the monitoring and review of activities funded by such funds;

(C) the monitoring and review of contracts funded by such funds;

(D) the monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities;

(E) the maintenance of records regarding the use of such funds to facilitate future audits and investigations of the use of such funds;

(F) the monitoring and review of the effectiveness of United States coordination with the Government of Ukraine, major recipients of Ukrainian refugees, partners in the region, and other donor countries;

(G) the investigation of overpayments (such as duplicate payments or duplicate billing) and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities; and

(H) the referral of reports compiled as a result of such investigations, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of funds, or other remedies.

(2) **OTHER DUTIES RELATED TO OVERSIGHT.**—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duties described in paragraph (1).

(3) **CONSULTATION.**—The Special Inspector General shall consult with the appropriate congressional committees before engaging in auditing activities outside of Ukraine.

(4) **DUTIES AND RESPONSIBILITIES UNDER INSPECTOR GENERAL ACT OF 1978.**—In addition to the duties specified in paragraphs (1) and (2), the Special Inspector General shall have the duties and responsibilities of inspectors general under the Inspector General Act of 1978 (5 U.S.C. App.).

(5) **COORDINATION OF EFFORTS.**—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall coordinate with, and receive cooperation from—

(A) the Inspector General of the Department of Defense;

(B) the Inspector General of the Department of State;

(C) the Inspector General of the United States Agency for International Development; and

(D) the Inspector General of any other relevant Federal agency.

(g) **POWERS AND AUTHORITIES.**—

(1) **AUTHORITIES UNDER INSPECTOR GENERAL ACT OF 1978.**—

(A) **IN GENERAL.**—In carrying out the duties specified in subsection (f), the Special Inspector General shall have the authorities provided under section 6 of the Inspector General Act of 1978, including the authorities under subsection (e) of such section.

(B) **RETENTION OF CERTAIN AUTHORITIES.**—The Special Inspector General shall retain all of the duties, powers, and authorities provided to the Special Inspector General for Afghanistan Reconstruction under section 1229 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), and may utilize those powers and authorities as are, in the judgment of the Special Inspector General, necessary to carry out the duties under this section.

(2) **AUDIT STANDARDS.**—The Special Inspector General shall carry out the duties specified in subsection (f)(1) in accordance with

section 4(b)(1) of the Inspector General Act of 1978.

(h) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) PERSONNEL.—

(A) IN GENERAL.—The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General under this section, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) ADDITIONAL AUTHORITIES.—

(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code, without regard to subsection (a) of such section.

(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) —

(I) paragraph (2) of such subsection (relating to periods of appointments) shall not apply; and

(II) no period of appointment may exceed the date on which the Office terminates under subsection (1).

(iii) ACQUISITION OF COMPETITIVE STATUS.—An employee shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications if the employee —

(I) completes at least 12 months of continuous service after the date of the enactment of this Act; or

(II) is employed on the date on which the Office terminates.

(2) EMPLOYMENT OF EXPERTS AND CONSULTANTS.—The Special Inspector General may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule under section 5332 of such title.

(3) CONTRACTING AUTHORITY.—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may —

(A) enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons; and

(B) make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) RESOURCES.—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with —

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense, as appropriate, in Ukraine or in European partner countries;

(B) such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices; and

(C) necessary maintenance services for such offices and the equipment and facilities located in such offices.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, to the extent practicable and not in contravention of any existing law, furnish such information or as-

sistance to the Special Inspector General or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall immediately report the circumstances to —

(i) the Secretary of State or the Secretary of Defense, as appropriate; and

(ii) the appropriate congressional committees.

(1) REPORTS.—

(I) QUARTERLY REPORTS.—Not later than 30 days after the end of each quarter of each fiscal year, the Special Inspector General shall submit to the appropriate congressional committees, the Secretary of State, and the Secretary of Defense a report that —

(A) summarizes, for the applicable quarter, and to the extent possible, for the period from the end of such quarter to the date on which the report is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(B) includes, for applicable quarter, a detailed statement of all obligations, expenditures, and revenues associated with military, economic, and humanitarian activities in Ukraine, including —

(i) obligations and expenditures of appropriated funds;

(ii) a project-by-project and program-by-program accounting of the costs incurred to date for military, economic, and humanitarian aid to Ukraine, including an estimate of the costs to be incurred by the Department of Defense, the Department of State, the United States Agency for International Development, and other relevant Federal agencies to complete each project and each program;

(iii) revenues attributable to, or consisting of, funds provided by foreign nations or international organizations to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(iv) revenues attributable to, or consisting of, foreign assets seized or frozen that contribute to programs and projects funded by any Federal department or agency and any obligations or expenditures of such revenues;

(v) operating expenses of entities receiving amounts appropriated or otherwise made available for military, economic, and humanitarian aid to Ukraine; and

(vi) for any contract, grant, agreement, or other funding mechanism described in paragraph (2) —

(I) the dollar amount of the contract, grant, agreement, or other funding mechanism;

(II) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(III) a discussion of how the Federal department or agency involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, including a list of the potential individuals or entities that were issued solicitations for the offers; and

(IV) the justification and approval documents on which the determination to use procedures other than procedures that provide for full and open competition was based.

(2) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS.—A contract, grant, agreement, or other funding mechanism described in this paragraph is

any major contract, grant, agreement, or other funding mechanism that is entered into by any Federal department or agency that involves the use of amounts appropriated or otherwise made available for the military, economic, or humanitarian aid to Ukraine with any public or private sector entity —

(A) to build or rebuild the physical infrastructure of Ukraine;

(B) to establish or reestablish a political or societal institution of Ukraine;

(C) to provide products or services to the people of Ukraine; or

(D) to provide security assistance to Ukraine.

(3) PUBLIC AVAILABILITY.—The Special Inspector General shall publish each report submitted pursuant to paragraph (1) on a publicly available internet website in English, Ukrainian, and Russian.

(4) FORM.—Each report required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex if the Special Inspector General determines that a classified annex is necessary.

(5) SUBMISSION OF COMMENTS TO CONGRESS.—During the 30-day period beginning on the date a report is received under paragraph (1), the Secretary of State and the Secretary of Defense may submit comments to the appropriate congressional committees, in unclassified form, regarding any matters covered by the report that the Secretary of State or the Secretary of Defense considers appropriate. Such comments may include a classified annex if the Secretary of State or the Secretary of Defense considers such annex to be necessary.

(6) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to authorize the public disclosure of information that is —

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(j) TRANSPARENCY.—

(1) REPORT.—Except as provided in paragraph (3), not later than 60 days after receiving a report under subsection (i)(1), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request and at a reasonable cost.

(2) COMMENTS.—Except as provided in paragraph (3), not later than 60 days after submitting comments pursuant to subsection (i)(5), the Secretary of State and the Secretary of Defense shall jointly make copies of such comments available to the public upon request and at a reasonable cost.

(3) WAIVER.—

(A) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) with respect to availability to the public of any element in a report submitted pursuant to subsection (i)(1) or any comments submitted pursuant to subsection (i)(5) if the President determines that such waiver is justified for national security reasons.

(B) NOTICE OF WAIVER.—The President shall publish a notice of each waiver made under subparagraph (A) in the Federal Register not later than the date of the submission to the appropriate congressional committees of a report required under subsection (i)(1) or any comments under subsection (i)(5). Each such report and comments shall specify whether a waiver was made pursuant to subparagraph (A) and which elements in the report or the comments were affected by such waiver.

(k) USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated before the

date of the enactment of this Act for the Office of the Special Inspector General for Afghanistan Reconstruction may be used to carry out the duties described in subsection (f).

(1) **TERMINATION.**—

(1) **IN GENERAL.**—The Office shall terminate on September 30, 2027.

(2) **FINAL REPORT.**—Before the termination date referred to in paragraph (1), the Special Inspector General shall prepare and submit to the appropriate congressional committees a final forensic audit report on programs and operations funded with amounts appropriated or otherwise made available for the military, economic, and humanitarian aid to Ukraine.

SA 5780. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 144. PROCUREMENT AUTHORITY FOR COMMERCIAL ENGINEERING SOFTWARE.

(a) **PROCUREMENT AUTHORITY.**—The Secretary of the Air Force may enter into one or more contracts for 6 the procurement of commercial engineering software to 7 meet the digital transformation goals and objectives of the 8 Department of the Air Force.

(b) **INCLUSION OF PROGRAM ELEMENT IN BUDGET MATERIALS.**—In the materials submitted by the Secretary of the Air Force in support of the budget of the President 2 for fiscal year 2024 (as submitted to Congress pursuant 3 to section 1105 of title 31, United States Code), the Secretary shall include a program element dedicated to the 5 procurement and management of the commercial engineer- 6 ing software described in subsection (a).

(c) **REVIEW.**—In carrying out subsection (a), the Secretary of the Air Force shall—

(1) review the commercial physics-based simulation marketplace; and

(2) conduct research on providers of commercial software capabilities that have the potential to expedite the progress of digital engineering initiatives across the weapon system enterprise, with a particular focus on capabilities that have the potential to generate significant life-cycle cost savings, streamline and accelerate weapon system acquisition, and provide data-driven approaches to inform investments by the Department of the Air Force.

(d) **REPORT.**—Not later than March 1, 2023, the Secretary of the Air Force shall submit to the congressional defense committees a report that includes—

(1) an analysis of specific physics-based simulation capability manufacturers that deliver high mission impact with broad reach into the weapon system enterprise of the Department of the Air Force; and

(2) a prioritized list of programs and offices of the Department of the Air Force that could better utilize commercial physics-based modeling and simulation and opportunities for the implementation of such modeling and simulation capabilities within the Department.

SA 5781. Mr. MARSHALL submitted an amendment intended to be proposed

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

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

SEC. 753. PROHIBITION ON ADVERSE PERSONNEL ACTIONS TAKEN AGAINST MEMBERS OF THE ARMED FORCES BASED ON DECLINING COVID-19 VACCINE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Secretary of Defense has announced a COVID-19 vaccine mandate will take effect for the Department of Defense.

(2) Reports of adverse actions being taken, or threatened, by military leadership at all levels are antithetical to our fundamental American values.

(3) Any discharge other than honorable denotes a dereliction of duty or a failure to serve the United States and its people to the best of the ability of an individual.

(b) **PROHIBITION.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1107a the following new section:

“§ 1107b. Prohibition on certain adverse personnel actions related to COVID-19 vaccine requirement

“Notwithstanding any other provision of law, a member of the armed forces subject to discharge on the basis of the member choosing not to receive the COVID-19 vaccine may only receive an honorable discharge.”.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1107a the following new item:

“1107b. Prohibition on certain adverse personnel actions related to COVID-19 vaccine requirement.”.

SA 5782. Mr. MARSHALL (for himself, Mr. RISCH, and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. INTERAGENCY STRATEGY TO DISRUPT AND DISMANTLE NARCOTICS PRODUCTION AND TRAFFICKING AND AFFILIATED NETWORKS LINKED TO THE REGIME OF BASHAR AL-ASSAD IN SYRIA.

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

(1) the Captagon trade linked to the regime of Bashar al-Assad in Syria is a transnational security threat; and

(2) the United States should develop and implement an interagency strategy to deny, degrade, and dismantle Assad-linked narcotics production and trafficking networks.

(b) **DEFINED TERM.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Appropriations of the Senate

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

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

(5) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) the Select Committee on Intelligence of the Senate;

(7) the Committee on Armed Services of the House of Representatives;

(8) the Committee on Appropriations of the House of Representatives;

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

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

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

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

(c) **STRATEGY REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Secretary of Defense, the Secretary of the Treasury, the Administrator of the Drug Enforcement Administration, the Director of National Intelligence, the Director of the Office of National Drug Control Policy, and the heads of other appropriate Federal agencies, shall provide a written strategy (with a classified annex, if necessary), to the appropriate congressional committees for disrupting and dismantling narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.

(2) **CONTENTS.**—The strategy required under paragraph (1) shall include—

(A) a detailed plan for—

(i) targeting, disrupting and degrading networks that directly and indirectly support the narcotics infrastructure of the Assad regime, particularly through diplomatic and intelligence support to law enforcement investigations; and

(ii) building counter-narcotics capacity to partner countries through assistance and training to law enforcement services in countries (other than Syria) that are receiving or transiting large quantities of Captagon;

(B)(i) the identification of the countries that are receiving or transiting large shipments of Captagon;

(ii) an assessment of the counter-narcotics capacity of such countries to interdict or disrupt the smuggling of Captagon; and

(iii) an assessment of current United States assistance and training programs to build such capacity in such countries;

(C) the use of sanctions, including sanctions authorized under section the Caesar Syria Civilian Protection Act of 2019 (22 U.S.C. 8791 note; title LXXIV of division F of Public Law 116-92), and associated actions to target individuals and entities directly or indirectly associated with the narcotics infrastructure of the Assad regime;

(D) the use of global diplomatic engagements associated with the economic pressure campaign against the Assad regime to target its narcotics infrastructure;

(E) leveraging multilateral institutions and cooperation with international partners to disrupt the narcotics infrastructure of the Assad regime; and

(F) mobilizing a public communications campaign to increase awareness of the extent of the connection of the Assad regime to the illicit narcotics trade.

SA 5783. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by

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

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

SEC. 753. LIMITATION ON CONDUCTING CERTAIN RESEARCH IN COUNTRIES OF CONCERN.

Beginning not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prohibit research funded by the Department of Defense conducted in a foreign institution involving pathogens of pandemic potential or biological agents or toxins listed pursuant to section 351A(a)(1) of the Public Health Service Act (42 U.S.C. 262a(a)(1)) located in a country of concern, as determined by the Director of National Intelligence or the head of another relevant Federal agency, as appropriate, in consultation with the Secretary of Defense.

SA 5784. Mr. MARSHALL submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON DESIGNATION OF CERTAIN DRUG CARTELS AS FOREIGN TERRORIST ORGANIZATIONS.

(a) **SHORT TITLE.**—This section may be cited as the “Drug Cartel Terrorist Designation Act”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that each of the drug cartels referred to in subsection (d) meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(c) **DEFINED TERM.**—In this section, the term “appropriate committees of Congress” means—

- (1) the Committee on Armed Services of the Senate;
- (2) the Committee on Banking, Housing, and Urban Affairs of the Senate;
- (3) the Committee on Foreign Relations of the Senate;
- (4) the Committee on the Judiciary of the Senate;
- (5) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (6) the Select Committee on Intelligence of the Senate;
- (7) the Committee on Armed Services of the House of Representatives;
- (8) the Committee on Financial Services of the House of Representatives;
- (9) the Committee on Foreign Affairs of the House of Representatives;
- (10) the Committee on the Judiciary of the House of Representatives;
- (11) the Committee on Homeland Security of the House of Representatives; and
- (12) the Permanent Select Committee on Intelligence of the House of Representatives.

(d) **DESIGNATION.**—

(1) **IN GENERAL.**—The Secretary of State shall designate each of the following Mexican drug cartels as a foreign terrorist organization under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)):

(A) The Reynosa/Los Metros faction of the Gulf Cartel.

(B) The Cartel Del Noreste faction of Los Zetas.

(C) The Jalisco New Generation Cartel.

(D) The Sinaloa Cartel.

(2) **ADDITIONAL CARTELS.**—The Secretary of State shall designate any Mexican drug cartel, or any faction of such a cartel, as a foreign terrorist organization if such cartel or faction meets the criteria described in such section 219(a).

(e) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Director of National Intelligence, shall submit to the appropriate committees of Congress a detailed report regarding—

(A) each of the drug cartels referred to in subsection (d)(1) that describes the criteria justifying their designations as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)); and

(B) all other Mexican drug cartels, or factions of cartels, that the Secretary determines pursuant to subsection (d)(2) meet the criteria for designation as foreign terrorist organizations under such section 219(a), including the specific criteria justifying each such designation.

(2) **FORM.**—The report required under paragraph (1)—

(A) shall be submitted in unclassified form, but may include a classified annex;

(B) shall be made available only in electronic form; and

(C) may not be printed, except upon a request for a printed copy from a congressional office.

SA 5785. Ms. KLOBUCHAR (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR STUDENT VISAS.

(a) **EXCEPTION WITH RESPECT TO RESIDENCE.**—To be eligible as a nonimmigrant described in section 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C. 101(a)(15)(F)), an individual who is a national of Afghanistan or a person with no nationality who last habitually resided in Afghanistan shall meet all requirements for such nonimmigrant status except that the individual shall not be required to demonstrate residence in Afghanistan or an intention not to abandon such residence.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—The exception under subsection (a) shall apply during the period beginning on the date of the enactment of this Act and ending on the date that is two years after such date of enactment.

(2) **EXTENSION.**—The Secretary of Homeland Security, in consultation with the Secretary of State—

(A) shall periodically review the country conditions in Afghanistan; and

(B) may renew the exception under subsection (a) in 18-month increments based on such conditions.

SA 5786. Ms. KLOBUCHAR (for herself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPORT FOR NATIONALS OF AFGHANISTAN APPLYING FOR SPECIAL IMMIGRANT VISAS OR REFUGEE STATUS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should increase support for nationals of Afghanistan who—

(1) aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan who—

(A) are special immigrant visa applicants; or

(B) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) remain in Afghanistan or are in third countries.

(b) **REQUIREMENTS.**—The Secretary of State, in coordination with the Secretary of Homeland Security and the head of any other relevant Federal department or agency, shall further surge capacity, including by increasing consular personnel at any United States embassy or consulate in the region that processes visa applications for nationals of Afghanistan—

(1) to better support nationals of Afghanistan who—

(A)(i) are special immigrant visa applicants who have been approved by the Chief of Mission; or

(ii) have been referred to the United States Refugee Admissions Program, including through the Priority 2 designation for nationals of Afghanistan; and

(2) to reduce application processing times for such nationals of Afghanistan while ensuring strict and necessary security vetting, including, to the extent practicable, by enabling such nationals of Afghanistan who have been referred to the United States Refugee Admissions Program to initiate application processing while still in Afghanistan.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to require the Secretary of State to decrease the capacity to process visa applications at United States embassies or consulates worldwide.

SA 5787. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____ . SPECIAL MEASURES TO FIGHT MODERN THREATS.—

(a) **FINDINGS.**—Congress finds the following:

(1) The Financial Crimes Enforcement Network (in this section referred to as “FinCEN”) is the financial intelligence unit of the United States tasked with safeguarding the financial system from illicit use, combating money laundering and its related crimes, including terrorism, and promoting national security.

(2) Under law, FinCEN may require domestic financial institutions and financial agencies to take certain “special measures” against jurisdictions, institutions, classes of transactions, or types of accounts determined to be of primary money laundering concern, providing the Secretary with a range of options, such as enhanced record-keeping, that can be adapted to target specific money laundering and terrorist financing and to bring pressure on those that pose money laundering threats.

(3) This special-measures authority was granted in 2001, when most cross-border transactions occurred through correspondent or payable-through accounts held with large financial institutions that serve as intermediaries to facilitate financial transactions on behalf of other banks.

(4) Innovations in financial services have transformed and expanded methods of cross-border transactions that could not have been envisioned 20 years ago when FinCEN was given its special-measures authority.

(5) These innovations, particularly through digital assets and informal value transfer systems, while useful to legitimate consumers and law enforcement, can be tools abused by bad actors like sanctions evaders, fraudsters, money launderers, and those who commit ransomware attacks on victimized United States companies and that abuse the financial system to move and obscure the proceeds of their crimes.

(6) Ransomware attacks on United States companies requiring payments in cryptocurrencies have increased in recent years, with the Treasury estimating that ransomware payments in the United States reached \$590,000,000 in just the first half of 2021, compared to a total of \$416,000,000 in 2020.

(7) In July 2021, the White House, with support of United States allies, asserted that the People’s Republic of China was responsible for ransomware operations against private companies that included demands of millions of dollars, including the 2021 ransomware attacks that breached Microsoft email systems and affected thousands of consumers, State and local municipalities, and government contractors attributed to a cyber espionage group with links to the Ministry of State Security of the People’s Republic of China.

(8) As ransomware attacks organized by Chinese and other foreign bad actors continue to grow in size and scope, modernizing the special-measure authorities of FinCEN will empower FinCEN to adapt its existing tools, monitor and obstruct global financial threats, and meet the challenges of combating 21st century financial crime.

(b) **PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.**—Section 5318A of title 31, United States Code, is amended—

(1) in subsection (a)(2)(C), by striking “subsection (b)(5)” and inserting “paragraphs (5) and (6) of subsection (b)”;

and

(2) in subsection (b)—

(A) in paragraph (5), by striking “for or on behalf of a foreign banking institution”;

and

(B) by adding at the end the following:

“(6) **PROHIBITIONS OR CONDITIONS ON CERTAIN TRANSMITTALS OF FUNDS.**—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more types of accounts within, or involving, a jurisdiction outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, certain transmittals of funds (as such term may be defined by the Secretary in a special measure issuance, by regulation, or as otherwise permitted by law), to or from any domestic financial institution or domestic financial agency if such transmittal of funds involves any such jurisdiction, institution, type of account, or class of transaction.”.

SA 5788. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

After division D, insert the following:

DIVISION E—FINANCIAL DATA TRANSPARENCY

SEC. 5001. SHORT TITLE.

This division may be cited as the “Financial Data Transparency Act of 2022”.

TITLE LI—DATA STANDARDS FOR COVERED AGENCIES; DEPARTMENT OF THE TREASURY RULEMAKING

SEC. 5101. DATA STANDARDS.

(a) **IN GENERAL.**—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.) is amended by adding at the end the following:

“SEC. 124. DATA STANDARDS.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘covered agencies’ means—

“(A) the Department of the Treasury;

“(B) the Board of Governors;

“(C) the Office of the Comptroller of the Currency;

“(D) the Bureau;

“(E) the Commission;

“(F) the Corporation;

“(G) the Federal Housing Finance Agency;

“(H) the National Credit Union Administration Board; and

“(I) any other primary financial regulatory agency designated by the Secretary;

“(2) the term ‘data standard’ means a standard that specifies rules by which data is described and recorded; and

“(3) the terms ‘machine-readable’, ‘metadata’, and ‘open license’ have the meanings given the terms in section 3502 of title 44, United States Code.

“(b) **PROMULGATION OF STANDARDS.**—Not later than 2 years after the date of enact-

ment of this section, the heads of the covered agencies shall jointly promulgate final rules that establish data standards for—

“(1) the collections of information reported to each covered agency by financial entities under the jurisdiction of the covered agency; and

“(2) the data collected from covered agencies on behalf of the Council.

“(c) **DATA STANDARDS.**—

“(1) **COMMON IDENTIFIERS; QUALITY.**—The data standards established in the final rules promulgated under subsection (b) shall—

“(A) include common identifiers for collections of information reported to covered agencies or collected on behalf of the Council, which shall include a common nonproprietary legal entity identifier that is available under an open license for all entities required to report to covered agencies; and

“(B) to the extent practicable—

“(i) render data fully searchable and machine-readable;

“(ii) enable high quality data through schemas, with accompanying metadata documented in machine-readable taxonomy or ontology models, which clearly define the semantic meaning of the data, as defined by the underlying regulatory information collection requirements;

“(iii) ensure that a data element or data asset that exists to satisfy an underlying regulatory information collection requirement be consistently identified as such in associated machine-readable metadata;

“(iv) be nonproprietary or made available under an open license;

“(v) incorporate standards developed and maintained by voluntary consensus standards bodies; and

“(vi) use, be consistent with, and implement applicable accounting and reporting principles.

“(2) **CONSULTATION; INTEROPERABILITY.**—In establishing data standards in the final rules promulgated under subsection (b), the heads of the covered agencies shall—

“(A) consult with other Federal departments and agencies and multi-agency initiatives responsible for Federal data standards; and

“(B) seek to promote interoperability of financial regulatory data across members of the Council.

“(d) **EFFECTIVE DATE.**—The data standards established in the final rules promulgated under subsection (b) shall take effect not later than 2 years after the date on which those final rules are promulgated under that subsection.”.

(b) **CLERICAL AMENDMENT.**—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by inserting after the item relating to section 123 the following:

“Sec. 124. Data standards.”.

SEC. 5102. OPEN DATA PUBLICATION BY THE DEPARTMENT OF THE TREASURY.

(a) **IN GENERAL.**—Subtitle A of the Financial Stability Act of 2010 (12 U.S.C. 5321 et seq.), as amended by section 5101(a), is further amended by adding at the end the following:

“SEC. 125. OPEN DATA PUBLICATION.

“All public data assets published by the Secretary under this subtitle shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

(b) **CLERICAL AMENDMENT.**—The table of contents under section 1(b) of the Dodd-

Frank Wall Street Reform and Consumer Protection Act, as amended by section 5101(b), is further amended by inserting after the item relating to section 124 the following:

“Sec. 125. Open data publication.”.

(c) RULEMAKING.—The Secretary of the Treasury shall issue rules to carry out the amendments made by this section, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

SEC. 5103. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Secretary of the Treasury to collect or make publicly available additional information under the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LII—SECURITIES AND EXCHANGE COMMISSION

SEC. 5201. DATA STANDARDS REQUIREMENTS FOR THE SECURITIES AND EXCHANGE COMMISSION.

(a) DATA STANDARDS FOR INVESTMENT ADVISERS' REPORTS UNDER THE INVESTMENT ADVISERS ACT OF 1940.—Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended—

(1) by redesignating the second subsection (d) (relating to Records of Persons With Custody of Use) as subsection (e); and

(2) by adding at the end the following:

“(f) DATA STANDARDS FOR REPORTS FILED UNDER THIS SECTION.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports filed by investment advisers with the Commission under this section.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(b) DATA STANDARDS FOR REGISTRATION STATEMENTS AND REPORTS UNDER THE INVESTMENT COMPANY ACT OF 1940.—The Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) is amended—

(1) in section 8 (15 U.S.C. 80a-8), by adding at the end the following:

“(g) DATA STANDARDS FOR REGISTRATION STATEMENTS.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements required to be filed with the Commission under this section, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”; and

(2) in section 30 (15 U.S.C. 80a-29), by adding at the end the following:

“(k) DATA STANDARDS FOR REPORTS.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports required to be filed with the Commission under this section, except that the Commis-

sion may exempt exhibits, signatures, and certifications from those data standards.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(c) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED BY NATIONALLY RECOGNIZED STATISTICAL RATING ORGANIZATIONS.—Section 15E of the Securities Exchange Act of 1934 (15 U.S.C. 78o-7) is amended by adding at the end the following:

“(w) DATA STANDARDS FOR INFORMATION REQUIRED TO BE SUBMITTED OR PUBLISHED UNDER THIS SECTION.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information required to be submitted or published by a nationally recognized statistical rating organization under this section.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(d) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—Section 7(c) of the Securities Act of 1933 (15 U.S.C. 77g(c)) is amended by adding at the end the following:

“(3) DATA STANDARDS FOR ASSET-BACKED SECURITIES DISCLOSURES.—

“(A) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all disclosures required under this subsection.

“(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(e) DATA STANDARDS FOR CORPORATE DISCLOSURES UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following:

“SEC. 29. DATA STANDARDS.

“(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all registration statements, and for all prospectuses included in registration statements, required to be filed with the Commission under this title, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

“(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(f) DATA STANDARDS FOR PERIODIC AND CURRENT CORPORATE DISCLOSURES UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(s) DATA STANDARDS.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all collections of information with respect to periodic and current reports required to be filed or furnished under this section or under section 15(d), except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(g) DATA STANDARDS FOR CORPORATE PROXY AND CONSENT SOLICITATION MATERIALS UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following:

“(k) DATA STANDARDS FOR PROXY AND CONSENT SOLICITATION MATERIALS.—

“(1) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all information contained in any proxy or consent solicitation material prepared by an issuer for an annual meeting of the shareholders of the issuer, except that the Commission may exempt exhibits, signatures, and certifications from those data standards.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(h) DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING.—The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following:

“SEC. 41. DATA STANDARDS FOR SECURITY-BASED SWAP REPORTING.

“(a) REQUIREMENT.—The Commission shall, by rule, adopt data standards for all reports related to security-based swaps that are required under this Act.

“(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(1) RULEMAKING.—

(1) IN GENERAL.—The rules that the Securities and Exchange Commission are required to issue under the amendments made by this section shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under the amendments made by this section, as described in paragraph (1), the Securities and Exchange Commission—

(A) may scale data reporting requirements in order to reduce any unjustified burden on emerging growth companies, lending institutions, accelerated filers, smaller reporting companies, and other smaller issuers, as determined by any study required under section 5205(b), while still providing searchable information to investors; and

(B) shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5202. OPEN DATA PUBLICATION BY THE SECURITIES AND EXCHANGE COMMISSION.

Section 4 of the Securities Exchange Act of 1934 (15 U.S.C. 78d) is amended by adding at the end the following:

“(k) OPEN DATA PUBLICATION.—All public data assets published by the Commission under the securities laws and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5203. DATA TRANSPARENCY AT THE MUNICIPAL SECURITIES RULEMAKING BOARD.

(a) IN GENERAL.—Section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)) is amended by adding at the end the following:

“(8)(A) If the Board establishes information systems under paragraph (3), the Board shall adopt data standards for information submitted through those systems.

“(B) Any data standards adopted under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, the Municipal Securities Rulemaking Board shall issue rules to adopt the standards required under paragraph (8) of section 15B(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-4(b)), as added by subsection (a), if the Board has established information systems under paragraph (3) of such section 15B(b).

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules described in paragraph (1), the Municipal Securities Rulemaking Board—

(A) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5204. DATA TRANSPARENCY AT NATIONAL SECURITIES ASSOCIATIONS.

(a) IN GENERAL.—Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by adding at the end the following:

“(n) DATA STANDARDS.—

“(1) REQUIREMENT.—A national securities association registered pursuant to subsection (a) shall adopt data standards for all information that is regularly filed with or submitted to the association.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date on which final rules are pro-

mulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, each national securities association registered pursuant to section 15A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(a)) shall issue rules to adopt the standards required under subsection (n) of section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3), as added by subsection (a) of this section.

(2) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under paragraph (1), a national securities association described in that paragraph—

(A) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(B) shall seek to minimize disruptive changes to the persons affected by those standards.

SEC. 5205. SHORTER-TERM BURDEN REDUCTION AND DISCLOSURE SIMPLIFICATION AT THE SECURITIES AND EXCHANGE COMMISSION; SUNSET.

(a) BETTER ENFORCEMENT OF THE QUALITY OF CORPORATE FINANCIAL DATA SUBMITTED TO THE SECURITIES AND EXCHANGE COMMISSION.—

(1) DATA QUALITY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Securities and Exchange Commission shall establish a program to improve the quality of corporate financial data filed or furnished by issuers under the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.).

(B) CONTENTS.—The program established under subparagraph (A) shall include the following:

(i) The designation of an official in the Office of the Chairman of the Securities and Exchange Commission responsible for the improvement of the quality of data filed with or furnished to the Commission by issuers.

(ii) The issuance by the Division of Corporation Finance of the Securities and Exchange Commission of comment letters requiring correction of errors in data filings and submissions, where necessary.

(2) GOALS.—In establishing the program required under this subsection, the Securities and Exchange Commission shall seek to—

(A) improve the quality of data filed with or furnished to the Commission to a commercially acceptable level; and

(B) make data filed with or furnished to the Commission useful to investors.

(b) REPORT ON THE USE OF MACHINE-READABLE DATA FOR CORPORATE DISCLOSURES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and once every 180 days thereafter, the Securities and Exchange Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report regarding the public and internal use of machine-readable data for corporate disclosures.

(2) CONTENT.—Each report required under paragraph (1) shall include—

(A) an identification of which corporate disclosures required under section 7 of the Securities Act of 1933 (15 U.S.C. 77g), section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), and section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) are expressed as machine-readable data and which are not;

(B) an analysis of the costs and benefits of the use of machine-readable data in corporate disclosure to investors, markets, the Securities and Exchange Commission, and issuers;

(C) a summary of enforcement actions that result from the use or analysis of machine-readable data collected under the provisions of law described in subparagraph (A); and

(D) an analysis of how the Securities and Exchange Commission uses the machine-readable data collected by the Commission.

(c) SUNSET.—Beginning on the date that is 7 years after the date of enactment of this Act, this section shall have no force or effect.

SEC. 5206. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Securities and Exchange Commission, the Municipal Securities Rulemaking Board, or any national securities association to collect or make publicly available additional information under the provisions of law amended by this title (or under any provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

TITLE LIII—FEDERAL DEPOSIT INSURANCE CORPORATION**SEC. 5301. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL DEPOSIT INSURANCE CORPORATION.**

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.) is amended by adding at the end the following:

“SEC. 52. DATA STANDARDS.

“(a) DEFINITION.—In this section, the term ‘financial company’ has the meaning given the term in section 201(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381(a)).

“(b) REQUIREMENT.—The Corporation shall, by rule, adopt data standards for all collections of information with respect to information received by the Corporation from any depository institution or financial company under this Act or under title II of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5381 et seq.).

“(c) CONSISTENCY.—The data standards required under subsection (b) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

SEC. 5302. OPEN DATA PUBLICATION BY THE FEDERAL DEPOSIT INSURANCE CORPORATION.

The Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.), as amended by section 5301, is further amended by adding at the end the following:

“SEC. 53. OPEN DATA PUBLICATION.

“All public data assets published by the Corporation under this Act or under the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 1376) shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5303. RULEMAKING.

(a) IN GENERAL.—The Federal Deposit Insurance Corporation shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Federal Deposit Insurance Corporation—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5304. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Federal Deposit Insurance Corporation to collect or make publicly available additional information under the Acts amended by this title (or under any provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision, as of the day before the date of enactment of this Act.

TITLE LIV—OFFICE OF THE COMPTROLLER OF THE CURRENCY

SEC. 5401. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE OFFICE OF THE COMPTROLLER OF THE CURRENCY.

The Revised Statutes of the United States is amended by inserting after section 332 (12 U.S.C. 14) the following:

“SEC. 333. DATA STANDARDS; OPEN DATA PUBLICATION.

“(a) DATA STANDARDS.—

“(1) REQUIREMENT.—The Comptroller of the Currency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Comptroller of the Currency by any entity with respect to which the Office of the Comptroller of the Currency is the appropriate Federal banking agency (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)).

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

“(b) OPEN DATA PUBLICATION.—All public data assets published by the Comptroller of the Currency under title LXII or the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203; 124 Stat. 1376) shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5402. RULEMAKING.

(a) IN GENERAL.—The Comptroller of the Currency shall issue rules to carry out the amendments made by section 5401, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Comptroller of the Currency—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5403. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Comptroller of the Currency to collect or make publicly available additional information under the Revised Statutes of the United States (or under any other provision of law referenced in an amendment made by this title), beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

TITLE LV—BUREAU OF CONSUMER FINANCIAL PROTECTION

SEC. 5501. DATA STANDARDS AND OPEN DATA PUBLICATION REQUIREMENTS FOR THE BUREAU OF CONSUMER FINANCIAL PROTECTION.

(a) IN GENERAL.—Subtitle A of the Consumer Financial Protection Act of 2010 (12 U.S.C. 5491 et seq.) is amended by—

(1) redesignating section 1018 (12 U.S.C. 5491 note) as section 1020; and

(2) by inserting after section 1017 (12 U.S.C. 5497) the following:

“SEC. 1018. DATA STANDARDS.

“(a) REQUIREMENT.—The Bureau shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Bureau.

“(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.

“SEC. 1019. OPEN DATA PUBLICATION.

“All public data assets published by the Bureau shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Dodd-Frank Wall Street Reform and Consumer Protection Act is amended by striking the item relating to section 1018 and inserting the following:

“Sec. 1018. Data standards.

“Sec. 1019. Open data publication.

“Sec. 1020. Effective date.”.

SEC. 5502. RULEMAKING.

(a) IN GENERAL.—The Director of the Bureau of Consumer Financial Protection shall issue rules to carry out the amendments made by section 5501, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Director of the Bureau of Consumer Financial Protection—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5503. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Bureau of Consumer Financial Protection to collect or make publicly available

additional information under the Consumer Financial Protection Act of 2010 (12 U.S.C. 5481 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LVI—FEDERAL RESERVE SYSTEM

SEC. 5601. DATA STANDARDS REQUIREMENTS FOR THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

(a) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Section 161(a) of the Financial Stability Act of 2010 (12 U.S.C. 5361(a)) is amended by adding at the end the following:

“(4) DATA STANDARDS FOR REPORTS UNDER THIS SUBSECTION.—

“(A) IN GENERAL.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board of Governors under this subsection by any nonbank financial company supervised by the Board of Governors or any subsidiary thereof.

“(B) CONSISTENCY.—The data standards required under subparagraph (A) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of section 124.”.

(b) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY SAVINGS AND LOAN HOLDING COMPANIES.—Section 10 of the Home Owners’ Loan Act (12 U.S.C. 1467a) is amended by adding at the end the following:

“(u) DATA STANDARDS.—

“(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any savings and loan holding company, or subsidiary of a savings and loan holding company, other than a depository institution, under this section.

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(c) DATA STANDARDS FOR INFORMATION FILED OR SUBMITTED BY BANK HOLDING COMPANIES.—Section 5 of the Bank Holding Company Act of 1956 (12 U.S.C. 1844) is amended by adding at the end the following:

“(h) DATA STANDARDS.—

“(1) REQUIREMENT.—The Board shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board by any bank holding company in a report under subsection (c).

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

(d) DATA STANDARDS FOR INFORMATION SUBMITTED BY FINANCIAL MARKET UTILITIES OR INSTITUTIONS UNDER THE PAYMENT, CLEARING, AND SETTLEMENT SUPERVISION ACT OF 2010.—Section 809 of the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5468) is amended by adding at the end the following:

“(h) DATA STANDARDS.—

“(1) REQUIREMENT.—The Board of Governors shall adopt data standards for all information that, through a collection of information, is regularly filed with or submitted to the Board or the Council by any financial market utility or financial institution under subsection (a) or (b).

“(2) CONSISTENCY.—The data standards required under paragraph (1) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

SEC. 5602. OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

The Federal Reserve Act (12 U.S.C. 226 et seq.) is amended by adding at the end the following:

“SEC. 32. OPEN DATA PUBLICATION BY THE BOARD OF GOVERNORS.

“All public data assets published by the Board of Governors under this Act, the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.), the Financial Stability Act of 2010 (12 U.S.C. 5311 et seq.), the Home Owners’ Loan Act (12 U.S.C. 1461 et seq.), the Payment, Clearing, and Settlement Supervision Act of 2010 (12 U.S.C. 5461 et seq.), or the Enhancing Financial Institution Safety and Soundness Act of 2010 (title III of Public Law 111–203) (or any provision of law amended by that Act) shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5603. RULEMAKING.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the Board of Governors of the Federal Reserve System—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5604. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Board of Governors of the Federal Reserve System to collect or make publicly available additional information under any Act amended by this title, any Act referenced in an amendment made by this title, or any Act amended by an Act referenced in an amendment made by this title, beyond information that was collected or made publicly available under any such provision of law, as of the day before the date of enactment of this Act.

TITLE LVII—NATIONAL CREDIT UNION ADMINISTRATION

SEC. 5701. DATA STANDARDS.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following:

“SEC. 132. DATA STANDARDS.

“(a) REQUIREMENT.—The Board shall, by rule, adopt data standards for all collections

of information and reports regularly filed with or submitted to the Administration under this Act.

“(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

SEC. 5702. OPEN DATA PUBLICATION BY THE NATIONAL CREDIT UNION ADMINISTRATION.

Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.), as amended by section 5701, is further amended by adding at the end the following:

“SEC. 133. OPEN DATA PUBLICATION.

“All public data assets published by the Administration under this title shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5703. RULEMAKING.

(a) IN GENERAL.—The National Credit Union Administration Board shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) SCALING OF REGULATORY REQUIREMENTS; MINIMIZING DISRUPTION.—In issuing the rules required under subsection (a), the National Credit Union Administration Board—

(1) may scale data reporting requirements in order to reduce any unjustified burden on smaller regulated entities; and

(2) shall seek to minimize disruptive changes to the persons affected by those regulations.

SEC. 5704. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the National Credit Union Administration Board to collect or make publicly available additional information under the Federal Credit Union Act (12 U.S.C. 1751 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LVIII—FEDERAL HOUSING FINANCE AGENCY

SEC. 5801. DATA STANDARDS REQUIREMENTS FOR THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.) is amended by adding at the end the following:

“SEC. 1319H. DATA STANDARDS.

“(a) REQUIREMENT.—The Agency shall, by rule, adopt data standards for all collections of information that are regularly filed with or submitted to the Agency.

“(b) CONSISTENCY.—The data standards required under subsection (a) shall incorporate, and ensure compatibility with (to the extent feasible), all applicable data standards established in the rules promulgated under section 124 of the Financial Stability Act of 2010, including, to the extent practicable, by having the characteristics described in clauses (i) through (vi) of subsection (c)(1)(B) of such section 124.”.

SEC. 5802. OPEN DATA PUBLICATION BY THE FEDERAL HOUSING FINANCE AGENCY.

Part 1 of subtitle A of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4511 et seq.), as amended by section 5801, is further amended by adding at the end the following:

“SEC. 1319I. OPEN DATA PUBLICATION.

“All public data assets published by the Agency shall be—

“(1) made available as an open Government data asset (as defined in section 3502 of title 44, United States Code);

“(2) freely available for download in bulk;

“(3) rendered in a human-readable format; and

“(4) accessible via application programming interface where appropriate.”.

SEC. 5803. RULEMAKING.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency shall issue rules to carry out the amendments made by this title, which shall take effect not later than 2 years after the date on which final rules are promulgated under section 124(b) of the Financial Stability Act of 2010, as added by section 5101(a) of this division.

(b) MINIMIZING DISRUPTION.—In issuing the regulations required under subsection (a), the Director of the Federal Housing Finance Agency shall seek to minimize disruptive changes to the persons affected by those rules.

SEC. 5804. NO NEW DISCLOSURE REQUIREMENTS.

Nothing in this title, or the amendments made by this title, shall be construed to require the Federal Housing Finance Agency to collect or make publicly available additional information under the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4501 et seq.), beyond information that was collected or made publicly available under that Act, as of the day before the date of enactment of this Act.

TITLE LIX—MISCELLANEOUS

SEC. 5901. RULES OF CONSTRUCTION.

(a) NO EFFECT ON INTELLECTUAL PROPERTY.—Nothing in this division, or the amendments made by this division, may be construed to alter the existing legal protections of copyrighted material or other intellectual property rights of any non-Federal person.

(b) NO EFFECT ON MONETARY POLICY.—Nothing in this division, or the amendments made by this division, may be construed to apply to activities conducted, or data standards used, in connection with monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(c) PRESERVATION OF AGENCY AUTHORITY TO TAILOR REQUIREMENTS.—Nothing in this division, or the amendments made by this division, may be construed to prohibit the head of a covered agency, as defined in section 124(a) of the Financial Stability Act of 2010, as added by section 5101(a) of this division, from tailoring those standards when those standards are adopted under this division and the amendments made by this division.

SEC. 5902. CLASSIFIED AND PROTECTED INFORMATION.

(a) IN GENERAL.—Nothing in this division, or the amendments made by this division, shall require the disclosure to the public of—

(1) information that would be exempt from disclosure under section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act”); or

(2) information protected under—

(A) section 552a of title 5, United States Code (commonly known as the “Privacy Act of 1974”); or

(B) section 6103 of the Internal Revenue Code of 1986.

(b) EXISTING AGENCY REGULATIONS.—Nothing in this division, or the amendments made by this division, shall be construed to require the Secretary of the Treasury, the Securities and Exchange Commission, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Director of the Bureau of Consumer Financial Protection, the Board of Governors of the Federal Reserve System, the National Credit Union Administration Board, the Director of the Federal Housing Finance Agency, or the head of any other primary financial regulatory agency (as defined in section 2 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301)) designated by the Secretary of the Treasury to amend existing regulations and procedures regarding the sharing and disclosure of non-public information, including confidential supervisory information.

SEC. 5903. DISCRETIONARY SURPLUS FUND.

(a) IN GENERAL.—Section 7(a)(3)(A) of the Federal Reserve Act (12 U.S.C. 289(a)(3)(A)) is amended by striking “\$6,825,000,000” and inserting “\$6,725,000,000”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 30, 2031.

SEC. 5904. REPORT.

Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the feasibility, costs, and potential benefits of building upon the taxonomy established by this division, and the amendments made by this division, to arrive at a Federal governmentwide regulatory compliance standardization mechanism similar to Standard Business Reporting.

SEC. 5905. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5789. Ms. ROSEN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ IMPROVING CYBERSECURITY OF SMALL ENTITIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Small Business Administration.

(2) ANNUAL CYBERSECURITY REPORT; SMALL BUSINESS; SMALL ENTITY; SMALL GOVERNMENTAL JURISDICTION; SMALL ORGANIZATION.—The terms “annual cybersecurity report”, “small business”, “small entity”, “small governmental jurisdiction”, and “small organization” have the meanings given those terms in section 2220E of the Homeland Security Act of 2002, as added by subsection (b).

(3) CISA.—The term “CISA” means the Cybersecurity and Infrastructure Security Agency.

(4) COMMISSION.—The term “Commission” means the Federal Trade Commission.

(5) SECRETARY.—The term “Secretary” means the Secretary of Commerce.

(b) ANNUAL REPORT.—

(1) AMENDMENT.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:

“SEC. 2220E. ANNUAL CYBERSECURITY REPORT FOR SMALL ENTITIES.

“(a) DEFINITIONS.—

“(1) ADMINISTRATION.—The term ‘Administration’ means the Small Business Administration.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Administration.

“(3) ANNUAL CYBERSECURITY REPORT.—The term ‘annual cybersecurity report’ means the annual cybersecurity report published and promoted under subsections (b) and (c), respectively.

“(4) COMMISSION.—The term ‘Commission’ means the Federal Trade Commission.

“(5) ELECTRONIC DEVICE.—The term ‘electronic device’ means any electronic equipment that is—

“(A) used by an employee or contractor of a small entity for the purpose of performing work for the small entity;

“(B) capable of connecting to the internet or another communication network; and

“(C) capable of sending, receiving, or processing personal information.

“(6) NIST.—The term ‘NIST’ means the National Institute of Standards and Technology.

“(7) SMALL BUSINESS.—The term ‘small business’ has the meaning given the term ‘small business concern’ in section 3 of the Small Business Act (15 U.S.C. 632).

“(8) SMALL ENTITY.—The term ‘small entity’ means—

“(A) a small business;

“(B) a small governmental jurisdiction; and

“(C) a small organization.

“(9) SMALL GOVERNMENTAL JURISDICTION.—The term ‘small governmental jurisdiction’ means governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

“(10) SMALL ORGANIZATION.—The term ‘small organization’ means any not-for-profit enterprise that is independently owned and operated and is not dominant in its field.

“(b) ANNUAL CYBERSECURITY REPORT.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, and not less frequently than annually thereafter, the Director shall publish a report for small entities that documents and promotes evidence-based cybersecurity policies and controls for use by small entities, which shall—

“(A) include basic controls that have the most impact in protecting small entities against common cybersecurity threats and risks;

“(B) include protocols and policies to address common cybersecurity threats and risks posed by electronic devices, regardless of whether the electronic devices are—

“(i) issued by the small entity to employees and contractors of the small entity; or

“(ii) personal to the employees and contractors of the small entity; and

“(C) recommend, as practicable—

“(i) measures to improve the cybersecurity of small entities; and

“(ii) configurations and settings for some of the most commonly used software that

can improve the cybersecurity of small entities.

“(2) EXISTING RECOMMENDATIONS.—The Director shall ensure that each annual cybersecurity report incorporates—

“(A) cybersecurity resources developed by NIST, as required by the NIST Small Business Cybersecurity Act (Public Law 115-236); and

“(B) the most recent version of the Cybersecurity Framework, or successor resource, maintained by NIST.

“(3) CONSIDERATION FOR SPECIFIC TYPES OF SMALL ENTITIES.—The Director may include and prioritize the development of cybersecurity recommendations, as required under paragraph (1), appropriate for specific types of small entities in addition to recommendations applicable for all small entities.

“(4) CONSULTATION.—In publishing the annual cybersecurity report, the Director shall, to the degree practicable and as appropriate, consult with—

“(A) the Administrator, the Secretary of Commerce, the Commission, and the Director of NIST;

“(B) small entities, insurers, State governments, companies that work with small entities, and academic and Federal and non-Federal experts in cybersecurity; and

“(C) any other entity as determined appropriate by the Director.

“(c) PROMOTION OF ANNUAL CYBERSECURITY REPORT FOR SMALL BUSINESSES.—

“(1) PUBLICATION.—The annual cybersecurity report, and previous versions of the report as appropriate, shall be—

“(A) made available, prominently and free of charge, on the public website of the Agency; and

“(B) linked to from relevant portions of the websites of the Administration and the Minority Business Development Agency, as determined by the Administrator and the Director of the Minority Business Development Agency, respectively.

“(2) PROMOTION GENERALLY.—The Director, the Administrator, and the Secretary of Commerce shall, to the degree practicable, promote the annual cybersecurity report through relevant resources that are intended for or known to be regularly used by small entities, including agency documents, websites, and events.

“(d) TRAINING AND TECHNICAL ASSISTANCE.—The Director, the Administrator, and the Director of the Minority Business Development Agency shall make available to employees of small entities voluntary training and technical assistance on how to implement the recommendations of the annual cybersecurity report.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended—

(A) by moving the item relating to section 2220D to appear after the item relating to section 2220C; and

(B) by inserting after the item relating to section 2220D the following:

“Sec. 2220E. Annual cybersecurity report for small entities.”.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 10 years, the Secretary shall submit to Congress a report describing methods to improve the cybersecurity of small entities, including through the adoption of policies, controls, and classes of products and services that have been demonstrated to reduce cybersecurity risk.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall—

(A) identify barriers or challenges for small entities in purchasing or acquiring

classes of products and services that promote the cybersecurity of small entities;

(B) assess market availability, market pricing, and affordability of classes of products and services that promote the cybersecurity of small entities, with particular attention to identifying high-risk and underserved sectors or regions;

(C) estimate the costs and benefits of policies that promote the cybersecurity of small entities, including—

(i) tax breaks;

(ii) grants and subsidies; and

(iii) other incentives as determined appropriate by the Secretary;

(D) describe evidence-based cybersecurity controls and policies that improve the cybersecurity of small entities;

(E) with respect to the incentives described in subparagraph (C), recommend measures that can effectively improve cybersecurity at scale for small entities; and

(F) include any other matters as the Secretary determines relevant.

(3) **SPECIFIC SECTORS OF SMALL ENTITIES.**—In preparing the report required under paragraph (1), the Secretary may include matters applicable for specific sectors of small entities in addition to matters applicable to all small entities.

(4) **CONSULTATION.**—In preparing the report required under paragraph (1), the Secretary shall consult with—

(A) the Administrator, the Director of CISA, and the Commission; and

(B) small entities, insurers of risks related to cybersecurity, State governments, cybersecurity and information technology companies that work with small entities, and academic and Federal and non-Federal experts in cybersecurity.

(d) **PERIODIC CENSUS ON STATE OF CYBERSECURITY OF SMALL BUSINESSES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and not less frequently than every 24 months thereafter for 10 years, the Administrator shall submit to Congress and make publicly available data on the state of cybersecurity of small businesses, including, to the extent practicable—

(A) adoption of the cybersecurity recommendations from the annual cybersecurity report among small businesses;

(B) the most significant and widespread cybersecurity threats facing small businesses;

(C) the amount small businesses spend on cybersecurity products and services; and

(D) the personnel small businesses dedicate to cybersecurity, including the amount of total personnel time, whether by employees or contractors, dedicated to cybersecurity efforts.

(2) **VOLUNTARY PARTICIPATION.**—In carrying out paragraph (1), the Administrator shall collect data from small businesses that participate on a voluntary basis.

(3) **FORM.**—The data required under paragraph (1) shall be produced in unclassified form but may contain a classified annex.

(4) **CONSULTATION.**—In preparing to collect the data required under paragraph (1), the Administrator shall consult with—

(A) the Secretary, the Director of CISA, and the Commission; and

(B) small businesses, insurers of risks related to cybersecurity, cybersecurity and information technology companies that work with small businesses, and academic and Federal and non-Federal experts in cybersecurity.

(5) **PRIVACY.**—In carrying out this subsection, the Administrator shall ensure that any publicly available data is anonymized and does not reveal personally identifiable information.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this

section shall be construed to provide any additional regulatory authority to CISA.

SA 5790. Ms. ROSEN (for herself and Mr. BARRASSO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 357. REQUIREMENT TO INCLUDE THE MODULAR AIRBORNE FIRE FIGHTING SYSTEM MISSION AS PART OF THE BASING CRITERIA FOR C-130J AIRCRAFT FOR THE AIR NATIONAL GUARD.

The Secretary of the Air Force shall include the Modular Airborne Fire Fighting System (MAFFS) mission as part of the basing criteria of the Air Force for C-130J aircraft for the Air National Guard.

SA 5791. Ms. HASSAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. AMENDMENTS TO PATHWAYS FOR COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

Section 1142(c)(1) of title 10, United States Code, is amended—

(1) in subparagraph (E), by striking “Disability” and inserting “Potential or confirmed disability”;

(2) in subparagraph (F), by striking “Character” and inserting “Potential or confirmed character”;

(3) by redesignating subparagraph (M) as subparagraph (R); and

(4) by inserting after subparagraph (L) the following new subparagraphs:

“(M) Child care requirements of the member (including whether a dependent of the member is enrolled in the Exceptional Family Member Program).

“(N) The employment status of other adults in the household of the member.

“(O) The proximity of the duty station of the member to the anticipated post-separation residence of the member (including whether the member was separated from family while on duty).”.

SA 5792. Ms. HASSAN (for herself and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to 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. 2. APPLICATION OF PUBLIC-PRIVATE TALENT EXCHANGE PROGRAMS IN THE DEPARTMENT OF DEFENSE TO QUANTUM INFORMATION SCIENCES AND TECHNOLOGY RESEARCH.

In carrying out section 1599g of title 10, United States Code, the Secretary of Defense may establish public-private exchange programs, each with up to 10 program participants, focused on private sector entities working on quantum information sciences and technology research applications.

SEC. 2. BRIEFING ON SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE EDUCATION PROGRAM.

Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall provide Congress with a briefing on participation and use of the program under section 4093 of title 10, United States Code, with a particular focus on levels of interest from students engaged in studying quantum fields.

SEC. 2. IMPROVEMENTS TO DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) **FELLOWSHIP PROGRAM AUTHORIZED.**—Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 4001 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **FELLOWSHIPS.**—

“(1) **PROGRAM AUTHORIZED.**—In carrying out the program required by subsection (a) and subject to the availability of appropriations to carry out this subsection, the Secretary may carry out a program of fellowships in quantum information science and technology research and development for individuals who have a graduate or post-graduate degree.

“(2) **EQUAL ACCESS.**—In carrying out the program under paragraph (1), the Secretary may establish procedures to ensure that minority, geographically diverse, and economically disadvantaged students have equal access to fellowship opportunities under such program.”.

(b) **MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.**—Such section is further amended—

(1) by redesignating subsection (g), as redesignated by subsection (a)(1), as subsection (h); and

(2) by inserting after subsection (f), as added by subsection (a)(2), the following new subsection (g):

“(g) **MULTIDISCIPLINARY PARTNERSHIPS WITH UNIVERSITIES.**—In carrying out the program under subsection (a), the Secretary of Defense may develop partnerships with universities to enable students to engage in multidisciplinary courses of study.”.

SEC. 2. IMPROVEMENTS TO NATIONAL QUANTUM INITIATIVE PROGRAM.

(a) **INVOLVEMENT OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY IN NATIONAL QUANTUM INITIATIVE ADVISORY COMMITTEE.**—

(1) **QUALIFICATIONS.**—Subsection (b) of section 104 of the National Quantum Initiative Act (Public Law 115-368; 15 U.S.C. 8814) is amended by striking “and Federal laboratories” and inserting “Federal laboratories, and defense and intelligence researchers”.

(2) INTEGRATION.—Such section is amended—

(A) by redesignating subsections (e) through (g) as subsection (f) through (h), respectively; and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) INTEGRATION OF DEPARTMENT OF DEFENSE AND INTELLIGENCE COMMUNITY.—The Advisory Committee shall take such actions as may be necessary, including by modifying policies and procedures of the Advisory Committee, to ensure the full integration of the Department of Defense and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in activities of the Advisory Committee.”.

(b) CLARIFICATION OF PURPOSE OF MULTIDISCIPLINARY CENTERS FOR QUANTUM RESEARCH AND EDUCATION.—Section 302(c) of the National Quantum Initiative Act (Public Law 115-368; 15 U.S.C. 8842(c)) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

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

“(4) encouraging workforce collaboration, both with private industry and among Federal entities, including Department of Defense components and the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).”.

(c) COORDINATION OF NATIONAL QUANTUM INFORMATION SCIENCE RESEARCH CENTERS.—Section 402(d) of the National Quantum Initiative Act (Public Law 115-368; 15 U.S.C. 8852(d)) is amended—

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

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

“(2) other research entities of the Federal government, including research entities in the Department of Defense and research entities in the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).”.

(d) NATIONAL QUANTUM COORDINATION OFFICE, COLLABORATION WHEN REPORTING TO CONGRESS.—Section 102 of the National Quantum Initiative Act (Public Law 115-368; 15 U.S.C. 8812) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) COLLABORATION WHEN REPORTING TO CONGRESS.—The Coordination Office shall ensure that when participants in the National Quantum Initiative Program prepare and submit reports to Congress that they do so in collaboration with each other and as appropriate Federal civilian, defense, and intelligence research entities.”.

(e) REPORTING TO ADDITIONAL COMMITTEES OF CONGRESS.—Paragraph (2) of section 2 of such Act (15 U.S.C. 8801) is amended to read as follows:

“(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

“(B) the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

SA 5793. Mrs. MURRAY (for herself 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 C of title VII, insert the following:

SEC. 753. HELPING HEROES ACT OF 2022.

(a) SHORT TITLE.—This section may be cited as the “Helping Heroes Act of 2022”.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Veterans Affairs.

(2) DISABLED VETERAN.—The term “disabled veteran” has the meaning given that term in section 4211 of title 38, United States Code.

(3) ELIGIBLE CHILD.—The term “eligible child”, with respect to an eligible veteran, means an individual who—

(A) is a ward, child (including stepchild), grandchild, or sibling (including stepsibling or halfsibling) of the eligible veteran; and

(B) is less than 18 years of age.

(4) ELIGIBLE VETERAN.—The term “eligible veteran” means a disabled veteran who has a service-connected disability rated at 70 percent or more.

(5) FAMILY COORDINATOR.—The term “Family Coordinator” means an individual placed at a medical center of the Department pursuant to subsection (c).

(6) FAMILY SUPPORT PROGRAM.—The term “Family Support Program” means the program established under subsection (d).

(7) NON-DEPARTMENT PROVIDER.—The term “non-Department provider” means a public or non-profit entity that is not an entity of the Department.

(8) SECRETARY.—The term “Secretary” means the Secretary of Veterans Affairs.

(9) SUPPORTIVE SERVICES.—The term “supportive services” means services that address the social, emotional, and mental health, career-readiness, and other needs of eligible children, including—

(A) wellness services, including mental, emotional, behavioral, and physical health and nutritional counseling and assistance;

(B) peer-support programs for children;

(C) assistance completing college admission and financial aid applications, including the Free Application for Federal Student Aid described in section 483(a) of the Higher Education Act (20 U.S.C. 1090), and accessing veterans’ education benefits as defined under section 480(c)(2) of such Act (20 U.S.C. 1087vv) that eligible children may be eligible to receive;

(D) assistance with accessing workforce development programs, including programs providing the activities authorized under section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164), and programs of vocational rehabilitation services, including programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

(E) sports and recreation;

(F) after-school care and summer learning opportunities;

(G) dependent care, including home and community-based services;

(H) other resources for low-income families;

(I) assistance transitioning from active duty in the Armed Forces to veteran status; and

(J) any other services or activities the Secretary considers appropriate to support the needs of eligible children.

(c) REQUIREMENTS FOR FAMILY COORDINATORS.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary shall—

(A) place at each medical center of the Department not fewer than one Family Coordinator; and

(B) ensure adequate staffing and resources at each such medical center to ensure Family Coordinators are able to carry out their duties.

(2) FAMILY COORDINATORS.—

(A) EMPLOYMENT.—Each Family Coordinator placed at a medical center of the Department under paragraph (1) shall be employed full-time by the Department as a Family Coordinator and shall have no other duties in addition to the duties of a Family Coordinator.

(B) QUALIFICATIONS.—

(i) IN GENERAL.—To qualify to be a Family Coordinator under paragraph (1), an individual shall—

(I) be a social worker licensed, registered, or certified in accordance with the requirements of any State; and

(II) have a graduate degree in social work or a related field.

(ii) WAIVER.—The Secretary may waive the qualifications required by clause (i) to permit individuals in other professions to serve as Family Coordinators.

(C) DUTIES.—Each Family Coordinator shall—

(i) assess the needs of the families of veterans using evidence-based strategies;

(ii) build positive relationships with such families;

(iii) refer veterans to local, State, and Federal resources that support veterans and their families;

(iv) develop and maintain a list of—

(I) supportive services offered by the medical center at which the Family Coordinator is placed; and

(II) supportive services offered at reduced or no cost by non-Department providers located in the catchment area of such medical center; and

(v) develop and maintain on an internet website a list of family resources that shall be made available for all veterans in the catchment area of such medical center who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code.

(d) ESTABLISHMENT OF FAMILY SUPPORT PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall establish a program to be known as the Family Support Program to provide and coordinate the provision of supportive services to eligible veterans and eligible children.

(2) IMPLEMENTATION OF FAMILY SUPPORT PROGRAM.—To carry out the Family Support Program, the Secretary shall—

(A) provide supportive services through medical centers of the Department;

(B) collaborate with relevant Federal agencies to provide supportive services;

(C) provide funding to non-Department providers pursuant to paragraph (3); and

(D) engage in any other activities the Secretary considers appropriate.

(3) FUNDING TO NON-DEPARTMENT PROVIDERS.—

(A) IN GENERAL.—The Secretary may enter into contracts and award grants to provide funding to eligible non-Department providers to participate in the Family Support Program.

(B) ELIGIBILITY.—

(i) IN GENERAL.—The Secretary shall establish and make publicly available the criteria for a non-Department provider to be eligible to participate in the Family Support Program.

(ii) CRITERIA.—The criteria required by clause (i) shall include requirements for a non-Department provider—

(I) to provide a description of—

(aa) each supportive service proposed to be provided to eligible children; and

(bb) the demonstrated record of the non-Department provider in providing such supportive service;

(II) to demonstrate the ability to serve families of veterans in a manner that is trauma-informed and culturally and linguistically appropriate; and

(III) to agree to oversight by the Secretary regarding—

(aa) the use of funds provided by the Department under this paragraph; and

(bb) the quality of supportive services provided.

(C) NOTICE.—The Secretary shall promptly provide to eligible non-Department providers selected by the Secretary to participate in the Family Support Program notice of the award of funds under this paragraph to ensure such providers have sufficient time to prepare to provide supportive services under the Family Support Program.

(D) AUTHORIZED ACTIVITIES.—Funds provided under this paragraph shall be used to provide supportive services.

(E) TRAINING.—For each non-Department provider selected by the Secretary to participate in the Family Support Program, the Secretary shall offer training and technical assistance regarding the planning, development, and provision of supportive services under the Family Support Program.

(4) COORDINATION WITH OTHER DEPARTMENT OF VETERANS AFFAIRS PROGRAMS.—The Secretary shall share best practices with and facilitate referrals of eligible veterans and their families, as appropriate, from the Family Support Program to other programs of the Department, such as the program of support services for caregivers of veterans under section 1720G(b) of title 38, United States Code.

(5) REPORTING REQUIREMENTS.—

(A) ANNUAL REPORT.—Not later than one year after the date of the commencement of the Family Support Program, and annually thereafter, each non-Department provider in receipt of funds under the Family Support Program shall submit to the Secretary a report describing the supportive services carried out with such funds during the year covered by such report.

(B) REPORTS TO CONGRESS.—

(i) REPORT ON ADDITIONAL RESOURCES.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the potential need for additional resources for family members of eligible veterans other than eligible children.

(ii) REPORT ON PROGRESS.—

(I) IN GENERAL.—Not later than one year after the commencement of the Family Support Program, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the progress of the Family Support Program.

(II) CONTENTS.—The report required by subclause (I) shall include—

(aa) the number of eligible veterans and eligible children who received supportive services under the Family Support Program;

(bb) the demographic data of eligible veterans and family members, including—

(AA) the relationship to the eligible veteran;

(BB) age;

(CC) race;

(DD) ethnicity;

(EE) gender identity;

(FF) sexual orientation;

(GG) disability; and

(HH) English proficiency and whether a language other than English is spoken at home;

(cc) a summary of the supportive services carried out under the Family Support Program and the costs to the Department of such supportive services; and

(dd) an assessment, measured by a survey of participants, of whether participation in the Family Support Program resulted in positive outcomes for eligible veterans and eligible children.

(e) OUTREACH ON AVAILABILITY OF SERVICES.—The Secretary shall conduct an outreach program to ensure eligible veterans who are enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, employees of the Department, and potential State, local, and Federal entities are informed of the Family Support Program and the availability of Family Coordinators.

(f) TRANSITION ASSISTANCE.—Not later than one year after the date of the enactment of this Act, the Secretary shall include information regarding supportive services available for members of the Armed Forces who are being separated from active duty and their families, including mental health and other services for children, in the transition assistance curriculum offered by the Department.

(g) SURVEY.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary shall conduct a survey of disabled veterans and their families to identify and better understand the needs of such disabled veterans and their families.

(2) CONTENT.—The survey required under paragraph (1) shall include questions with respect to—

(A) the types and quality of support disabled veterans receive from the children of such disabled veterans; and

(B) the unmet needs of such children.

(h) NONDISCRIMINATION.—Programs or activities receiving funds under this section may not discriminate on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, disability status, or age.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section.

SA 5794. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. WILD OLYMPICS WILDERNESS AND WILD AND SCENIC RIVERS.

(a) DESIGNATION OF OLYMPIC NATIONAL FOREST WILDERNESS AREAS.—

(1) IN GENERAL.—In furtherance of the Wilderness Act (16 U.S.C. 1131 et seq.), the following Federal land in the Olympic National Forest in the State of Washington comprising approximately 126,554 acres, as generally depicted on the map entitled “Proposed Wild Olympics Wilderness and Wild and Scenic Rivers Act” and dated April 8, 2019 (referred to in this subsection as the “map”), is designated as wilderness and as components of the National Wilderness Preservation System:

(A) LOST CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 7,159 acres, as generally depicted on the map, which shall be known as the “Lost Creek Wilderness”.

(B) RUGGED RIDGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 5,956 acres, as generally depicted on the map, which shall be known as the “Rugged Ridge Wilderness”.

(C) ALCKEE CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 1,787 acres, as generally depicted on the map, which shall be known as the “Alckee Creek Wilderness”.

(D) GATES OF THE ELWHA WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 5,669 acres, as generally depicted on the map, which shall be known as the “Gates of the Elwha Wilderness”.

(E) BUCKHORN WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 21,965 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Buckhorn Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-339).

(F) GREEN MOUNTAIN WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 4,790 acres, as generally depicted on the map, which shall be known as the “Green Mountain Wilderness”.

(G) THE BROTHERS WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 8,625 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “The Brothers Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-339).

(H) MOUNT SKOKOMISH WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 8,933 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Mount Skokomish Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-339).

(I) WONDER MOUNTAIN WILDERNESS ADDITIONS.—Certain land managed by the Forest Service, comprising approximately 26,517 acres, as generally depicted on the map, is incorporated in, and shall be managed as part of, the “Wonder Mountain Wilderness”, as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-339).

(J) MOONLIGHT DOME WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 9,117 acres, as generally depicted on the map, which shall be known as the “Moonlight Dome Wilderness”.

(K) SOUTH QUINULT RIDGE WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 10,887 acres, as generally depicted on the map, which shall be known as the “South Quinault Ridge Wilderness”.

(L) COLONEL BOB WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service, comprising approximately 353 acres,

as generally depicted on the map, is incorporated in, and shall be managed as part of, the "Colonel Bob Wilderness", as designated by section 3 of the Washington State Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-339).

(M) SAM'S RIVER WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 13,418 acres, as generally depicted on the map, which shall be known as the "Sam's River Wilderness".

(N) CANOE CREEK WILDERNESS.—Certain Federal land managed by the Forest Service, comprising approximately 1,378 acres, as generally depicted on the map, which shall be known as the "Canoe Creek Wilderness".

(2) ADMINISTRATION.—

(A) MANAGEMENT.—Subject to valid existing rights, the land designated as wilderness by paragraph (1) shall be administered by the Secretary of Agriculture (referred to in this subsection as the "Secretary"), in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(B) MAP AND DESCRIPTION.—

(i) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the land designated as wilderness by paragraph (1) with—

(I) the Committee on Natural Resources of the House of Representatives; and

(II) the Committee on Energy and Natural Resources of the Senate.

(ii) EFFECT.—Each map and legal description filed under clause (i) shall have the same force and effect as if included in this subsection, except that the Secretary may correct minor errors in the map and legal description.

(iii) PUBLIC AVAILABILITY.—Each map and legal description filed under clause (i) shall be filed and made available for public inspection in the appropriate office of the Forest Service.

(3) POTENTIAL WILDERNESS.—

(A) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain Federal land managed by the Forest Service, comprising approximately 5,346 acres as identified as "Potential Wilderness" on the map, is designated as potential wilderness.

(B) DESIGNATION AS WILDERNESS.—On the date on which the Secretary publishes in the Federal Register notice that any nonconforming uses in the potential wilderness designated by subparagraph (A) have terminated, the potential wilderness shall be—

(i) designated as wilderness and as a component of the National Wilderness Preservation System; and

(ii) incorporated into the adjacent wilderness area.

(4) ADJACENT MANAGEMENT.—

(A) NO PROTECTIVE PERIMETERS OR BUFFER ZONES.—The designations in this section shall not create a protective perimeter or buffer zone around any wilderness area.

(B) NONCONFORMING USES PERMITTED OUTSIDE OF BOUNDARIES OF WILDERNESS AREAS.—Any activity or use outside of the boundary of any wilderness area designated under this subsection shall be permitted even if the activity or use would be seen or heard within the boundary of the wilderness area.

(5) FIRE, INSECTS, AND DISEASES.—The Secretary may take such measures as are necessary to control fire, insects, and diseases, in the wilderness areas designated by this subsection, in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and subject to such terms and conditions as the Secretary determines to be appropriate.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) IN GENERAL.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(231) ELWAHA RIVER, WASHINGTON.—The approximately 29.0-mile segment of the Elwha River and tributaries from the source to Cat Creek, to be administered by the Secretary of the Interior as a wild river.

"(232) DUNGENESS RIVER, WASHINGTON.—The segment of the Dungeness River from the headwaters to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, including the following segments of the mainstem and major tributary the Gray Wolf River, in the following classes:

"(A) The approximately 5.8-mile segment of the Dungeness River from the headwaters to the 2870 Bridge, as a wild river.

"(B) The approximately 2.1-mile segment of the Dungeness River from the 2870 Bridge to Silver Creek, as a scenic river.

"(C) The approximately 2.7-mile segment of the Dungeness River from Silver Creek to Sleepy Hollow Creek, as a wild river.

"(D) The approximately 6.3-mile segment of the Dungeness River from Sleepy Hollow Creek to the Olympic National Forest boundary, as a scenic river.

"(E) The approximately 1.9-mile segment of the Dungeness River from the National Forest boundary to the State of Washington Department of Natural Resources land in T. 29 N., R. 4 W., sec. 12, to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

"(F) The approximately 16.1-mile segment of the Gray Wolf River from the headwaters to the 2870 Bridge, as a wild river.

"(G) The approximately 1.1-mile segment of the Gray Wolf River from the 2870 Bridge to the confluence with the Dungeness River, as a scenic river.

"(233) BIG QUILCENE RIVER, WASHINGTON.—The segment of the Big Quilcene River from the headwaters to the City of Port Townsend water intake facility, to be administered by the Secretary of Agriculture, in the following classes:

"(A) The approximately 4.4-mile segment from the headwaters to the Buckhorn Wilderness boundary, as a wild river.

"(B) The approximately 5.3-mile segment from the Buckhorn Wilderness boundary to the City of Port Townsend water intake facility, as a scenic river.

"(C) Section 7(a), with respect to the licensing of dams, water conduits, reservoirs, powerhouses, transmission lines, or other project works, shall apply to the approximately 5-mile segment from the City of Port Townsend water intake facility to the Olympic National Forest boundary.

"(234) DOSEWALLIPS RIVER, WASHINGTON.—The segment of the Dosewallips River from the headwaters to the private land in T. 26 N., R. 3 W., sec. 15, to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

"(A) The approximately 12.9-mile segment from the headwaters to Station Creek, as a wild river.

"(B) The approximately 6.8-mile segment from Station Creek to the private land in T. 26 N., R. 3 W., sec. 15, as a scenic river.

"(235) DUCKABUSH RIVER, WASHINGTON.—The segment of the Duckabush River from the headwaters to the private land in T. 25 N., R. 3 W., sec. 1, to be administered by the Sec-

retary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

"(A) The approximately 19.0-mile segment from the headwaters to the Brothers Wilderness boundary, as a wild river.

"(B) The approximately 1.9-mile segment from the Brothers Wilderness boundary to the private land in T. 25 N., R. 3 W., sec. 1, as a scenic river.

"(236) HAMMA HAMMA RIVER, WASHINGTON.—The segment of the Hamma Hamma River from the headwaters to the eastern edge of the NW¼ sec. 21, T. 24 N., R. 3 W., to be administered by the Secretary of Agriculture, in the following classes:

"(A) The approximately 3.1-mile segment from the headwaters to the Mt. Skokomish Wilderness boundary, as a wild river.

"(B) The approximately 5.8-mile segment from the Mt. Skokomish Wilderness boundary to Lena Creek, as a scenic river.

"(C) The approximately 6.8-mile segment from Lena Creek to the eastern edge of the NW¼ sec. 21, T. 24 N., R. 3 W., to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

"(237) SOUTH FORK SKOKOMISH RIVER, WASHINGTON.—The segment of the South Fork Skokomish River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, in the following classes:

"(A) The approximately 6.7-mile segment from the headwaters to Church Creek, as a wild river.

"(B) The approximately 8.3-mile segment from Church Creek to LeBar Creek, as a scenic river.

"(C) The approximately 4.0-mile segment from LeBar Creek to upper end of gorge in the NW¼ sec. 22, T. 22 N., R. 5 W., as a recreational river.

"(D) The approximately 6.0-mile segment from the upper end of the gorge to the Olympic National Forest boundary, as a scenic river.

"(238) MIDDLE FORK SATSOP RIVER, WASHINGTON.—The approximately 7.9-mile segment of the Middle Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

"(239) WEST FORK SATSOP RIVER, WASHINGTON.—The approximately 8.2-mile segment of the West Fork Satsop River from the headwaters to the Olympic National Forest boundary, to be administered by the Secretary of Agriculture, as a scenic river.

"(240) WYNOOCHEE RIVER, WASHINGTON.—The segment of the Wynoochee River from the headwaters to the head of Wynoochee Reservoir to be administered by the Secretary of Agriculture, except that portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, in the following classes:

"(A) The approximately 2.5-mile segment from the headwaters to the boundary of the Wonder Mountain Wilderness, as a wild river.

"(B) The approximately 7.4-mile segment from the boundary of the Wonder Mountain Wilderness to the head of Wynoochee Reservoir, as a recreational river.

"(241) EAST FORK HUMPTULIPS RIVER, WASHINGTON.—The segment of the East Fork Humptulips River from the headwaters to the Olympic National Forest boundary to be administered by the Secretary of Agriculture, in the following classes:

"(A) The approximately 7.4-mile segment from the headwaters to the Moonlight Dome Wilderness boundary, as a wild river.

“(B) The approximately 10.3-mile segment from the Moonlight Dome Wilderness boundary to the Olympic National Forest boundary, as a scenic river.

“(242) WEST FORK HUMPTULIPS RIVER, WASHINGTON.—The approximately 21.4-mile segment of the West Fork Humptulips River from the headwaters to the Olympic National Forest Boundary, to be administered by the Secretary of Agriculture, as a scenic river.

“(243) QUINULT RIVER, WASHINGTON.—The segment of the Quinault River from the headwaters to private land in T. 24 N., R. 8 W., sec. 33, to be administered by the Secretary of the Interior, in the following classes:

“(A) The approximately 16.5-mile segment from the headwaters to Graves Creek, as a wild river.

“(B) The approximately 6.7-mile segment from Graves Creek to Cannings Creek, as a scenic river.

“(C) The approximately 1.0-mile segment from Cannings Creek to private land in T. 24 N., R. 8 W., sec. 33, as a recreational river.

“(244) QUEETS RIVER, WASHINGTON.—The segment of the Queets River from the headwaters to the Olympic National Park boundary to be administered by the Secretary of the Interior, except that portions of the river outside the boundaries of Olympic National Park shall be administered by the Secretary of Agriculture, including the following segments of the mainstem and certain tributaries in the following classes:

“(A) The approximately 28.6-mile segment of the Queets River from the headwaters to the confluence with Sams River, as a wild river.

“(B) The approximately 16.0-mile segment of the Queets River from the confluence with Sams River to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 15.7-mile segment of the Sams River from the headwaters to the confluence with the Queets River, as a scenic river.

“(D) The approximately 17.7-mile segment of Matheny Creek from the headwaters to the confluence with the Queets River, to be administered as a scenic river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

“(245) HOH RIVER, WASHINGTON.—The segment of the Hoh River and the major tributary South Fork Hoh from the headwaters to Olympic National Park boundary, to be administered by the Secretary of the Interior, in the following classes:

“(A) The approximately 20.7-mile segment of the Hoh River from the headwaters to Jackson Creek, as a wild river.

“(B) The approximately 6.0-mile segment of the Hoh River from Jackson Creek to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 13.8-mile segment of the South Fork Hoh River from the headwaters to the Olympic National Park boundary, as a wild river.

“(D) The approximately 4.6-mile segment of the South Fork Hoh River from the Olympic National Park boundary to the Washington State Department of Natural Resources boundary in T. 27 N., R. 10 W., sec. 29, to be administered as a recreational river through a cooperative management agreement between the State of Washington and the Secretary of Agriculture, as provided in section 10(e).

“(246) BOGACHIEL RIVER, WASHINGTON.—The approximately 25.6-mile segment of the Bogachiel River from the source to the Olympic National Park boundary, to be administered by the Secretary of the Interior, as a wild river.

“(247) SOUTH FORK CALAWAH RIVER, WASHINGTON.—The segment of the South Fork Calawah River and the major tributary Sitkum River from the headwaters to Hyas Creek to be administered by the Secretary of Agriculture, except those portions of the river within the boundaries of Olympic National Park shall be administered by the Secretary of the Interior, including the following segments in the following classes:

“(A) The approximately 15.7-mile segment of the South Fork Calawah River from the headwaters to the Sitkum River, as a wild river.

“(B) The approximately 0.9-mile segment of the South Fork Calawah River from the Sitkum River to Hyas Creek, as a scenic river.

“(C) The approximately 1.6-mile segment of the Sitkum River from the headwaters to the Rugged Ridge Wilderness boundary, as a wild river.

“(D) The approximately 11.9-mile segment of the Sitkum River from the Rugged Ridge Wilderness boundary to the confluence with the South Fork Calawah, as a scenic river.

“(248) SOL DUC RIVER, WASHINGTON.—The segment of the Sol Duc River from the headwaters to the Olympic National Park boundary to be administered by the Secretary of the Interior, including the following segments of the mainstem and certain tributaries in the following classes:

“(A) The approximately 7.0-mile segment of the Sol Duc River from the headwaters to the end of Sol Duc Hot Springs Road, as a wild river.

“(B) The approximately 10.8-mile segment of the Sol Duc River from the end of Sol Duc Hot Springs Road to the Olympic National Park boundary, as a scenic river.

“(C) The approximately 14.2-mile segment of the North Fork Sol Duc River from the headwaters to the Olympic Hot Springs Road bridge, as a wild river.

“(D) The approximately 0.2-mile segment of the North Fork Sol Duc River from the Olympic Hot Springs Road bridge to the confluence with the Sol Duc River, as a scenic river.

“(E) The approximately 8.0-mile segment of the South Fork Sol Duc River from the headwaters to the confluence with the Sol Duc River, as a scenic river.

“(249) LYRE RIVER, WASHINGTON.—The approximately 0.2-mile segment of the Lyre River from Lake Crescent to the Olympic National Park boundary, to be administered by the Secretary of the Interior as a scenic river.”.

(2) EFFECT.—The amendment made by paragraph (1) does not affect valid existing water rights.

(3) UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture shall, with respect to the designations made under subsection (a) on lands under the jurisdiction of the Secretary, incorporate such designations into updated management plans for units of the National Forest System in accordance with applicable laws (including regulations).

(B) EXCEPTION.—The date specified in subparagraph (A) shall be 5 years after the date of enactment of this Act if the Secretary of Agriculture—

(i) is unable to meet the requirement under that paragraph by the date specified in such subparagraph; and

(ii) not later than 3 years after the date of enactment of this Act, includes in the Department of Agriculture annual budget submission to Congress a request for additional sums as may be necessary to meet the requirement of that subparagraph.

(C) COMPREHENSIVE MANAGEMENT PLAN REQUIREMENTS.—Updated management plans under subparagraph (A) or (B) satisfy the requirements under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(c) EXISTING RIGHTS AND WITHDRAWAL.—

(1) IN GENERAL.—In accordance with section 12(b) of the Wild and Scenic Rivers Act (16 U.S.C. 1283(b)), nothing in this Act or the amendment made by subsection (b)(1) affects or abrogates existing rights, privileges, or contracts held by private parties, nor does this section in any way modify or direct the management, acquisition, or disposition of land managed by the Washington Department of Natural Resources on behalf of the State of Washington.

(2) WITHDRAWAL.—Subject to valid existing rights, the Federal land within the boundaries of the river segments designated by this section and the amendment made by subsection (b)(1) is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(d) TREATY RIGHTS.—Nothing in this section alters, modifies, diminishes, or extinguishes the reserved treaty rights of any Indian Tribe with hunting, fishing, gathering, and cultural or religious rights as protected by a treaty.

SA 5795. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle G—Arms Export Control Act
Amendments**

SEC. 1281. REQUIRED ASSESSMENT OF RISK OF EXPORTED WEAPONS BEING USED TO VIOLATE PRINCIPLES OF HUMAN RIGHTS OR THE LAW OF ARMED CONFLICT.

(a) LETTERS OF OFFER.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(1) in subparagraph (O), by striking “; and” and inserting a semicolon;

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

(3) by inserting after subparagraph (P) the following new subparagraph:

“(Q) an assessment of the risk of the defense articles, defense services, or design and construction services to be offered being used to violate principles of human rights or the law of armed conflict, prepared by the Secretary of State through the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, in consultation with the Secretary of Defense and the Director of Central Intelligence.”.

(b) EXPORT LICENSE APPLICATIONS.—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended—

(1) by striking “and (C)” and inserting “(C)”; and

(2) by inserting after “items to be exported” the following: “, and (D) an assessment of the risk of the items being used to

violate principles of human rights or the law of armed conflict, prepared by the Secretary of State through the Assistant Secretary for the Bureau of Democracy, Human Rights, and Labor, in consultation with the Secretary of Defense and the Director of Central Intelligence”.

SEC. 1282. INCLUSION IN BLUE LANTERN PROGRAM OF CONSIDERATION OF USE OF DEFENSE ARTICLES AND SERVICES TO COMMIT SERIOUS VIOLATIONS OF THE LAWS OF ARMED CONFLICT AND INTERNATIONAL HUMAN RIGHTS LAW.

(a) **TECHNICAL CORRECTION.**—Chapter 3A of the Arms Export Control Act (22 U.S.C. 2785) is amended by redesignating the second section designated section 40A as section 40B.

(b) **CONSIDERATION OF HUMAN RIGHTS VIOLATIONS.**—Subsection (b)(1) of section 40B of the Arms Export Control Act, as redesignated by subsection (a) of this section, is amended by inserting “(including use to commit serious violations of the laws of armed conflict and international human rights law)” after “to diversion or other misuse”.

SEC. 1283. CONSIDERATION OF RISK OF COMMISSION OF VIOLATIONS OF HUMAN RIGHTS OR THE LAW OF ARMED CONFLICT IN ISSUING EXPORT LICENSES.

Section 38(a)(2) of the Arms Export Control Act (22 U.S.C. 2778(a)(2)) is amended by inserting after “conflict,” the following: “be used to commit violations of human rights or the law of armed conflict.”.

SA 5796. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the table in section 2401(a), insert the following:

Washington	Naval Undersea Warfare Center Keyport	\$24,640,000
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At the appropriate place in the table in section 4601, under the heading “Defense-Wide”, insert the following:

Defense-Wide	Washington, Naval Undersea Warfare Center Keyport	Cold Water Training Austere Environment Facility	0	24,640
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SA 5797. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 389. AUTHORIZATION OF AMOUNTS FOR SERVICEWOMEN'S COMMEMORATIVE PARTNERSHIPS.

Section 362(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 7771 note prec.) is amended—

(1) by striking “Of the amounts” and inserting the following:

“(1) FISCAL YEAR 2021.—Of the amounts”; and

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

“(2) FISCAL YEAR 2023.—Of the amounts available to the Department of Defense for fiscal year 2023, \$1,000,000 shall be available for Servicewomen's Commemorative Partnerships under section (a).”.

SA 5798. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. PLAN FOR IMPROVING ACCESS TO THRIFT SAVINGS PLAN.

Not later than 18 months after the date of the enactment of this Act, the Federal Retirement Thrift Investment Board shall submit to Congress a plan for improving the access of members of the Armed Forces to information about the Thrift Savings Plan that—

(1) takes into account the time likely to pass between the mailing of account information to a member of the Armed Forces and the time the member is likely to receive the information; and

(2) makes recommendations for statutory changes necessary to improve such access.

SA 5799. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Reproductive and Fertility Preservation Assistance

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the “Veteran Families Health Services Act of 2022”.

CHAPTER 1—REPRODUCTIVE AND FERTILITY PRESERVATION ASSISTANCE FOR MEMBERS OF THE ARMED FORCES

SEC. 1082. DEFINITIONS.

In this chapter:

(1) **ACTIVE DUTY.**—The term “active duty” has the meaning given that term in section 101(d)(1) of title 10, United States Code.

(2) **ARMED FORCES.**—The term “Armed Forces” has the meaning given the term “armed forces” in section 101(a)(4) of such title.

SEC. 1083. PROVISION OF FERTILITY TREATMENT AND COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND SPOUSES, PARTNERS, AND GESTATIONAL SURROGATES OF SUCH MEMBERS.

(a) **FERTILITY TREATMENT AND COUNSELING.**—

(1) **IN GENERAL.**—The Secretary of Defense shall furnish fertility treatment and counseling, including through the use of assisted reproductive technology, to a covered member of the Armed Forces or a spouse, partner, or gestational surrogate of such a member.

(2) **ELIGIBILITY FOR TREATMENT AND COUNSELING.**—Fertility treatment and counseling shall be furnished under paragraph (1) without regard to the sex, gender identity, sexual orientation, or marital status of the covered member of the Armed Forces.

(3) **IN VITRO FERTILIZATION.**—In the case of in vitro fertilization treatment furnished under paragraph (1), the Secretary may furnish not more than three completed cycles or six attempted cycles of in vitro fertilization, whichever occurs first, to an individual under such paragraph.

(b) **PROCUREMENT OF GAMETES.**—If a covered member of the Armed Forces is unable to provide their gametes for purposes of fertility treatment under subsection (a), the Secretary shall, at the election of such member, allow such member to receive such treatment with donated gametes and pay or reimburse such member the reasonable costs of procuring gametes from a donor.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require the Secretary—

(1) to find or certify a gestational surrogate for a covered member of the Armed Forces or to connect a gestational surrogate with such a member; or

(2) to find or certify gametes from a donor for a covered member of the Armed Forces or to connect such a member with gametes from a donor.

(d) **DEFINITIONS.**—In this section:

(1) **ASSISTED REPRODUCTIVE TECHNOLOGY.**—The term “assisted reproductive technology” includes in vitro fertilization and other fertility treatments in which both eggs and sperm are handled when clinically appropriate.

(2) **COVERED MEMBER OF THE ARMED FORCES.**—The term “covered member of the Armed Forces” means a member of the

Armed Forces who has an infertility condition, unless the Secretary can show that the member was completely infertile before service on active duty in the Armed Forces.

(3) **FERTILITY TREATMENT.**—The term “fertility treatment” includes the following:

(A) Procedures that use assisted reproductive technology.

(B) Sperm retrieval.

(C) Egg retrieval.

(D) Artificial insemination.

(E) Embryo transfer.

(F) Such other treatments as the Secretary of Defense considers appropriate.

(4) **INFERTILITY CONDITION.**—The term “infertility condition” includes—

(A) a diagnosis of infertility; or

(B) the inability to conceive or safely carry a pregnancy to term, including as a result of treatment for another condition.

(5) **PARTNER.**—The term “partner”, with respect to a member of the Armed Forces, means an individual selected by the member who agrees to share with the member the parental responsibilities with respect to any child born as a result of the use of any fertility treatment under this section.

SEC. 1084. ESTABLISHMENT OF FERTILITY PRESERVATION PROCEDURES AFTER AN INJURY OR ILLNESS.

(a) **IN GENERAL.**—The Secretary of Defense, acting through the Assistant Secretary of Defense for Health Affairs, shall establish procedures for the retrieval of gametes, as soon as medically appropriate, from a member of the Armed Forces in cases in which the fertility of such member is potentially jeopardized as a result of an injury or illness incurred or aggravated while serving on active duty in the Armed Forces in order to preserve the medical options of such member.

(b) **CONSENT FOR RETRIEVAL OF GAMETES.**—Gametes may be retrieved from a member of the Armed Forces under subsection (a) only—

(1) with the specific consent of the member; or

(2) if the member is unable to consent, if a medical professional determines that—

(A) the future fertility of the member is potentially jeopardized as a result of an injury or illness described in subsection (a) or will be potentially jeopardized as a result of treating such injury or illness;

(B) the member lacks the capacity to consent to the retrieval of gametes and is likely to regain such capacity; and

(C) the retrieval of gametes under this section is in the medical interest of the member.

(c) **CONSENT FOR USE OF RETRIEVED GAMETES.**—Gametes retrieved from a member of the Armed Forces under subsection (a) may be used only—

(1) with the specific consent of the member; or

(2) if the member has lost the ability to consent permanently, as determined by a medical professional, as specified in an advance directive or testamentary instrument executed by the member.

(d) **DISPOSAL OF GAMETES.**—In accordance with regulations prescribed by the Secretary for purpose of this subsection, the Secretary shall dispose of gametes retrieved from a member of the Armed Forces under subsection (a)—

(1) with the specific consent of the member; or

(2) if the member—

(A) has lost the ability to consent permanently, as determined by a medical professional; and

(B) has not specified the use of their gametes in an advance directive or testamentary instrument executed by the member.

SEC. 1085. CRYOPRESERVATION AND STORAGE OF GAMETES OF MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) **IN GENERAL.**—The Secretary of Defense shall provide members of the Armed Forces on active duty in the Armed Forces with the opportunity to cryopreserve and store their gametes prior to—

(1) deployment to a combat zone; or

(2) a duty assignment that includes a hazardous assignment, as determined by the Secretary.

(b) **PERIOD OF TIME.**—

(1) **IN GENERAL.**—The Secretary shall provide for the cryopreservation and storage of gametes of any member of the Armed Forces under subsection (a) in a facility of the Department of Defense or of a private entity and the transportation of such gametes, at no cost to the member, until the date that is one year after the retirement, separation, or release of the member from the Armed Forces.

(2) **CONTINUED CRYOPRESERVATION AND STORAGE.**—At the end of the one-year period specified in paragraph (1), the Secretary shall permit an individual whose gametes were cryopreserved and stored in a facility of the Department as described in that paragraph to select, including pursuant to an advance medical directive or military testamentary instrument completed under subsection (c), one of the following options:

(A) To continue such cryopreservation and storage in such facility with the cost of such cryopreservation and storage borne by the individual.

(B) To transfer the gametes to a private cryopreservation and storage facility selected by the individual.

(C) To transfer the gametes to a facility of the Department of Veterans Affairs if cryopreservation and storage is available to the individual at such facility.

(3) **DISPOSAL OF GAMETES.**—If an individual described in paragraph (2) does not make a selection under subparagraph (A), (B), or (C) of such paragraph, the Secretary may dispose of the gametes of the individual not earlier than the date that is 90 days after the end of the one-year period specified in paragraph (1) with respect to the individual.

(c) **ADVANCE MEDICAL DIRECTIVE AND MILITARY TESTAMENTARY INSTRUMENT.**—A member of the Armed Forces who elects to cryopreserve and store their gametes under this section must complete an advance medical directive, as defined in section 1044c(b) of title 10, United States Code, and a military testamentary instrument, as defined in section 1044d(b) of such title, that explicitly specifies the use of their cryopreserved and stored gametes if such member dies or otherwise loses the capacity to consent to the use of their cryopreserved and stored gametes.

(d) **AGREEMENTS.**—To carry out this section, the Secretary may enter into agreements with private entities that provide cryopreservation, transportation, and storage services for gametes.

SEC. 1086. ASSISTANCE WITH AND CONTINUITY OF CARE REGARDING REPRODUCTIVE AND FERTILITY PRESERVATION SERVICES.

The Secretary of Defense shall ensure that employees of the Department of Defense assist members of the Armed Forces—

(1) in navigating the services provided under this chapter;

(2) in finding a provider that meets the needs of such members with respect to such services; and

(3) in continuing the receipt of such services without interruption during a permanent change of station for such members.

SEC. 1087. COORDINATION BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ON FURNISHING OF FERTILITY TREATMENT AND COUNSELING.

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall share best practices and facilitate referrals, as they consider appropriate, on the furnishing of fertility treatment and counseling to individuals eligible for the receipt of such counseling and treatment from the Secretaries.

(b) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding—

(1) providing that the Secretary of Defense will ensure access by the Secretary of Veterans Affairs to gametes of veterans stored by the Department of Defense for purposes of furnishing fertility treatment under section 1720K of title 38, United States Code, as added by section 1089(a); and

(2) authorizing the Department of Veterans Affairs to compensate the Department of Defense for the cryopreservation, transportation, and storage of gametes of veterans under section 1085.

CHAPTER 2—REPRODUCTIVE AND ADOPTION ASSISTANCE FOR VETERANS

SEC. 1088. INCLUSION OF FERTILITY TREATMENT AND COUNSELING UNDER THE DEFINITION OF MEDICAL SERVICES IN TITLE 38.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(I) Fertility treatment and counseling, including treatment using assisted reproductive technology.”.

SEC. 1089. FERTILITY TREATMENT AND COUNSELING FOR CERTAIN VETERANS AND SPOUSES, PARTNERS, AND GESTATIONAL SURROGATES OF SUCH VETERANS.

(a) **IN GENERAL.**—Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1720K. Fertility treatment and counseling for certain veterans and spouses, partners, and gestational surrogates of such veterans

“(a) **IN GENERAL.**—(1) The Secretary shall furnish fertility treatment and counseling, including through the use of assisted reproductive technology, to a covered veteran or a spouse, partner, or gestational surrogate of a covered veteran if the veteran, and the spouse, partner, or gestational surrogate of the veteran, as applicable, apply jointly for such treatment and counseling through a process prescribed by the Secretary.

“(2) Fertility treatment and counseling shall be furnished under paragraph (1) without regard to the sex, gender identity, sexual orientation, or marital status of the covered veteran.

“(3) In the case of in vitro fertilization treatment furnished under paragraph (1), the Secretary may furnish not more than three completed cycles or six attempted cycles of in vitro fertilization, whichever occurs first, to an individual under such paragraph.

“(b) **PROCUREMENT OF GAMETES.**—If a covered veteran is unable to provide their gametes for purposes of fertility treatment under subsection (a), the Secretary shall, at the election of such member, allow such veteran to receive such treatment with donated gametes and pay or reimburse such veteran the reasonable costs of procuring gametes from a donor.

“(c) **COORDINATION OF CARE FOR OTHER INDIVIDUALS.**—In the case of a veteran or a spouse, partner, or gestational surrogate of a veteran not described in subsection (a) who

is seeking fertility treatment and counseling, the Secretary may coordinate fertility treatment and counseling for such veteran, spouse, partner, or gestational surrogate.

“(d) OUTREACH AND TRAINING.—The Secretary shall carry out an outreach and training program to ensure veterans and health care providers of the Department are aware of—

“(1) the availability of and eligibility requirements for fertility treatment and counseling under this section; and

“(2) any changes to fertility treatment and counseling covered under this section.

“(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Secretary—

“(1) to find or certify a gestational surrogate for a covered veteran or to connect a gestational surrogate with a covered veteran; or

“(2) to furnish maternity care to a covered veteran or spouse, partner, or gestational surrogate of a covered veteran in addition to what is otherwise required by law.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘assisted reproductive technology’ includes in vitro fertilization and other fertility treatments in which both eggs and sperm are handled when clinically appropriate.

“(2) The term ‘covered veteran’ means a veteran who—

“(A) has an infertility condition, unless the Secretary can show that the veteran was completely infertile before service in the active military, naval, or air service; and

“(B) is enrolled in the system of annual patient enrollment established under section 1705(a) of this title.

“(3) The term ‘fertility treatment’ includes the following:

“(A) Procedures that use assisted reproductive technology.

“(B) Sperm retrieval.

“(C) Egg retrieval.

“(D) Artificial insemination.

“(E) Embryo transfer.

“(F) Such other treatments as the Secretary considers appropriate.

“(4) The term ‘infertility condition’ includes—

“(A) a diagnosis of infertility; or

“(B) the inability to conceive or safely carry a pregnancy to term, including as a result of treatment for another condition.

“(5) The term ‘partner’, with respect to a veteran, means an individual selected by the veteran who agrees to share with the veteran the parental responsibilities with respect to any child born as a result of the use of any fertility treatment under this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 17 of such title is amended by inserting after the item relating to section 1720J the following new item:

“1720K. Fertility treatment and counseling for certain veterans and spouses, partners, and gestational surrogates of such veterans.”.

SEC. 1090. ADOPTION ASSISTANCE FOR CERTAIN VETERANS.

(a) IN GENERAL.—Subchapter VIII of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 1790. Adoption assistance

“(a) IN GENERAL.—The Secretary may pay an amount, not to exceed the limitation amount, to assist a covered veteran in the adoption of one or more children, without regard to the sex, gender identity, sexual orientation, or marital status of the covered veteran.

“(b) LIMITATION AMOUNT.—For purposes of this section, the limitation amount is the amount equal to the cost the Department would incur by paying the expenses of three adoptions by covered veterans, as determined by the Secretary.

“(c) COVERED VETERAN DEFINED.—In this section, the term ‘covered veteran’ has the meaning given that term in section 1720K(f) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter VIII of chapter 17 of such title is amended by inserting after the item relating to section 1789 the following new item:

“1790. Adoption assistance.”.

SEC. 1091. ASSISTANCE WITH AND CONTINUITY OF CARE REGARDING REPRODUCTIVE AND FERTILITY PRESERVATION SERVICES.

The Secretary of Veterans Affairs shall ensure that employees of the Department of Veterans Affairs assist veterans—

(1) in navigating the services provided under this title and the amendments made by this title;

(2) in finding a provider that meets the needs of such veterans with respect to such services; and

(3) in continuing the receipt of such services without interruption if such veterans move to a different geographic location.

SEC. 1092. FACILITATION OF REPRODUCTION AND INFERTILITY RESEARCH.

(a) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7330D. Facilitation of reproduction and infertility research

“(a) FACILITATION OF RESEARCH REQUIRED.—The Secretary shall facilitate research conducted collaboratively by the Secretary of Defense and the Secretary of Health and Human Services to improve the ability of the Department of Veterans Affairs to meet the long-term reproductive health care needs of veterans who have a genitourinary service-connected disability or a condition that was incurred or aggravated in line of duty in the active military, naval, or air service, such as a spinal cord injury, military sexual trauma, or a mental health condition, that affects the ability of the veteran to reproduce.

“(b) DISSEMINATION OF INFORMATION.—The Secretary shall ensure that information produced by the research facilitated under this section that may be useful for other activities of the Veterans Health Administration is disseminated throughout the Veterans Health Administration.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 73 of such title is amended by inserting after the item relating to section 7330C the following new item:

“7330D. Facilitation of reproduction and infertility research.”.

(c) REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the research activities conducted by the Secretary under section 7330D of title 38, United States Code, as added by subsection (a).

(2) ELEMENTS.—The report submitted under paragraph (1) shall include demographic data on veterans included in the research conducted under section 7330D of title 38, United States Code, as added by subsection (a), disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), and geographic location of such veterans.

SEC. 1093. ANNUAL REPORT ON FERTILITY TREATMENT AND COUNSELING FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not less frequently than annually thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the fertility treatment and counseling furnished by the Department of Veterans Affairs, including through non-Department providers, during the year preceding the submittal of the report.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The number of veterans who were diagnosed with clinical infertility, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), geographic location, era of military service, and, to the extent possible to determine, the cause of infertility of such veterans.

(2) The number of veterans who received fertility treatment or counseling furnished by the Department of Veterans Affairs, including through non-Department providers, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), geographic location, era of military service, and, to the extent possible to determine, the cause of infertility of such veterans.

(3) The number of veterans who self-reported difficulty becoming pregnant or successfully carrying a pregnancy to term to a health care provider of the Department or a non-Department provider, disaggregated by age, race, ethnicity, sex, gender identity, sexual orientation, marital status, type of disability (if applicable), and geographic location of such veterans.

(4) The number of veterans who were exposed to hazardous chemical or biological agents during service in the Armed Forces who—

(A) received a clinical diagnosis of infertility; or

(B) self-reported difficulty becoming pregnant or successfully carrying a pregnancy to term.

(5) The number of spouses, partners, and gestational surrogates of veterans who received fertility treatment or counseling furnished by the Department, including through non-Department providers.

(6) The cost to the Department of furnishing fertility treatment and counseling, including through non-Department providers, disaggregated by cost of services and administration.

(7) The average cost to the Department per recipient of fertility treatment and counseling.

(8) In cases in which the Department furnished fertility treatment through the use of assisted reproductive technology, including through non-Department providers, the average number of cycles per person furnished, disaggregated by type of treatment.

(9) A description of how fertility treatment and counseling services of the Department, including those services provided through non-Department providers, are coordinated with similar services of the Department of Defense, including the average wait time for veterans to transfer from the health system of the Department of Defense to the Veterans Health Administration.

(c) DEFINITIONS.—In this section, the terms “assisted reproductive technology” and “partner” have the meanings given those terms in section 1720K(f) of title 38, United States Code, as added by section 1089(a).

SEC. 1094. REPORT ON TIMELINESS AND ADEQUACY OF ACCESS BY VETERANS TO FERTILITY TREATMENT AND COUNSELING SERVICES FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than every 180 days thereafter, the Secretary of Veterans Affairs shall submit to Congress a report containing data on the timeliness and adequacy of access by veterans to fertility treatment and counseling services furnished by the Department of Veterans Affairs, including through non-Department providers.

(b) ELEMENTS.—Each report submitted under subsection (a) shall include, for the period covered by the report, the following:

(1) The average number of days from when a veteran first seeks fertility treatment to when a referral for such treatment is made and the average number of days from when such referral is made to when an appointment for such treatment occurs, disaggregated by facility of the Department or non-Department provider.

(2) The average number of days from when a veteran first seeks fertility counseling to when a referral for such counseling is made and the average number of days from when such referral is made to when an appointment for such counseling occurs, disaggregated by facility of the Department or non-Department provider.

(3) The number of available providers of the Department and non-Department providers for fertility treatment and counseling in each State or territory, disaggregated by facility.

(4) The average number of days it takes for the Secretary to pay claims for fertility treatment and counseling services from non-Department providers under section 1703D of title 38, United States Code.

SEC. 1095. REGULATIONS ON FURNISHING OF FERTILITY TREATMENT AND COUNSELING AND ADOPTION ASSISTANCE BY DEPARTMENT OF VETERANS AFFAIRS.

Not later than 18 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations—

(1) to carry out section 1720K of title 38, United States Code, as added by section 1089(a); and

(2) to carry out section 1790 of such title, as added by section 1090(a).

SA 5800. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. ADVISORY COUNCIL ON FINANCIAL READINESS.

Section 992 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

“(e) ADVISORY COUNCIL ON FINANCIAL READINESS.—

“(1) ESTABLISHMENT.—There is established an Advisory Council on Financial Readiness (in this section referred to as the ‘Council’).

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Council shall consist of 12 members appointed by the Secretary of Defense, as follows:

“(i) Three shall be representatives of military support organizations.

“(ii) Three shall be representatives of veterans service organizations.

“(iii) Three shall be representatives of private, nonprofit organizations with a vested interest in education and communication of financial education and financial services.

“(iv) Three shall be representatives of governmental entities with a vested interest in education and communication of financial education and financial services.

“(B) QUALIFICATIONS.—The Secretary shall appoint members to the Council from among individuals qualified to appraise military compensation, military retirement, and financial literacy training.

“(C) TERMS.—Members of the Council shall serve for terms of three years, except that, of the members first appointed—

“(i) four shall be appointed for terms of one year;

“(ii) four shall be appointed for terms of two years; and

“(iii) four shall be appointed for terms of three years.

“(D) REAPPOINTMENT.—A member of the Council may be reappointed for additional terms.

“(E) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member’s predecessor was appointed shall be appointed only for the remainder of such term.

“(3) DUTIES AND FUNCTIONS.—The Council shall—

“(A) advise the Secretary with respect to matters relating to the financial literacy and financial readiness of members of the armed forces; and

“(B) submit to the Secretary recommendations with respect to those matters.

“(4) MEETINGS.—

“(A) IN GENERAL.—The Council shall meet not less frequently than twice each year and at such other times as the Secretary requests.

“(B) QUORUM.—A majority of members shall constitute a quorum and action shall be taken only by a majority vote of the members present and voting.

“(5) SUPPORT SERVICES.—The Secretary—

“(A) shall provide to the Council an executive secretary and such secretarial, clerical, and other support services as the Council considers necessary to carry out the duties of the Council; and

“(B) may request that other Federal agencies provide statistical data, reports, and other information that is reasonably accessible to assist the Council in the performance of the duties of the Council.

“(6) COMPENSATION.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

“(7) ANNUAL REPORT.—Not less frequently than annually, the Secretary shall submit to Congress a report that—

“(A) describes each recommendation received from the Council during the preceding year; and

“(B) includes a statement, with respect to each such recommendation, of whether the Secretary has implemented the rec-

ommendation and, if not, a description of why the Secretary has not implemented the recommendation.

“(8) TERMINATION.—Section 14(a) of the Federal Advisory Committee Act (5 U.S.C. App.) (relating to termination) shall not apply to the Council.

“(9) DEFINITIONS.—In this subsection:

“(A) MILITARY SUPPORT ORGANIZATION.—The term ‘military support organization’ means an organization that provides support to members of the armed forces and their families with respect to education, finances, health care, employment, and overall well-being.

“(B) VETERANS SERVICE ORGANIZATION.—The term ‘veterans service organization’ means any organization recognized by the Secretary for the representation of veterans under section 5902 of title 38.”

SA 5801. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INCLUSION OF MILITARY FAMILY SPECIAL NEEDS COUNSELING IN THE TRANSITION ASSISTANCE PROGRAM.

Section 1142 of title 10, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

“(20)(A) Counseling for the member and the family of the member, including the spouse and dependents of the member, on any loss of family medical and special needs benefits due to the transition of the member.

“(B) The creation of a personalized plan for support and services in the State the family will transfer to, including services such as respite care, special education support, Medicaid waivers, Supplemental Security Income, conservatorship services, and services for incapacitated dependents.

“(C) Options to allow a Judge Advocate General to have power of attorney privileges to complete required documentation for dependent needs prior to the separation of the member.”; and

(2) in subsection (c)(1)(E), by inserting “, including family members with special needs” after “Disability”.

SA 5802. Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BENNET, Ms. ROSEN, Mr. CASSIDY, Ms. COLLINS, Mrs. SHAHEEN, Mr. PADILLA, and Mr. Kaine) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.

(a) DEFINITIONS.—In this section:

(1) **ADAPTATION.**—The term “adaptation” means an adjustment in a natural or human system in response to a new or changing environmental condition, including such an adjustment associated with climate change, that exploits beneficial opportunities or moderates negative effects.

(2) **ADAPTIVE CAPACITY.**—The term “adaptive capacity” means the ability of a system—

(A) to adjust to climate vulnerabilities to moderate potential damage or harm;

(B) to take advantage of new, and potentially beneficial, opportunities; or

(C) to cope with change.

(3) **CASCADING CLIMATE HAZARDS.**—The term “cascading climate hazards” means a series of successive environmental hazards triggered by an initial hazard that is driven or exacerbated by climate change, such that the impacts to vulnerable systems are amplified.

(4) **CHIEF RESILIENCE OFFICER.**—The term “Chief Resilience Officer” means the Chief Resilience Officer of the United States appointed by the President under subsection (b)(1)(A).

(5) **CLIMATE CHANGE.**—The term “climate change” means changes in average atmospheric and oceanic conditions that persist over multiple decades or longer and are natural or anthropogenic in origin, including—

(A) both increases and decreases in temperature;

(B) shifts in precipitation;

(C) shifts in ecoregion or biome geography and phenology, as applicable;

(D) changing risk from certain types of rapid-onset climate hazards and slow-onset climate hazards; and

(E) changes to other features of the climate system.

(6) **CLIMATE INFORMATION.**—The term “climate information” means information, data, or products that enhance knowledge and understanding of climate science, risk, conditions, vulnerability, or impact, including—

(A) climate data products;

(B) historic or future climate projections or scenarios;

(C) climate risk or vulnerability information;

(D) data or information related to climate adaptation and mitigation; and

(E) other best available climate science.

(7) **COMPOUND CLIMATE HAZARDS.**—The term “compound climate hazards” means 2 or more environmental hazards driven or exacerbated by climate change that occur simultaneously or successively, such that the impacts to vulnerable systems are amplified.

(8) **COUNCIL.**—The term “Council” means the Partners Council on Climate Adaptation and Resilience established by subsection (c)(1).

(9) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(10) **FREELY ASSOCIATED STATE.**—The term “Freely Associated State” means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

(11) **FRONTLINE COMMUNITIES.**—The term “frontline communities” means human communities that—

(A) are highly vulnerable to climate change or exposed to climate risk;

(B) experience the earliest, most adverse impacts of climate change; and

(C) may have a reduced ability to adapt to climate change due to a lack of resources, political power, or adaptive capacity.

(12) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan jointly developed by the Chief Resilience Officer and the Working Groups under subsection (e)(2).

(13) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(14) **NATIONAL CLIMATE ASSESSMENT.**—The term “National Climate Assessment” means the assessment delivered to Congress and the President pursuant to section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936).

(15) **NATURAL INFRASTRUCTURE.**—The term “natural infrastructure” means infrastructure that—

(A) uses, restores, or emulates natural ecological, geological, or physical processes; and

(B)(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of natural areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, to manage erosion and saltwater intrusion, and for other related purposes.

(16) **NON-FEDERAL PARTNER.**—The term “non-Federal partner” means a member of a unit of State, local, or territorial government, the government of an Indian Tribe, the government of a Freely Associated State, a private sector entity, or another individual or organization not affiliated with the Federal Government.

(17) **OPERATIONS REPORT.**—The term “Operations Report” means the National Climate Adaptation and Resilience Operations Report jointly developed by the Chief Resilience Officer and the Working Groups under subsection (d).

(18) **RAPID-ONSET CLIMATE HAZARD.**—The term “rapid-onset climate hazard” means an abrupt environmental hazard driven or exacerbated by climate change that occurs quickly or unexpectedly and triggers impacts that materialize rapidly and interact with conditions of exposure and vulnerability to result in a disaster.

(19) **REPRESENTED AGENCY.**—The term “represented agency” means each Federal agency from which the Chief Resilience Officer appoints a member to a Working Group under subsection (b)(2)(D)(ii)(II).

(20) **RESILIENCE.**—The term “resilience” means the capacity of a social, physical, economic, or environmental system to cope with an environmental hazard event, trend, or disturbance that is driven or exacerbated by climate change by responding or reorganizing in ways that maintain, to the greatest extent practicable, the essential function, identity, and structure of the system and ensure that, in the event of a rapid-onset climate hazard or a slow-onset climate hazard, basic human needs are met, while also maintaining the capacity for adaptation and transformation.

(21) **RISK.**—

(A) **IN GENERAL.**—The term “risk” means the potential for consequences in a situation in which—

(i) something of value is at stake; and

(ii) the outcome is uncertain.

(B) **INCLUSION.**—The term “risk” includes the potential for consequences described in subparagraph (A) that is evaluated as the product obtained by multiplying—

(i) the probability of a hazard occurring; by

(ii) the consequence that would result if the hazard occurred.

(22) **SLOW-ONSET CLIMATE HAZARD.**—

(A) **IN GENERAL.**—The term “slow-onset climate hazard” means an environmental hazard driven or exacerbated by climate change that evolves gradually through time due to incremental change or because of an increasing frequency or intensity of recurring climate impacts.

(B) **INCLUSIONS.**—The term “slow-onset climate hazard” includes hazards such as—

(i) sea level rise;

(ii) desertification;

(iii) biodiversity loss or the alteration of or shift in habitat range of individual species or entire biomes;

(iv) increasing temperatures;

(v) ocean acidification;

(vi) saltwater intrusion;

(vii) soil salinization;

(viii) drought and water scarcity;

(ix) reduced snow pack;

(x) sea ice retreat;

(xi) glacial ice retreat;

(xii) permafrost thaw; and

(xiii) coastal and river bank erosion.

(23) **STRATEGY.**—The term “Strategy” means the National Climate Adaptation and Resilience Strategy required to be developed jointly by the Chief Resilience Officer and the Working Groups under subsection (e)(1).

(24) **TERRITORIAL GOVERNMENT.**—The term “territorial government” means the government of a territory (as defined in section 602(g) of the Social Security Act (42 U.S.C. 802(g))).

(25) **VULNERABILITY.**—The term “vulnerability” means the propensity or predisposition of a human individual or community or physical, biological, or socioeconomic system to be susceptible to and adversely affected by the impacts of climate change.

(26) **WORKING GROUP.**—The term “Working Group” means a National Climate Adaptation and Resilience Working Group established by the Chief Resilience Officer under subsection (b)(2).

(b) **CHIEF RESILIENCE OFFICER AND NATIONAL CLIMATE ADAPTATION AND RESILIENCE WORKING GROUPS.**—

(1) **CHIEF RESILIENCE OFFICER.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the President shall identify or appoint a Chief Resilience Officer of the United States to serve in the Executive Office of the President.

(B) **DUTIES.**—The Chief Resilience Officer shall—

(i) serve the President by directing a whole-of-government effort to build resilience to climate change vulnerabilities in the United States (as described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer) in collaboration with existing Federal initiatives and interagency adaptation efforts;

(ii) establish Working Groups in accordance with paragraph (2) to facilitate interagency coordination with respect to climate resilience and adaptation; and

(iii) at the end of a presidential administration, delegate the duties of the Chief Resilience Officer to the Executive Secretary of the Working Groups designated under paragraph (2)(F)(i)(I) until a new Chief Resilience Officer is appointed.

(C) **COMPENSATION.**—The Chief Resilience Officer shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) **WORKING GROUPS.**—

(A) **ESTABLISHMENT.**—

(i) **IN GENERAL.**—Subject to clause (ii), the Chief Resilience Officer shall establish the

minimum number of National Climate Adaptation and Resilience Working Groups that is necessary to carry out the duties and purposes described in subparagraph (C).

(ii) **LIMITATION.**—The Chief Resilience Officer shall not establish more than 5 Working Groups.

(B) **FOCUS.**—Each Working Group shall focus on a topic or series of related topics with respect to climate adaptation and resilience, as determined by the Chief Resilience Officer.

(C) **DUTIES AND PURPOSE.**—Each Working Group shall, under the leadership of the Chief Resilience Officer, with respect to the focus of the Working Group—

(i) coordinate a whole-of-government plan to build resilience to the applicable climate change vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer;

(ii) assist in the development of the applicable portions of—

(I) the Operations Report;

(II) the Strategy; and

(III) the Implementation Plan; and

(iii) assist in the standardization across represented agencies of, with respect to climate change, the term “resilience” to promote greater consistency in Federal resilience leadership.

(D) **STRUCTURE.**—

(i) **CHAIRPERSON.**—

(I) **IN GENERAL.**—Subject to a designation under subclause (III), the Chief Resilience Officer shall serve as chairperson of each Working Group.

(II) **TEMPORARY CHAIRPERSON.**—The President or the Chief Resilience Officer may designate another staff member or member of a Working Group to act temporarily as the chairperson of that Working Group in the absence of the Chief Resilience Officer.

(III) **DESIGNATED AGENCY CHAIRPERSON.**—The Chief Resilience Officer may designate as chairperson of a Working Group the head of a represented agency that serves on that Working Group.

(ii) **MEMBERSHIP.**—In establishing a Working Group, the Chief Resilience Officer shall—

(I) identify each Federal agency with operations or organizational units that are relevant to the focus of the Working Group; and

(II) appoint 1 member of each Federal agency identified under subclause (I) to represent that Federal agency on the Working Group.

(iii) **REQUIREMENT.**—In appointing a member of a Working Group under clause (ii)(II), the Chief Resilience Officer shall, to the maximum extent practicable, appoint the head of the portion of the represented agency that is most relevant to the focus of the Working Group.

(iv) **DUTIES OF MEMBERS.**—Each member of a Working Group—

(I) shall attend meetings of the Working Group; and

(II) work to support the duties of the Working Group.

(E) **MEETINGS.**—

(i) **IN GENERAL.**—Each Working Group shall meet not less frequently than once every 180 days.

(ii) **QUORUM.**— $\frac{3}{4}$ of the members of a Working Group shall constitute a quorum of the Working Group.

(iii) **REMOTE PARTICIPATION.**—A member of a Working Group may participate in a meeting of that Working Group through teleconference or similar means.

(F) **SUPPORT PERSONNEL.**—

(i) **EXECUTIVE SECRETARY.**—

(I) **IN GENERAL.**—The Chief Resilience Officer shall designate a permanent employee of

a represented agency to serve as Executive Secretary of the Working Groups.

(II) **EMPLOYMENT.**—The employee designated as Executive Secretary under subclause (I) shall remain an employee of the agency, department, or program from which the employee was appointed.

(ii) **NECESSARY ASSISTANCE.**—To carry out the purposes of each Working Group, as described in subparagraph (C), each represented agency with a member on the Working Group shall furnish necessary assistance to that Working Group, such as—

(I) a detail of employees to the Working Group to perform such functions, consistent with the purposes of the Working Group described in subparagraph (C), as the Chief Resilience Officer may assign, including support staff for the Executive Secretary appointed under clause (i)(I); and

(II) on request of the Chief Resilience Officer, undertaking special studies for the Working Group as may be appropriate to carry out the functions of the Working Group.

(c) **PARTNERS COUNCIL ON CLIMATE ADAPTATION AND RESILIENCE.**—

(1) **ESTABLISHMENT.**—There is established a council, to be known as the “Partners Council on Climate Adaptation and Resilience”.

(2) **MISSION AND FUNCTION.**—The Council shall work to improve the climate adaptation and resilience operations of the Federal Government by providing recommendations through the Chief Resilience Officer, including those recommendations contained in the report required under paragraph (3), that identify how the Federal Government can better support non-Federal partners with equitable resources, technical assistance, improved policies, and other assistance to help frontline communities build resilience to climate change.

(3) **REPORT.**—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Council, acting through the Chief Resilience Officer, shall submit to the President and the Working Groups a report that includes—

(A) an analysis of the deficiencies or gaps in the climate resilience operations of the Federal Government that reduce or fail to increase the capacity of non-Federal partners to adapt to climate change;

(B) an identification of the resources, including Federal funding, necessary for non-Federal partners to adequately adapt to climate change; and

(C) recommendations with respect to how the Federal Government could better support efforts by non-Federal partners to expeditiously address vulnerabilities associated with climate change and build climate resilience.

(4) **CHAIR AND VICE-CHAIR.**—The Chief Resilience Officer shall serve as chairperson of the Council and shall appoint a vice-chairperson from among the members of the Council appointed pursuant to paragraph (5).

(5) **MEMBERSHIP.**—

(A) **IN GENERAL.**—In addition to the Chief Resilience Officer, the Council shall consist of not more than 23 members appointed by the Chief Resilience Officer.

(B) **APPOINTMENT.**—

(i) **IN GENERAL.**—The Chief Resilience Officer shall appoint members of the Council who can support the Working Groups by articulating how the Federal Government can better support State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, nonprofit organizations, or private sector entities to build resilience to climate change.

(ii) **NON-FEDERAL PARTNER MEMBERS.**—The Chief Resilience Officer shall appoint 20 non-

Federal partner members of the Council as follows:

(I) 12 members who are employees of State governments, local governments, territorial governments, the governments of Indian Tribes, or the governments of Freely Associated States, of which—

(aa) not fewer than 2 shall be employees of a State government;

(bb) not fewer than 2 shall be employees of a unit of local government;

(cc) not fewer than 2 shall be employees of the government of an Indian Tribe; and

(dd) not fewer than 2 shall be employees of a territorial government or the government of a Freely Associated State; and

(II) 8 members who represent nongovernmental organizations and the private sector, of which—

(aa) 3 shall represent nongovernmental organizations;

(bb) 3 shall represent the private sector; and

(cc) 2 shall represent academic institutions.

(iii) **REPRESENTED AGENCY MEMBERS.**—The Chief Resilience Officer may, with the consent of those representatives, appoint not more than 3 representatives of represented agencies to the Council that the Chief Resilience Officer determines would promote dialogue useful for implementation of the duties of the Council while keeping the size of the Council manageable.

(iv) **SELECTION.**—To the maximum extent practicable, the Chief Resilience Officer shall seek to select members of the Council who—

(I) possess first-hand, lived experience of climate vulnerability in the United States, including direct experience working with, or as members of, frontline communities; and

(II) represent a diversity of—

(aa) perspectives;

(bb) demographics;

(cc) geographies;

(dd) political affiliations; and

(ee) institution sizes, including representatives of both small and large units of government and businesses.

(v) **TERM.**—Members appointed to the Council shall serve a single term of not more than 3 years, except that—

(I) of the initial members appointed to the Council, the Chief Resilience Officer shall appoint—

(aa) $\frac{1}{2}$ of the members to serve for a term of 18 months; and

(bb) $\frac{1}{2}$ of the members to serve a term of 3 years; and

(II) the Chief Resilience Officer may extend the term of any member of the Council by a period of not more than 1 year on a one-time basis, if the Chief Resilience Officer determines it necessary to support the work of the Council.

(vi) **VACANCIES.**—

(I) **IN GENERAL.**—A vacancy in the Council shall be filled in the same manner in which the original selection was made.

(II) **APPOINTMENT OF NEW MEMBERS.**—After the expiration of the term for which a member of the Council is appointed, the member may continue to serve until a successor is appointed.

(6) **MEETINGS.**—

(A) **IN GENERAL.**—The Council shall meet not less frequently than once every 180 days.

(B) **QUORUM.**— $\frac{3}{4}$ of the members of the Council shall constitute a quorum of the Council.

(C) **REMOTE PARTICIPATION.**—A member of the Council may participate in a meeting of the Council through teleconference or similar means.

(7) **APPLICABILITY OF FACA.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(d) NATIONAL CLIMATE ADAPTATION AND RESILIENCE OPERATIONS REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress a National Climate Adaptation and Resilience Operations Report that includes—

(1) a summary of the existing climate resilience operations of each represented agency that includes—

(A) the roles and responsibilities of each represented agency in building national resilience to the climate vulnerabilities described in the National Climate Assessment or other analyses relevant to each represented agency;

(B) the major findings and conclusions from climate adaptation plans or risk or vulnerability assessments prepared by each represented agency;

(C) the mechanisms by which each represented agency supports the resilience efforts of non-Federal partners, such as by providing funding, resources, and technical assistance; and

(D) an assessment of how each represented agency is working to ensure equitable adaptation outcomes; and

(2) a cross-agency analysis of the resilience operations identified under paragraph (1) that—

(A) identifies—

(i) the challenges, barriers, or disincentives for the Federal Government to build resilience to climate change in the United States;

(ii) the inconsistencies in goals, priorities, or strategies underlying climate resilience operations and policy across represented agencies that may inhibit effective inter-agency coordination to support national climate resilience, including—

(I) the areas of necessary differences in those goals, priorities, or strategies; and

(II) the justifications for those inconsistencies;

(iii) areas of overlap or redundant use of resources between or among represented agencies, including recommendations to eliminate any unnecessary or unintentional redundancy;

(iv) gaps or deficiencies in resilience operations and policy that need to be addressed in the context of the Strategy;

(v) opportunities for greater collaboration between or among represented agencies to improve Federal Government resilience operations and policy; and

(vi) opportunities for greater collaboration between the Federal Government and non-Federal partners to build local-level adaptive capacity and resilience; and

(B) includes a review and summary of all available Federal funding from represented agencies that is specifically allocated for climate adaptation activities to be undertaken by non-Federal partners, including—

(i) a summary of Federal funding available in appropriations accounts and subaccounts;

(ii) disparities between the supply and demand for adaptation funding available to non-Federal partners; and

(iii) existing mechanisms to ensure Federal funding allocations are being directed to frontline communities with the greatest level of vulnerability.

(e) NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Chief Resilience Officer and the Working Groups shall jointly submit and simultaneously to the President and Congress a National Climate Adaptation and Resilience Strategy.

(B) UPDATES.—Not later than the date that is 3 years after the date on which the Chief Resilience Officer and the Working Groups jointly and simultaneously submit the Strategy to the President and Congress under subparagraph (A), and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly submit an updated version of the Strategy to the President and Congress to account for—

(i) new science related to climate change, resilience, and adaptation;

(ii) relevant changes in Federal Government structure, congressional authorities, or appropriations; and

(iii) any other necessary improvements or changes identified by the Chief Resilience Officer.

(C) PURPOSE AND SCOPE.—The Strategy shall describe strategies for the Federal Government, in partnership with non-Federal partners, to address the vulnerabilities of the United States to climate change described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer to ensure that—

(i) the United States has an overarching strategic vision to respond to climate change that—

(I) identifies national climate resilience goals and guides national climate adaptation efforts;

(II) facilitates the incorporation of the climate resilience goals identified under subclause (I) into relevant national programs, operations, and strategies;

(III) develops proactive, long-term, scenario-based strategies to plan for and respond to current and future climate impacts to human communities, natural resources and public land, and infrastructure and other physical assets;

(IV) emphasizes forward-thinking adaptation strategies, including predisaster mitigation, that seek to overcome repeated climate impacts to vulnerable systems and communities;

(V) prioritizes climate resilience efforts to support the most vulnerable human communities and the most urgent national resilience challenges, as determined by the Chief Resilience Officer in consultation with the Working Groups;

(VI) avoids unnecessary redundancies and inefficiencies in the national planning for and response to climate change; and

(VII) recognizes the vulnerability of natural systems to climate change and underscores the importance of promoting ecosystem resilience to preserve the intrinsic value of nature and support ecosystem services relied on by human beings;

(ii) Federal investments in Federal and non-Federal infrastructure and assets promote climate resilience to the maximum extent practicable; and

(iii) the adaptive capacity and resilience of State governments, local governments, territorial governments, the governments of Indian Tribes, and governments of Freely Associated States are maximized to the maximum extent practicable.

(D) COUNCIL RECOMMENDATIONS.—In developing the Strategy, the Chief Resilience Officer and Working Groups shall consider the recommendations of the Council.

(E) INCLUSIONS.—In addition to the overarching strategies developed in accordance with subparagraph (C), the Strategy shall include information with respect to the following:

(i) DIRECT FEDERAL GOVERNMENT RESPONSE TO CLIMATE CHANGE.—

(I) Addressing the limitations, redundancies, and opportunities for improved resilience operations of the Federal Government that are identified in the Operations Report.

(II) Better preparing the United States for the adverse impacts experienced or anticipated to be experienced as a result of—

- (aa) rapid-onset climate hazards;
- (bb) slow-onset climate hazards;
- (cc) compound climate hazards; and
- (dd) cascading climate hazards.

(III) Educating, engaging, or developing the skills of the workforce of the represented agencies with respect to topics related to climate change vulnerability and resilience to promote effective Federal resilience operations.

(IV) An identification of opportunities and appropriate circumstances for represented agencies to better utilize natural infrastructure as an adaptation strategy.

(i) SUPPORT OF NON-FEDERAL PARTNERS' RESPONSE TO CLIMATE CHANGE.—

(I) Methods for represented agencies to better collaborate and work directly with non-Federal partners to increase the resilience and adaptive capacity of State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, and other non-Federal partners.

(II) Educating non-Federal partners about the availability of Federal funding opportunities identified in the Operations Report under subsection (d)(2)(B), including the development of a centralized, cross-agency portal that allows non-Federal partners to easily identify and apply for appropriate Federal funding opportunities for the specific resilience needs of those non-Federal partners.

(III) Clarifying, simplifying, and harmonizing the planning requirements and application processes for State governments, local governments, territorial governments, the governments of Indian Tribes, and the governments of Freely Associated States to access Federal funds for climate adaptation and resilience efforts across represented agencies.

(IV) Identifying under-resourced communities and communities with low adaptive capacity and resilience and to directly support those communities in applying for Federal funds for climate adaptation and resilience efforts.

(V) Supporting the retreat or relocation of human communities in areas that are at increasing risk from climate change, in particular from slow-onset climate hazards, including strategies to better manage equitable property buyouts, managed retreat, or relocation options for communities in those areas.

(iii) CLIMATE INFORMATION.—

(I) Increasing the accessibility and utility of climate information that is produced, published, or hosted by the Federal Government, including strategies to better collaborate across the represented agencies and work with non-Federal partners—

(aa) to provide the high-quality, locally relevant climate information and, where practicable and useful, transparent and replicable downscaled climate projections that are necessary to support local-level adaptation efforts;

(bb) to establish improved methods of communicating climate risk and other relevant climate information;

(cc) to better educate non-Federal partners about the available resources for climate information; and

(dd) to assist non-Federal partners in selecting and using appropriate climate information or related tools.

(II) Standardized procedures to synthesize, align, and update climate information produced, published, or hosted by the Federal Government to create arrays of standardized national, regional, and, where applicable, local climate information for adaptation planning.

(III) An assessment of the necessity and utility of developing or improving a centralized clearinghouse and dedicated Federal program for climate information to better provide climate information to end users.

(IV) Developing the centralized clearinghouse or dedicated Federal program described in subclause (III), if such an effort is determined to be necessary by the Chief Resilience Officer.

(iv) **RESILIENCE METRICS AND INDICATORS.**—At the discretion of the Chief Resilience Officer, developing or improving resilience metrics and indicators to assist the Federal Government and non-Federal partners—

(I) to the maximum extent practicable, to consistently measure the resilience of human communities, natural systems, and physical assets to climate change;

(II) to set baselines and targets to measurably increase climate resilience over time; and

(III) to better monitor and assess the effectiveness of various resilience-building activities after implementation.

(v) **FUNDING CLIMATE ADAPTATION.**—

(I) Helping to prioritize Federal funding expenditures for adaptation and resilience in consideration of the greatest vulnerabilities.

(II) Creating financial incentives for adaptation and resilience efforts.

(III) A review of the cost-benefit analysis methodologies and discount rates used by represented agencies for all Federal investments, including a review of the implications of those methodologies and discount rates for climate adaptation and resilience.

(IV) Recommendations to improve the methodologies described in subclause (III) to reflect—

(aa) the added value of resilience planning and construction methodologies over the lifetime of a project or unit of infrastructure;

(bb) the benefits of natural infrastructure investments;

(cc) the potential value of retreat and relocation as adaptation solutions; and

(dd) to what extent existing cost-benefit analysis methodologies lead to inequitable outcomes or outcomes that increase climate vulnerability.

(vi) **SOCIAL EQUITY.**—

(I) Ensuring that the costs, benefits, and risks resulting from climate resilience efforts, including funding allocations, the methodologies for determining funding allocations, and existing and future policies, are equitably distributed among sectors of society, types of communities, and geographies.

(II) Ensuring that federally supported climate resilience efforts are—

(aa) designed in consultation with the communities that will be affected by those efforts; and

(bb) centered on the needs of those communities.

(III) To the greatest extent practicable, integrating social equity considerations across all aspects of the Strategy.

(2) **IMPLEMENTATION PLAN.**—Concurrently with the Strategy and each update of the Strategy, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress an Implementation Plan that describes how represented agencies intend to carry out the Strategy, which shall include—

(A) a description of the roles and responsibilities of each represented agency in carrying out each element of the Strategy described in paragraph (1);

(B) a plan to enter into such interagency agreements between and among represented agencies, partnerships with non-Federal entities, and other agreements for coordination between and among the Federal Government and non-Federal partners as may be nec-

essary to facilitate a unified national plan to build resilience to climate change; and

(C) the use of any relevant metrics and indicators described in paragraph (1)(E)(iv).

(3) **ASSESSMENT.**—Not later than 2 years following the completion of each Strategy under paragraph (1)(A) and each Implementation Plan, the Comptroller General of the United States shall simultaneously submit to the President and Congress a report that assesses—

(A) the extent to which the Strategy and Implementation Plan have been carried out by the Federal Government, which shall be judged, as appropriate, based on any metrics and indicators developed to track progress in increasing resilience under paragraph (1)(E)(iv);

(B) the effectiveness of the actions taken under the Strategy and Implementation Plan and the resulting outcomes of those actions in building national resilience to climate change; and

(C) the progress made towards the development of an effective whole-of-government effort to build resilience to the climate vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer, including recommendations for additional steps necessary to reach this goal.

(4) **PUBLIC COMMENT.**—The Chief Resilience Officer shall—

(A) publish draft and final versions of the Strategy and Implementation Plan, and each update to the Strategy and Implementation Plan; and

(B) through publication in the Federal Register, solicit comments from the public on the draft versions of the documents published under subparagraph (A) for a period of 60 days, which the Chief Resilience Officer and the Working Groups shall consider before submitting final versions of the Strategy and Implementation Plan, and updates to the Strategy and Implementation Plan, to the President and Congress.

(f) **SUNSET.**—This section ceases to be effective on the date that is the earlier of—

(1) the date on which the Comptroller General of the United States submits to the President and Congress the third assessment report under subsection (e)(3); and

(2) the date that is the last day of fiscal year 2033.

SA 5803. Mr. REED (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ WEATHERIZATION ASSISTANCE PROGRAM.

(a) **WEATHERIZATION READINESS FUND.**—Section 414 of the Energy Conservation and Production Act (42 U.S.C. 6864) is amended by adding at the end the following:

“(d) **WEATHERIZATION READINESS FUND.**—

“(1) **IN GENERAL.**—The Secretary shall establish a fund, to be known as the ‘Weatherization Readiness Fund’, from which the Secretary shall distribute funds to States receiving financial assistance under this part, in accordance with subsection (a).

“(2) **USE OF FUNDS.**—

“(A) **IN GENERAL.**—A State receiving funds under paragraph (1) shall use the funds for repairs to dwelling units described in subparagraph (B) that will remediate the applicable structural defects or hazards of the dwelling unit so that weatherization measures may be installed.

“(B) **DWELLING UNIT.**—A dwelling unit referred to in subparagraph (A) is a dwelling unit occupied by a low-income person that, on inspection pursuant to the program under this part, was found to have significant defects or hazards that prevented the installation of weatherization measures under the program.

“(3) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated under section 422, there is authorized to be appropriated to the Secretary to carry out this subsection \$65,000,000 for each of fiscal years 2023 through 2027.”.

(b) **STATE AVERAGE COST PER UNIT.**—

(1) **IN GENERAL.**—Section 415(c) of the Energy Conservation and Production Act (42 U.S.C. 6865(c)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking “\$6,500” and inserting “\$12,000”; and

(II) by striking “(c)(1) Except as provided in paragraphs (3) and (4)” and inserting the following:

“(c) **FINANCIAL ASSISTANCE.**—

“(1) **IN GENERAL.**—Except as provided in paragraphs (3), (4), and (6);”

(ii) by conforming the margins of subparagraphs (A) through (D) to the margin of subparagraph (E);

(iii) in subparagraph (D), by striking “, and” and inserting “; and”; and

(iv) in subparagraph (E), by adding a period at the end;

(B) in paragraph (2), in the first sentence, by striking “weatherized (including dwelling units partially weatherized)” and inserting “fully weatherized”;

(C) in paragraph (4), by striking “\$3,000” and inserting “\$6,000”; and

(D) in paragraph (5)—

(i) in subparagraph (A)(i), by striking “(6)(A)(ii)” and inserting “(7)(A)(ii)”; and

(ii) by striking “(6)(A)(i)(I)” each place it appears and inserting “(7)(A)(i)(I)”; and

(E) by redesignating paragraph (6) as paragraph (7); and

(F) by inserting after paragraph (5) the following:

“(6) **LIMIT INCREASE.**—The Secretary may increase the amount of financial assistance provided per dwelling unit under this part beyond the limit specified in paragraph (1) if the Secretary determines that market conditions require such an increase to achieve the purposes of this part.”.

(2) **CONFORMING AMENDMENT.**—Section 414(b)(1)(C) of the Energy Conservation and Production Act (42 U.S.C. 6864d(b)(1)(C)) is amended by striking “415(c)(6)(A)” and inserting “415(c)(7)”.

SA 5804. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ DHS TRADE AND ECONOMIC SECURITY COUNCIL.

(a) **ESTABLISHMENT OF THE DHS TRADE AND ECONOMIC SECURITY COUNCIL.**—

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

(A) **COUNCIL.**—The term “Council” means the DHS Trade and Economic Security Council established under paragraph (2).

(B) **DEPARTMENT.**—The term “Department” means the Department of Homeland Security.

(C) **ECONOMIC SECURITY.**—The term “economic security” has the meaning given that term in section 890B(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 474(c)(2)).

(D) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(2) **DHS TRADE AND ECONOMIC SECURITY COUNCIL.**—In accordance with the mission of the Department under section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)), and in particular paragraph (1)(F) of that section, the Secretary shall establish a standing council of component heads or their designees within the Department, which shall be known as the “DHS Trade and Economic Security Council”.

(3) **DUTIES OF THE COUNCIL.**—Pursuant to the scope of the mission of the Department as described in paragraph (2), the Council shall provide to the Secretary advice and recommendations on matters of trade and economic security, including—

(A) identifying concentrated risks for trade and economic security;

(B) setting priorities for securing the trade and economic security of the United States;

(C) coordinating Department-wide activity on trade and economic security matters;

(D) with respect to the development of the continuity of the economy plan of the President under section 9603 of the William M. (Mac) Thornberry National Defense Authorization Act of Fiscal Year 2021 (6 U.S.C. 322);

(E) proposing statutory and regulatory changes impacting trade and economic security; and

(F) any other matters the Secretary considers appropriate.

(4) **CHAIR AND VICE CHAIR.**—The Under Secretary for Strategy, Policy, and Plans of the Department—

(A) shall serve as Chair of the Council; and

(B) may designate a Council member as a Vice Chair.

(5) **MEETINGS.**—The Council shall meet not less frequently than quarterly, as well as—

(A) at the call of the Chair; or

(B) at the direction of the Secretary.

(6) **BRIEFINGS.**—Not later than 180 days after the date of enactment of this Act and every 180 days thereafter for 4 years, the Council shall brief the Committee on Homeland Security and the Committee on Homeland Security of the House of Representatives on the actions and activities of the Council.

(b) **ASSISTANT SECRETARY FOR TRADE AND ECONOMIC SECURITY.**—Section 709 of the Homeland Security Act of 2002 (6 U.S.C. 349) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) **ASSISTANT SECRETARY FOR TRADE AND ECONOMIC SECURITY.**—

“(1) **IN GENERAL.**—There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary for Trade and Economic Security.

“(2) **DUTIES.**—At the direction of the Under Secretary for Strategy, Policy, and Plans, the Assistant Secretary for Trade and Economic Security shall be responsible for policy formulation regarding matters relating

to economic security and trade, as such matters relate to the mission and the operations of the Department.

“(3) **ADDITIONAL RESPONSIBILITIES.**—In addition to the duties specified in paragraph (2), the Assistant Secretary for Trade and Economic Security, at the direction of the Under Secretary for Strategy, Policy, and Plans, may—

“(A) oversee—

“(i) coordination of supply chain policy; and

“(ii) assessments and reports to Congress related to critical economic security domains;

“(B) serve as the representative of the Under Secretary for Strategy, Policy, and Plans for the purposes of representing the Department on—

“(i) the Committee on Foreign Investment in the United States; and

“(ii) the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector;

“(C) coordinate with stakeholders in other Federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

“(D) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

“(4) **DEFINITIONS.**—In this subsection:

“(A) **CRITICAL ECONOMIC SECURITY DOMAIN.**—The term ‘critical economic security domain’ means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

“(B) **ECONOMIC SECURITY.**—The term ‘economic security’ has the meaning given that term in section 890B(c)(2).”

(c) **RULE OF CONSTRUCTION.**—Nothing in this section or the amendments made by this section shall be construed to affect or diminish the authority otherwise granted to any other officer of the Department of Homeland Security.

SA 5805. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF CERTAIN FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.

(a) **AMENDMENTS TO DEFENSE PRODUCTION ACT OF 1950.**—

(1) **DEFINITION OF COVERED TRANSACTION.**—Subsection (a)(4) of section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) is amended—

(A) in subparagraph (A)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

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

(iii) by adding at the end the following:

“(iii) any transaction described in subparagraph (B)(vi) proposed or pending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.”;

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

“(vi) Any gift to an institution of higher education from a foreign person, or the entry into a contract by such an institution with a foreign person, if—

“(I)(aa) the value of the gift or contract equals or exceeds \$1,000,000; or

“(bb) the institution receives, directly or indirectly, more than one gift from or enters into more than one contract, directly or indirectly, with the same foreign person for the same purpose the aggregate value of which, during the period of 2 consecutive calendar years, equals or exceeds \$1,000,000; and

“(II) the gift or contract—

“(aa) relates to research, development, or production of critical technologies and provides the foreign person potential access to any material nonpublic technical information (as defined in subparagraph (D)(ii)) in the possession of the institution; or

“(bb) is a restricted or conditional gift or contract (as defined in section 117(h) of the Higher Education Act of 1965 (20 U.S.C. 1011f(h))) that establishes control.”; and

(C) by adding at the end the following:

“(G) **FOREIGN GIFTS TO AND CONTRACTS WITH INSTITUTIONS OF HIGHER EDUCATION.**—For purposes of subparagraph (B)(vi):

“(i) **CONTRACT.**—The term ‘contract’ means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign person, for the direct benefit or use of either of the parties.

“(ii) **GIFT.**—The term ‘gift’ means any gift of money or property.

“(iii) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ means any institution, public or private, or, if a multicampus institution, any single campus of such institution, in any State—

“(I) that is legally authorized within such State to provide a program of education beyond secondary school;

“(II) that provides a program for which the institution awards a bachelor’s degree (or provides not less than a 2-year program which is acceptable for full credit toward such a degree) or a more advanced degree;

“(III) that is accredited by a nationally recognized accrediting agency or association; and

“(IV) to which the Federal Government extends Federal financial assistance (directly or indirectly through another entity or person), or that receives support from the extension of Federal financial assistance to any of the institution’s subunits.”.

(2) **MANDATORY DECLARATIONS.**—Subsection (b)(1)(C)(v)(IV)(aa) of such section is amended by adding at the end the following: “Such regulations shall require a declaration under this subclause with respect to a covered transaction described in subsection (a)(4)(B)(vi)(II)(aa).”.

(3) **FACTORS TO BE CONSIDERED.**—Subsection (f) of such section is amended—

(A) in paragraph (10), by striking “; and” and inserting a semicolon;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

“(11) as appropriate, and particularly with respect to covered transactions described in subsection (a)(4)(B)(vi), the importance of academic freedom at institutions of higher education in the United States; and”.

(4) **MEMBERSHIP OF CFIVS.**—Subsection (k) of such section is amended—

(A) in paragraph (2)—

(i) by redesignating subparagraphs (H), (I), and (J) as subparagraphs (I), (J), and (K), respectively; and

(ii) by inserting after subparagraph (G) the following:

“(H) In the case of a covered transaction involving an institution of higher education (as defined in subsection (a)(4)(G)), the Secretary of Education.”; and

(B) by adding at the end the following:

“(8) INCLUSION OF OTHER AGENCIES ON COMMITTEE.—In considering including on the Committee under paragraph (2)(K) the heads of other executive departments, agencies, or offices, the President shall give due consideration to the heads of relevant research and science agencies, departments, and offices, including the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Director of the National Science Foundation.”.

(5) CONTENTS OF ANNUAL REPORT RELATING TO CRITICAL TECHNOLOGIES.—Subsection (m)(3) of such section is amended—

(A) in subparagraph (B), by striking “; and” and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) an evaluation of whether there are foreign malign influence or espionage activities directed or directly assisted by foreign governments against institutions of higher education (as defined in subsection (a)(4)(G)) aimed at obtaining research and development methods or secrets related to critical technologies; and

“(E) an evaluation of, and recommendation for any changes to, reviews conducted under this section that relate to institutions of higher education, based on an analysis of disclosure reports submitted to the chairperson under section 117(a) of the Higher Education Act of 1965 (20 U.S.C. 1011f(a)).”.

(b) INCLUSION OF CFIVUS IN REPORTING ON FOREIGN GIFTS UNDER HIGHER EDUCATION ACT OF 1965.—Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

(1) in subsection (a), by inserting after “the Secretary” the following: “and the Secretary of the Treasury (in the capacity of the Secretary as the chairperson of the Committee on Foreign Investment in the United States under section 721(k)(3) of the Defense Production Act of 1950 (50 U.S.C. 4565(k)(3)))”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”; and

(ii) by striking “to the Secretary” and inserting “to each such Secretary”; and

(B) in paragraph (2), by striking “with the Secretary” and inserting “with the Secretary and the Secretary of the Treasury”.

(c) EFFECTIVE DATE; APPLICABILITY.—The amendments made by subsection (a) shall—

(1) take effect on the date of the enactment of this Act, subject to the requirements of subsections (d) and (e); and

(2) apply with respect to any covered transaction the review or investigation of which is initiated under section 721 of the Defense Production Act of 1950 on or after the date that is 30 days after the publication in the Federal Register of the notice required under subsection (e)(2).

(d) REGULATIONS.—

(1) IN GENERAL.—The Committee on Foreign Investment in the United States (in this section referred to as the “Committee”), which shall include the Secretary of Education for purposes of this subsection, shall prescribe regulations as necessary and appropriate to implement the amendments made by subsection (a).

(2) ELEMENTS.—The regulations prescribed under paragraph (1) shall include—

(A) regulations accounting for the burden on institutions of higher education likely to result from compliance with the amend-

ments made by subsection (a), including structuring penalties and filing fees to reduce such burdens, shortening timelines for reviews and investigations, allowing for simplified and streamlined declaration and notice requirements, and implementing any procedures necessary to protect academic freedom; and

(B) guidance with respect to—

(i) which gifts and contracts described in described in clause (vi)(II)(aa) of subsection (a)(4)(B) of section 721 of the Defense Production Act of 1950, as added by subsection (a)(1), would be subject to filing mandatory declarations under subsection (b)(1)(C)(v)(IV) of that section; and

(ii) the meaning of “control”, as defined in subsection (a) of that section, as that term applies to covered transactions described in clause (vi) of paragraph (4)(B) of that section, as added by subsection (a)(1).

(3) ISSUANCE OF FINAL RULE.—The Committee shall issue a final rule to carry out the amendments made by subsection (a) after assessing the findings of the pilot program required by subsection (e).

(e) PILOT PROGRAM.—

(1) IN GENERAL.—Beginning on the date that is 30 days after the publication in the Federal Register of the matter required by paragraph (2) and ending on the date that is 570 days thereafter, the Committee shall conduct a pilot program to assess methods for implementing the review of covered transactions described in clause (vi) of section 721(a)(4)(B) of the Defense Production Act of 1950, as added by subsection (a)(1).

(2) PROPOSED DETERMINATION.—Not later than 270 days after the date of the enactment of this Act, the Committee shall, in consultation with the Secretary of Education, publish in the Federal Register—

(A) a proposed determination of the scope of and procedures for the pilot program required by paragraph (1);

(B) an assessment of the burden on institutions of higher education likely to result from compliance with the pilot program;

(C) recommendations for addressing any such burdens, including shortening timelines for reviews and investigations, structuring penalties and filing fees, and simplifying and streamlining declaration and notice requirements to reduce such burdens; and

(D) any procedures necessary to ensure that the pilot program does not infringe upon academic freedom.

(3) REPORT ON FINDINGS.—Upon conclusion of the pilot program required by paragraph (1), the Committee shall submit to Congress a report on the findings of that pilot program that includes—

(A) a summary of the reviews conducted by the Committee under the pilot program and the outcome of such reviews;

(B) an assessment of any additional resources required by the Committee to carry out this section or the amendments made by subsection (a);

(C) findings regarding the additional burden on institutions of higher education likely to result from compliance with the amendments made by subsection (a) and any additional recommended steps to reduce those burdens; and

(D) any recommendations for Congress to consider regarding the scope or procedures described in this section or the amendments made by subsection (a).

SA 5806. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

The Comptroller General of the United States shall, as part of the Comptroller General's annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Consideration from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

SA 5807. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TECHNOLOGICAL HAZARDS PREPAREDNESS TRAINING.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) INDIAN TRIBAL GOVERNMENT.—The term “Indian Tribal government” has the meaning given the term “Indian tribal government” in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(3) LOCAL GOVERNMENT; STATE.—The terms “local government” and “State” have the meanings given those terms in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(4) TECHNOLOGICAL HAZARD AND RELATED EMERGING THREAT.—The term “technological hazard and related emerging threat”—

(A) means a hazard that involves materials created by humans that pose a unique hazard to the general public and environment and which may result from—

(i) an accident;

(ii) an emergency caused by another hazard; or

(iii) intentional use of the hazardous materials; and

(B) includes a chemical, radiological, biological, and nuclear hazard.

(b) ASSISTANCE AND TRAINING FOR COMMUNITIES WITH TECHNOLOGICAL HAZARDS AND RELATED EMERGING THREATS.—

(1) IN GENERAL.—The Administrator shall maintain the capacity to provide States and local governments with technological hazards and related emerging threats technical assistance, training, and other preparedness programming to build community resilience to technological hazards and related emerging threats.

(2) AUTHORITIES.—The Administrator shall carry out paragraph (1) in accordance with—

(A) the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(B) section 1236 of the Disaster Recovery Reform Act of 2018 (42 U.S.C. 5196g); and

(C) the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109-295; 120 Stat. 1394).

(3) ASSESSMENT AND NOTIFICATION.—In carrying out paragraph (1), the Administrator shall—

(A) use any available and appropriate multi-hazard risk assessment and mapping tools and capabilities to identify the communities that have the highest risk of and vulnerability to a technological hazard in each State; and

(B) ensure each State and Indian Tribal government is aware of—

(i) the communities identified under subparagraph (A); and

(ii) the availability of programming under this section for—

(I) technological hazards and related emerging threats preparedness; and

(II) building community capability.

(4) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Appropriations of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives a report relating to—

(A) actions taken to implement this section; and

(B) technological hazards and related emerging threats preparedness programming provided under this section during the 1-year period preceding the date of submission of the report.

(5) CONSULTATION.—The Secretary of Homeland Security may seek continuing input relating to technological hazards and related emerging threats preparedness needs by consulting State, Tribal, territorial, and local emergency services organizations and private sector stakeholders.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2023 through 2024.

(d) SAVINGS PROVISION.—Nothing in this section shall diminish or divert resources from—

(1) the full completion of federally-led chemical surety material storage missions or chemical demilitarization missions that are underway as of the date of enactment of this Act; or

(2) any transitional activities or other community assistance incidental to the completion of the missions described in paragraph (1).

SA 5808. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr.

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

At the end, add the following:

DIVISION E—GLOBAL CATASTROPHIC RISK MANAGEMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This Act may be cited as the “Global Catastrophic Risk Management Act of 2022”.

SEC. 5002. DEFINITIONS.

In this division:

(1) BASIC NEED.—The term “basic need”—

(A) means any good, service, or activity necessary to protect the health, safety, and general welfare of the civilian population of the United States; and

(B) includes—

(i) food;

(ii) water;

(iii) shelter;

(iv) basic communication services;

(v) basic sanitation and health services; and

(vi) public safety.

(2) CATASTROPHIC INCIDENT.—The term “catastrophic incident”—

(A) means any natural or man-made disaster that results in extraordinary levels of casualties or damage, mass evacuations, or disruption severely affecting the population, infrastructure, environment, economy, national morale, or government functions in an area; and

(B) may include an incident—

(i) with a sustained national impact over a prolonged period of time;

(ii) that may rapidly exceed resources available to State and local government and private sector authorities in the impacted area; or

(iii) that may significantly interrupt governmental operations and emergency services to such an extent that national security could be threatened.

(3) COMMITTEE.—The term “committee” means the interagency committee on global catastrophic risk established under section 5003.

(4) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given the term in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).

(5) EXISTENTIAL RISK.—The term “existential risk” means the potential for an outcome that would result in human extinction.

(6) GLOBAL CATASTROPHIC RISK.—The term “global catastrophic risk” means the risk of events or incidents consequential enough to significantly harm, set back, or destroy human civilization at the global scale.

(7) GLOBAL CATASTROPHIC AND EXISTENTIAL THREATS.—The term “global catastrophic and existential threats” means those threats that with varying likelihood can produce consequences severe enough to result in significant harm or destruction of human civilization at the global scale, or lead to human extinction. Examples of global catastrophic and existential threats include severe global pandemics, nuclear war, asteroid and comet impacts, supervolcanoes, sudden and severe changes to the climate, and intentional or accidental threats arising from the use and development of emerging technologies.

(8) NATIONAL EXERCISE PROGRAM.—The term “national exercise program” means ac-

tivities carried out to test and evaluate the national preparedness goal and related plans and strategies as described in section 648(b) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748(b)).

(9) TRIBAL GOVERNMENT.—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, that is individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

SEC. 5003. INTERAGENCY COMMITTEE ON GLOBAL CATASTROPHIC RISK.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the President shall establish an interagency committee on global catastrophic risk.

(b) MEMBERSHIP.—The committee shall include senior representatives of—

(1) the Assistant to the President for National Security Affairs;

(2) the Director of the Office of Science and Technology Policy;

(3) the Director of National Intelligence and the Director of the National Intelligence Council;

(4) the Secretary of Homeland Security and the Administrator of the Federal Emergency Management Agency;

(5) the Secretary of State and the Under Secretary of State for Arms Control and International Security;

(6) the Attorney General and the Director of the Federal Bureau of Investigation;

(7) the Secretary of Energy, the Under Secretary of Energy for Nuclear Security, and the Director of Science;

(8) the Secretary of Health and Human Services, the Assistant Secretary for Preparedness and Response, and the Assistant Secretary of Global Affairs;

(9) the Secretary of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, and the Under Secretary of Commerce for Standards and Technology;

(10) the Secretary of the Interior and the Director of the United States Geological Survey;

(11) the Administrator of the Environmental Protection Agency and the Assistant Administrator for Water;

(12) the Administrator of the National Aeronautics and Space Administration;

(13) the Director of the National Science Foundation;

(14) the Secretary of the Treasury;

(15) the Chair of the Board of Governors of the Federal Reserve System;

(16) the Secretary of Defense, the Assistant Secretary of the Army for Civil Works, and the Chief of Engineers and Commanding General of the Army Corps of Engineers;

(17) the Chairman of the Joint Chiefs of Staff;

(18) the Administrator of the United States Agency for International Development; and

(19) other stakeholders the President determines appropriate.

(c) CHAIRMANSHIP.—The committee shall be co-chaired by a senior representative of the President and the Deputy Administrator of the Federal Emergency Management Agency for Resilience.

SEC. 5004. REPORT REQUIRED.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every 10 years thereafter, the President, with support from the committee, shall conduct and submit to Congress a report containing a detailed assessment of global catastrophic and existential risk.

(b) MATTERS COVERED.—Each report required under subsection (a) shall include —

(1) expert estimates of cumulative global catastrophic and existential risk in the next 30 years, including separate estimates for the likelihood of occurrence and potential consequences;

(2) expert-informed analyses of the risk of the most concerning specific global catastrophic and existential threats, including separate estimates, where reasonably feasible and credible, of each threat for its likelihood of occurrence and its potential consequences, as well as associated uncertainties;

(3) a comprehensive list of potential catastrophic or existential threats, including even those that may have very low likelihood;

(4) technical assessments and lay explanations of the analyzed global catastrophic and existential risks, including their qualitative character and key factors affecting their likelihood of occurrence and potential consequences;

(5) an explanation of any factors that limit the ability of the President to assess the risk both cumulatively and for particular threats, and how those limitations may be overcome through future research or with additional resources, programs, or authorities;

(6) a review of the effectiveness of intelligence collection, early warning and detection systems, or other functions and programs necessary to evaluate the risk of particular global catastrophic and existential threats, if any exist and as applicable for particular threats;

(7) a forecast of if and why global catastrophic and existential risk is likely to increase or decrease significantly in the next 30 years, both qualitatively and quantitatively, as well as a description of associated uncertainties;

(8) proposals for how the Federal Government may more adequately assess global catastrophic and existential risk on an ongoing basis in future years;

(9) recommendations for legislative actions, as appropriate, to support the evaluation and assessment of global catastrophic and existential risk; and

(10) other matters deemed appropriate by the President.

(c) **CONSULTATION REQUIREMENT.**—In producing the report required under subsection (a), the President, with support from the committee, shall regularly consult with experts on global catastrophic and existential risks, including from non-governmental, academic, and private sector institutions.

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

SEC. 5005. REPORT ON CONTINUITY OF OPERATIONS AND CONTINUITY OF GOVERNMENT PLANNING.

(a) **IN GENERAL.**—Not later than 180 days after the submission of the report required under section 5004, the President, with support from the committee, shall produce a report on the adequacy of continuity of operations and continuity of government plans based on the assessed global catastrophic and existential risk.

(b) **MATTERS COVERED.**—The report required under subsection (a) shall include—

(1) a detailed assessment of the ability of continuity of government and continuity of operations plans and programs, as defined by Executive Order 13961 (85 Fed. Reg. 79379; relating to governance and integration of Federal mission resilience), Presidential Policy Directive-40 (July 15, 2016; relating to national continuity policy), or successor policies, to maintain national essential functions following global catastrophes, both cumulatively and for particular threats;

(2) an assessment of the need to revise Executive Order 13961 (85 Fed. Reg. 79379; relating to governance and integration of Federal mission resilience), Presidential Policy Directive-40 (July 15, 2016; relating to national continuity policy), or successor policies to account for global catastrophic and existential risk cumulatively or for particular threats;

(3) an assessment of any technology gaps limiting mitigation of global catastrophic and existential risks for continuity of operations and continuity of government plans;

(4) a budget proposal for continuity of government and continuity of operations programs necessary to adequately maintain national essential functions during global catastrophes;

(5) recommendations for legislative actions and technology development and implementation actions necessary to improve continuity of government and continuity of operations plans and programs;

(6) a plan for increased senior leader involvement in continuity of operations and continuity of government exercises; and

(7) other matters deemed appropriate by the co-chairs of the committee.

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

SEC. 5006. ENHANCED CATASTROPHIC INCIDENT ANNEX.

(a) **IN GENERAL.**—The President, with support from the committee, shall supplement each Federal Interagency Operational Plan to include an annex containing a strategy to ensure the health, safety, and general welfare of the civilian population affected by catastrophic incidents by—

(1) providing for the basic needs of the civilian population of the United States that is impacted by catastrophic incidents in the United States;

(2) coordinating response efforts with State and local governments, the private sector, and nonprofit relief organizations;

(3) promoting personal and local readiness and non-reliance on government relief during periods of heightened tension or after catastrophic incidents; and

(4) developing international partnerships with allied nations for the provision of relief services and goods.

(b) **ELEMENTS OF THE STRATEGY.**—The strategy required under subsection (a) shall include a description of—

(1) actions the President will take to ensure the basic needs of the civilian population of the United States in a catastrophic incident are met;

(2) how the President will coordinate with non-Federal entities to multiply resources and enhance relief capabilities, including—

(A) State and local governments;

(B) Tribal governments;

(C) State disaster relief agencies;

(D) State and local disaster relief managers;

(E) State National Guards;

(F) law enforcement and first response entities; and

(G) nonprofit relief services;

(3) actions the President will take to enhance individual resiliency to the effects of a catastrophic incident, which actions shall include—

(A) readiness alerts to the public during periods of elevated threat;

(B) efforts to enhance domestic supply and availability of critical goods and basic necessities; and

(C) information campaigns to ensure the public is aware of response plans and services that will be activated when necessary;

(4) efforts the President will undertake and agreements the President will seek with international allies to enhance the readiness

of the United States to provide for the general welfare;

(5) how the strategy will be implemented should multiple levels of critical infrastructure be destroyed or taken offline entirely for an extended period of time; and

(6) the authorities the President would implicate in responding to a catastrophic incident.

(c) **ASSUMPTIONS.**—In designing the strategy under subsection (a), the President shall account for certain factors to make the strategy operationally viable, including the assumption that—

(1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;

(2) impacted sectors may include—

(A) the transportation sector;

(B) the communication sector;

(C) the energy sector;

(D) the healthcare and public health sector;

(E) the water and wastewater sector; and

(F) the financial sector;

(3) State, local, Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State and local governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and other relevant disaster response laws; and

(5) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

(d) **EXISTING PLANS.**—The President may incorporate existing contingency plans in the strategy developed under subsection (a) so long as those contingency plans are amended to be operational in accordance with the requirements under this section.

(e) **AVAILABILITY.**—The strategy developed under subsection (a) shall be available to the public but may include a classified, or other restricted, annex to be made available to the appropriate committees of Congress and appropriate government entities.

SEC. 5007. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

Not later than 1 year after the addition of the annex required under section 5006, the Department of Homeland Security shall lead an exercise as part of the national exercise program, in coordination with the committee, to test and enhance the operationalization of the strategy required under section 5006.

SEC. 5008. RECOMMENDATIONS.

(a) **IN GENERAL.**—The President shall provide recommendations to Congress for—

(1) actions that should be taken to prepare the United States to implement the strategy required under section 5006, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

(2) additional authorities that should be considered for Federal agencies and the President to more effectively implement the strategy required under section 5006.

(b) **INCLUSION IN REPORTS.**—The President may include the recommendations required under subsection (a) in a report submitted under section 5009.

SEC. 5009. REPORTING REQUIREMENTS.

Not later than 1 year after the date on which Department of Homeland Security leads the exercise under section 5007, the President shall submit to Congress a report that includes—

(1) a description of the efforts of the President to develop and update the strategy required under section 5006; and

(2) an after-action report following the conduct of the exercise described in section 5007.

SEC. 5010. RULE OF CONSTRUCTION.

Nothing in this division shall be construed to supersede the civilian emergency management authority of the Administrator of the Federal Emergency Management Agency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act (6 U.S.C. 701 et seq.).

SA 5809. Mr. PORTMAN (for himself and Ms. HASSAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. STIPENDS FOR TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

(a) **SHORT TITLE.**—This section may be cited as the “Transnational Criminal Investigative Unit Stipend Act”.

(b) **IN GENERAL.**—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by adding at the end the following:

“SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE UNITS.

“(a) **IN GENERAL.**—The Secretary shall operate Transnational Criminal Investigative Units within United States Immigration and Customs Enforcement, Homeland Security Investigations.

“(b) **COMPOSITION.**—Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

“(c) **VETTING REQUIREMENT.**—

“(1) **IN GENERAL.**—Upon entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Director of U.S. Immigration and Customs Enforcement determines to be appropriate.

“(2) **REPORT.**—The Director of U.S. Immigration and Customs Enforcement shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes—

“(A) the procedures used for vetting Transnational Criminal Investigative Unit members; and

“(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

“(d) **MONETARY STIPEND.**—The Director of U.S. Immigration and Customs Enforcement is authorized to pay vetted members of a

Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

“(e) **ANNUAL BRIEFING.**—The Director of U.S. Immigration and Customs Enforcement, during the 5-year period beginning on the date of the enactment of this Act, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(2), which may include a classified session, if necessary, that identifies—

“(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

“(2) the amount paid in stipends to such members, disaggregated by country; and

“(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country.”.

(c) **CLERICAL AMENDMENT.**—The table of contents for the Homeland Security Act of 2002 (Public Law 107-296) is amended by inserting after the item relating to section 890B the following:

“Sec. 890C. Transnational Criminal Investigative Units.”.

SA 5810. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—SAFEGUARDING AMERICAN INNOVATION

SEC. ____01. SHORT TITLE.

This title may be cited as the “Safeguarding American Innovation Act”.

SEC. ____02. FEDERAL RESEARCH SECURITY COUNCIL.

(a) **IN GENERAL.**—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

“CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

“Sec.

“7901. Definitions.

“7902. Federal Research Security Council establishment and membership.

“7903. Functions and authorities.

“7904. Strategic plan.

“7905. Annual report.

“7906. Requirements for Executive agencies.

“§ 7901. Definitions

“In this chapter:

“(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term ‘appropriate congressional committees’ means—

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

“(B) the Committee on Commerce, Science, and Transportation of the Senate;

“(C) the Select Committee on Intelligence of the Senate;

“(D) the Committee on Foreign Relations of the Senate;

“(E) the Committee on Armed Services of the Senate;

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

“(G) the Committee on Oversight and Reform of the House of Representatives;

“(H) the Committee on Homeland Security of the House of Representatives;

“(I) the Committee on Energy and Commerce of the House of Representatives;

“(J) the Permanent Select Committee on Intelligence of the House of Representatives;

“(K) the Committee on Foreign Affairs of the House of Representatives;

“(L) the Committee on Armed Services of the House of Representatives;

“(M) the Committee on Science, Space, and Technology of the House of Representatives; and

“(N) the Committee on Education and Labor of the House of Representatives.

“(2) **COUNCIL.**—The term ‘Council’ means the Federal Research Security Council established under section 7902(a).

“(3) **EXECUTIVE AGENCY.**—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5.

“(4) **FEDERAL RESEARCH SECURITY RISK.**—The term ‘Federal research security risk’ means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using research and development funds awarded by Executive agencies.

“(5) **INSIDER.**—The term ‘insider’ means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

“(6) **INSIDER THREAT.**—The term ‘insider threat’ means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency’s normal processes, including damaging the United States through espionage, sabotage, terrorism, unauthorized disclosure of national security information or nonpublic information, a destructive act (which may include physical harm to another in the workplace), or through the loss or degradation of departmental resources, capabilities, and functions.

“(7) **RESEARCH AND DEVELOPMENT.**—

“(A) **IN GENERAL.**—The term ‘research and development’ means all research activities, both basic and applied, and all development activities.

“(B) **DEVELOPMENT.**—The term ‘development’ means experimental development.

“(C) **EXPERIMENTAL DEVELOPMENT.**—The term ‘experimental development’ means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

“(i) is directed toward the production of new products or processes or improving existing products or processes; and

“(ii) like research, will result in gaining additional knowledge.

“(D) **RESEARCH.**—The term ‘research’—

“(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

“(ii) includes activities involving the training of individuals in research techniques if such activities—

“(I) utilize the same facilities as other research and development activities; and

“(II) are not included in the instruction function.

“(8) **UNITED STATES RESEARCH COMMUNITY.**—The term ‘United States research community’ means—

“(A) research and development centers of Executive agencies;

“(B) private research and development centers in the United States, including for profit and nonprofit research institutes;

“(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

“(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

“(E) government-owned, contractor-operated United States Government research and development centers; and

“(F) any person conducting federally funded research or receiving Federal research grant funding.

“§ 7902. Federal Research Security Council establishment and membership

“(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The following agencies shall be represented on the Council:

“(A) The Office of Management and Budget.

“(B) The Office of Science and Technology Policy.

“(C) The Department of Defense.

“(D) The Department of Homeland Security.

“(E) The Office of the Director of National Intelligence.

“(F) The Department of Justice.

“(G) The Department of Energy.

“(H) The Department of Commerce.

“(I) The Department of Health and Human Services.

“(J) The Department of State.

“(K) The Department of Transportation.

“(L) The National Aeronautics and Space Administration.

“(M) The National Science Foundation.

“(N) The Department of Education.

“(O) The Small Business Administration.

“(P) The Council of Inspectors General on Integrity and Efficiency.

“(Q) Other Executive agencies, as determined by the Chairperson of the Council.

“(2) LEAD REPRESENTATIVES.—

“(A) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

“(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

“(c) CHAIRPERSON.—

“(1) DESIGNATION.—Not later than 45 days after the date of the enactment of the Safeguarding American Innovation Act, the Director of the Office of Management and Budget shall designate a senior level official from the Office of Management and Budget to serve as the Chairperson of the Council.

“(2) FUNCTIONS.—The Chairperson shall perform functions that include—

“(A) subject to subsection (d), developing a schedule for meetings of the Council;

“(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

“(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

“(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

“(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall designate a senior level official to be the lead science advisor to the Council for purposes of this chapter.

“(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall designate a senior level official from the National Counterintelligence and Security Center to be the lead security advisor to the Council for purposes of this chapter.

“(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of the Safeguarding American Innovation Act and not less frequently than quarterly thereafter.

“§ 7903. Functions and authorities

“(a) DEFINITIONS.—In this section:

“(1) IMPLEMENTING.—The term ‘implementing’ means working with the relevant Federal agencies, through existing processes and procedures, to enable those agencies to put in place and enforce the measures described in this section.

“(2) UNIFORM APPLICATION PROCESS.—The term ‘uniform application process’ means a process employed by Federal science agencies to maximize the collection of information regarding applicants and applications, as determined by the Council.

“(b) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

“(1) Developing and implementing, across all Executive agencies that award research and development grants, awards, and contracts, a uniform application process for grants in accordance with subsection (c).

“(2) Developing and implementing policies and providing guidance to prevent malign foreign interference from unduly influencing the peer review process for federally funded research and development.

“(3) Identifying or developing criteria for sharing among Executive agencies and with law enforcement and other agencies, as appropriate, information regarding individuals who violate disclosure policies and other policies related to research security.

“(4) Identifying an appropriate Executive agency—

“(A) to accept and protect information submitted by Executive agencies and non-Federal entities based on the process established pursuant to paragraph (1); and

“(B) to facilitate the sharing of information received under subparagraph (A) to support, consistent with Federal law—

“(i) the oversight of federally funded research and development;

“(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

“(iii) counterintelligence investigations.

“(5) Identifying, as appropriate, Executive agencies to provide—

“(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

“(B) common contract solutions to support the verification of the identities of persons participating in federally funded research and development.

“(6) Identifying and issuing guidance, in accordance with subsection (e) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for expanding the scope of Executive agency insider threat programs, including the safeguarding of research and development from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each agency.

“(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (c)(1). Such programs shall include an assessment of—

“(A) a grantee’s support from foreign sources and affiliations, appointments, or participation in talent programs with foreign funding institutions or laboratories; and

“(B) the impact of such support and affiliations, appointments, or participation in talent programs on United States national security and economic interests.

“(8) Providing guidance to Executive agencies regarding appropriate application of consequences for violations of disclosure requirements.

“(9) Developing and implementing a cross-agency policy and providing guidance related to the use of digital persistent identifiers for individual researchers supported by, or working on, any Federal research grant with the goal to enhance transparency and security, while reducing administrative burden for researchers and research institutions.

“(10) Engaging with the United States research community in conjunction with the National Science and Technology Council and the National Academies Science, Technology and Security Roundtable created under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 42 U.S.C. 6601 note) in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

“(11) Carrying out such other functions, consistent with Federal law, that are necessary to reduce Federal research security risks.

“(c) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (b)(1), the Council shall—

“(1) ensure that the process—

“(A) requires principal investigators, co-principal investigators, and key personnel associated with the proposed Federal research or development grant project—

“(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

“(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

“(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

“(2) design the process—

“(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

“(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

“(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

“(d) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (b)(3), the Council shall ensure that such criteria address, at a minimum—

“(1) the information to be shared;

“(2) the circumstances under which sharing is mandated or voluntary;

“(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

“(4) the procedures for protecting intellectual capital that may be present in such information; and

“(5) appropriate privacy protections for persons involved in Federal research and development.

“(e) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (b)(6), the Council shall ensure that such guidance provides for, at a minimum—

“(1) such programs—

“(A) to deter, detect, and mitigate insider threats; and

“(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

“(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

“(A) monitoring user activity on computer networks controlled by Executive agencies;

“(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

“(C) gathering information for a centralized analysis, reporting, and response capability; and

“(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

“(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency and shares insider threat information with the executive agency research sponsors;

“(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

“(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

“(f) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

“(1) IN GENERAL.—The Council, in conjunction with the lead security advisor designated under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

“(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

“(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

“(i) to exploit, interfere, or undermine research and development by the United States research community; or

“(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

“(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

“(i) the science and technology of that foreign country; or

“(ii) federally funded research and development; and

“(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

“(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Director of the Office of Management and Budget and the Director of the Office of Science and Technology Policy that detail—

“(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

“(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

“(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

“(4) proposals for developing a unified Federal policy on suspensions and debarments; and

“(5) other current suspension and debarment related issues.

“(h) SAVINGS PROVISION.—Nothing in this section may be construed—

“(1) to alter or diminish the authority of any Federal agency; or

“(2) to alter any procedural requirements or remedies that were in place before the date of the enactment of the Safeguarding American Innovation Act.

“§ 7904. Annual report

“Not later than November 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes the activities of the Council during the preceding fiscal year.

“§ 7905. Requirements for Executive agencies

“(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

“(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

“(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(b);

“(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States;

“(4) ensuring that initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council; and

“(5) ensuring that the initiatives of the Council comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

“(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

“(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

“(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

“(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following:

“79. Federal Research Security Council 7901.”.
SEC. 7903. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“§ 1041. Federal grant application fraud

“(a) DEFINITIONS.—In this section:

“(1) FEDERAL AGENCY.—The term ‘Federal agency’ has the meaning given the term ‘agency’ in section 551 of title 5, United States Code.

“(2) FEDERAL GRANT.—The term ‘Federal grant’—

“(A) means a grant awarded by a Federal agency;

“(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

“(C) does not include—

“(i) direct United States Government cash assistance to an individual;

“(ii) a subsidy;

“(iii) a loan;

“(iv) a loan guarantee; or

“(v) insurance.

“(3) FEDERAL GRANT APPLICATION.—The term ‘Federal grant application’ means an application for a Federal grant.

“(4) FOREIGN COMPENSATION.—The term ‘foreign compensation’ means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

“(A) a foreign government;

“(B) a foreign government institution; or

“(C) a foreign public enterprise.

“(5) FOREIGN GOVERNMENT.—The term ‘foreign government’ includes a person acting or purporting to act on behalf of—

“(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

“(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

“(6) FOREIGN GOVERNMENT INSTITUTION.—The term ‘foreign government institution’ means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

“(7) FOREIGN PUBLIC ENTERPRISE.—The term ‘foreign public enterprise’ means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

“(8) LAW ENFORCEMENT AGENCY.—The term ‘law enforcement agency’—

“(A) means a Federal, State, local, or Tribal law enforcement agency; and

“(B) includes—

“(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

“(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

“(9) OUTSIDE COMPENSATION.—The term ‘outside compensation’ means any compensation, resource, or support (regardless of

monetary value) made available to the applicant in support of, or related to, any research endeavor, including a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including materials, travel compensation, or work incentives.

“(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

“(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual, the value of which is not less than \$1,000;

“(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

“(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

“(A) contains a material false statement;

“(B) contains a material misrepresentation; or

“(C) fails to disclose a material fact.

“(c) EXCEPTION.—Subsection (b) does not apply to an activity—

“(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

“(A) a law enforcement agency; or

“(B) a Federal intelligence agency; or

“(2) authorized under chapter 224.

“(d) PENALTY.—Any individual who violates subsection (b)—

“(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both, in accordance with the level of severity of that individual's violation of subsection (b); and

“(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

“1041. Federal grant application fraud.”.

SEC. 4. RESTRICTING THE ACQUISITION OF EMERGING TECHNOLOGIES BY CERTAIN ALIENS.

(a) IN GENERAL.—The Secretary of State may impose the sanctions described in subsection (c) if the Secretary determines an alien is seeking to enter the United States to knowingly acquire sensitive or emerging technologies to undermine national security interests of the United States by benefitting an adversarial foreign government's security or strategic capabilities.

(b) RELEVANT FACTORS.—To determine whether to impose sanctions under subsection (a), the Secretary of State shall—

(1) take account of information and analyses relevant to implementing subsection (a) from the Office of the Director of National Intelligence, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(2) take account of the continual expert assessments of evolving sensitive or emerging technologies that foreign adversaries are targeting;

(3) take account of relevant information concerning the foreign person's employment or collaboration, to the extent known, with—

(A) foreign military and security related organizations that are adversarial to the United States;

(B) foreign institutions involved in the theft of United States research;

(C) entities involved in export control violations or the theft of intellectual property;

(D) a government that seeks to undermine the integrity and security of the United States research community; or

(E) other associations or collaborations that pose a national security threat based on intelligence assessments; and

(4) weigh the proportionality of risks and the factors listed in paragraphs (1) through (3).

(c) SANCTIONS DESCRIBED.—The sanctions described in this subsection are the following:

(1) INELIGIBILITY FOR VISAS AND ADMISSION TO THE UNITED STATES.—An alien described in subsection (a) may be—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—An alien described in subsection (a) is subject to revocation of any visa or other entry documentation regardless of when the visa or other entry documentation is or was issued.

(B) IMMEDIATE EFFECT.—A revocation under clause (A) shall take effect immediately, and automatically cancel any other valid visa or entry documentation that is in the alien's possession, in accordance with section 221(i) of the Immigration and Nationality Act.

(3) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—The sanctions described in this subsection shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(d) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and semi-annually thereafter until the sunset date set forth in subsection (f), the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to the Committee on the Judiciary of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives that identifies—

(1) any criteria, if relevant used to describe the alien in subsection (a);

(2) the number of individuals determined to be subject to sanctions under subsection (a), including the nationality of each such individual and the reasons for each sanctions determination; and

(3) the number of days from the date of the consular interview until a final decision is issued for each application for a visa considered under this section, listed by applicants' country of citizenship and relevant consulate.

(e) CLASSIFICATION OF REPORT.—Each report required under subsection (d) shall be submitted, to the extent practicable, in an

unclassified form, but may be accompanied by a classified annex.

(f) SUNSET.—This section shall cease to be effective on the date that is 2 years after the date of the enactment of this Act.

SA 5811. Mr. PORTMAN (for himself and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS.

(a) TECHNICAL AMENDMENT RELATING TO DOTGOV ACT OF 2020.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking “Homeland Security Act” and inserting “Homeland Security Act of 2002”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116-260).

(b) CONSOLIDATION OF DEFINITIONS.—

(1) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by inserting before the subtitle A heading the following:

“SEC. 2200. DEFINITIONS.

“Except as otherwise specifically provided, in this title:

“(1) AGENCY.—The term ‘Agency’ means the Cybersecurity and Infrastructure Security Agency.

“(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

“(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency.

“(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

“(B) the Committee on Homeland Security of the House of Representatives.

“(5) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ means information not customarily in the public domain and related to the security of critical infrastructure or protected systems—

“(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

“(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of

critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

“(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation.

“(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ means information that is necessary to describe or identify—

“(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

“(B) a method of defeating a security control or exploitation of a security vulnerability;

“(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

“(D) a method of causing a user with legitimate access to an information system or information that is stored on, processed by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability;

“(E) malicious cyber command and control;

“(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

“(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

“(H) any combination thereof.

“(7) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ means the purpose of protecting an information system or information that is stored on, processed by, or transiting an information system from a cybersecurity threat or security vulnerability.

“(8) CYBERSECURITY RISK.—The term ‘cybersecurity risk’—

“(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

“(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

“(9) CYBERSECURITY THREAT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transiting an information system.

“(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

“(10) DEFENSIVE MEASURE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information that is stored on, processed by, or transiting an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

“(B) EXCLUSION.—The term ‘defensive measure’ does not include a measure that destroys, renders unusable, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

“(i) the entity operating the measure; or

“(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

“(11) DIRECTOR.—The term ‘Director’ means the Director Cybersecurity and Infrastructure Security Agency

“(12) HOMELAND SECURITY ENTERPRISE.—The term ‘Homeland Security Enterprise’ means relevant governmental and non-governmental entities involved in homeland security, including Federal, State, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

“(13) INCIDENT.—The term ‘incident’ means an occurrence that actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system, or actually or imminently jeopardizes, without lawful authority, an information system.

“(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term ‘Information Sharing and Analysis Organization’ means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

“(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

“(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of an interference, a compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

“(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

“(15) INFORMATION SYSTEM.—The term ‘information system’ has the meaning given the term in section 3502 of title 44, United States Code.

“(16) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

“(17) MONITOR.—The term ‘monitor’ means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

“(18) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

“(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

“(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

“(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

“(D) facilitating information sharing and operational coordination with threat response; and

“(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

“(19) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 11103 of title 40, United States Code.

“(20) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

“(21) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

“(22) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

“(23) SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by amending section 2201 (6 U.S.C. 651) to read as follows:

“SEC. 2201. DEFINITION.

“In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a).”;

(B) in section 2202 (6 U.S.C. 652)—

(i) in subsection (a)(1), by striking “(in this subtitle referred to as the Agency)”; and

(ii) in subsection (b)(1), by striking “in this subtitle referred to as the ‘Director’”; and

(iii) in subsection (f)—

(I) in paragraph (1), by inserting “Executive” before “Assistant Director”; and

(II) in paragraph (2), by inserting “Executive” before “Assistant Director”;

(C) in section 2209 (6 U.S.C. 659)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through subsection (o) as subsections (a) through (n), respectively;

(iii) in subsection (c)(1), as so redesignated—

(I) in subparagraph (A)(iii), as so redesignated, by striking “, as that term is defined under section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4))”; and

(II) in subparagraph (B)(ii), by striking “information sharing and analysis organizations” and inserting “Information Sharing and Analysis Organizations”;

(iv) in subsection (d), as so redesignated—

(I) in the matter preceding paragraph (1), by striking “subsection (c)” and inserting “subsection (b)”;

(II) in paragraph (1)(E)(ii)(II), by striking “information sharing and analysis organizations” and inserting “Information Sharing and Analysis Organizations”;

(v) in subsection (j), as so redesignated, by striking “subsection (c)(8)” and inserting “subsection (b)(8)”;

(vi) by redesignating the first subsections (p) and (q) and second subsections (p) and (q) as subsections (o) and (p) and subsections (q) and (r), respectively; and

(vii) in subsection (o), as so redesignated—
(I) in paragraph (2)(A), by striking “subsection (c)(12)” and inserting “subsection (b)(12)”; and

(II) in paragraph (3)(B)(i), by striking “subsection (c)(12)” and inserting “subsection (b)(12)”; and

(D) in section 2210 (6 U.S.C. 660)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (e) as subsections (a) through (d), respectively;

(iii) in subsection (b), as so redesignated—

(I) by striking “information sharing and analysis organizations (as defined in section 2222(5))” and inserting “Information Sharing and Analysis Organizations”; and

(II) by striking “(as defined in section 2209)”; and

(iv) in subsection (c), as so redesignated, by striking “subsection (c)” and inserting “subsection (b)”; and

(E) in section 2211 (6 U.S.C. 661), by striking subsection (h);

(F) in section 2212 (6 U.S.C. 662), by striking “information sharing and analysis organizations (as defined in section 2222(5))” and inserting “Information Sharing and Analysis Organizations”; and

(G) in section 2213 (6 U.S.C. 663)—

(i) by striking subsection (a);

(ii) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(iii) in subsection (b), as so redesignated, by striking “subsection (b)” each place it appears and inserting “subsection (a)”; and

(iv) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking “subsection (b)” and inserting “subsection (a)”; and

(v) in subsection (d), as so redesignated—

(I) in paragraph (1)—

(aa) in the matter preceding subparagraph (A), by striking “subsection (c)(2)” and inserting “subsection (b)(2)”; and

(bb) in subparagraph (A), by striking “subsection (c)(1)” and inserting “subsection (b)(1)”; and

(cc) in subparagraph (B), by striking “subsection (c)(2)” and inserting “subsection (b)(2)”; and

(II) in paragraph (2), by striking “subsection (c)(2)” and inserting “subsection (b)(2)”; and

(H) in section 2216 (6 U.S.C. 665b)—

(i) in subsection (d)(2), by striking “information sharing and analysis organizations” and inserting “Information Sharing and Analysis Organizations”; and

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

“(f) CYBER DEFENSE OPERATION DEFINED.—In this section, the term ‘cyber defense operation’ means the use of a defensive measure.”;

(I) in section 2218(c)(4)(A) (6 U.S.C. 665d(4)(A)), by striking “information sharing and analysis organizations” and inserting “Information Sharing and Analysis Organizations”;

(J) in section 2220A (6 U.S.C. 665g)—

(i) in subsection (a)—

(I) by striking paragraphs (1), (2), (5), and (6); and

(II) by redesignating paragraphs (3), (4), (7), (8), (9), (10), (11), and (12) as paragraphs (1) through (8), respectively;

(ii) in subsection (e)(2)(B)(xiv)(II)(aa), by striking “information sharing and analysis organization” and inserting “Information Sharing and Analysis Organization”; and

(iii) in subsection (p), by striking “appropriate committees of Congress” and inserting “appropriate congressional committees”; and

(iv) in subsection (q)(4), in the matter preceding clause (i), by striking “appropriate

committees of Congress” and inserting “appropriate congressional committees”

(K) in section 2220C(f) (6 U.S.C. 665i(f))—

(i) by striking paragraph (1);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(iii) in paragraph (2), as so redesignated, by striking “(enacted as division N of the Consolidated Appropriations Act, 2016 (Public Law 114–113; 6 U.S.C. 1501(9)))” and inserting “(6 U.S.C. 1501)”; and

(L) in section 2222 (6 U.S.C. 671)—

(i) by striking paragraphs (3), (5), and (8);

(ii) by redesignating paragraph (4) as paragraph (3); and

(iii) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(3) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(A) by inserting before the item relating to subtitle A of title XXII the following:

“Sec. 2200. Definitions.”;

(B) by striking the item relating to section 2201 and insert the following:

“Sec. 2201. Definition.”; and

(C) by moving the item relating to section 2220D to appear after the item relating to section 2220C.

(4) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(A) by striking paragraphs (4) through (7) and inserting the following:

“(4) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(5) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(7) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.”;

(B) by striking paragraph (13) and inserting the following:

“(13) MONITOR.—The term ‘monitor’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.”; and

(C) by striking paragraphs (16) and (17) and inserting the following:

“(16) SECURITY CONTROL.—The term ‘security control’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(17) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.”.

(c) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—

(1) FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015.—The Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521 et seq.) is amended—

(A) in section 222 (6 U.S.C. 1521)—

(i) in paragraph (2), by striking “section 2210” and inserting “section 2200”; and

(ii) in paragraph (4), by striking “section 2209” and inserting “section 2200”; and

(B) in section 223(b) (6 U.S.C. 151 note), by striking “section 2213(b)(1)” each place it appears and inserting “section 2213(a)(1)”; and

(C) in section 226 (6 U.S.C. 1524)—

(i) in subsection (a)—

(I) in paragraph (1), by striking “section 2213” and inserting “section 2200”; and

(II) in paragraph (2), by striking “section 102” and inserting “section 2200 of the Homeland Security Act of 2002”;

(III) in paragraph (4), by striking “section 2210(b)(1)” and inserting “section 2210(a)(1)”; and

(IV) in paragraph (5), by striking “section 2213(b)” and inserting “section 2213(a)”; and

(ii) in subsection (c)(1)(A)(vi), by striking “section 2213(c)(5)” and inserting “section 2213(b)(5)”; and

(D) in section 227(b) (6 U.S.C. 1525(b)), by striking “section 2213(d)(2)” and inserting “section 2213(c)(2)”.

(2) PUBLIC HEALTH SERVICE ACT.—Section 2811(b)(4)(D) of the Public Health Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended by striking “section 228(c) of the Homeland Security Act of 2002 (6 U.S.C. 149(c))” and inserting “section 2210(b) of the Homeland Security Act of 2002 (6 U.S.C. 660(b))”.

(3) WILLIAM M. (MAC) THORNBERRY NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL YEAR 2021.—Section 9002 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 652a) is amended—

(A) in subsection (a)—

(i) by striking paragraph (5);

(ii) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(iii) by amending paragraph (7) to read as follows:

“(7) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.”;

(B) in subsection (c)(3)(B), by striking “section 2201(5)” and inserting “section 2200”; and

(C) in subsection (d), by striking “section 2215 of the Homeland Security Act of 2002, as added by this section” and inserting “section 2218 of the Homeland Security Act of 2002 (6 U.S.C. 665d)”.

(4) NATIONAL SECURITY ACT OF 1947.—Section 113B(b)(4) of the National Security Act of 1947 (50 U.S.C. 3049a(b)(4)) is amended by striking section “226 of the Homeland Security Act of 2002 (6 U.S.C. 147)” and inserting “section 2208 of the Homeland Security Act of 2002 (6 U.S.C. 658)”.

(5) IOT CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 5(b)(3) of the IoT Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3c(b)(3)) is amended by striking “section 2209(m) of the Homeland Security Act of 2002 (6 U.S.C. 659(m))” and inserting “section 2209(l) of the Homeland Security Act of 2002 (6 U.S.C. 659(l))”.

(6) SMALL BUSINESS ACT.—Section 21(a)(8)(B) of the Small Business Act (15 U.S.C. 648(a)(8)(B)) is amended by striking “section 2209(a)” and inserting “section 2200”.

(7) TITLE 46.—Section 70101(2) of title 46, United States Code, is amended by striking “section 227 of the Homeland Security Act of 2002 (6 U.S.C. 148)” and inserting “section 2200 of the Homeland Security Act of 2002”.

SA 5812. Ms. KLOBUCHAR (for herself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ENTREPRENEURSHIP ASSISTANCE FOR MILITARY SPOUSES.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Small Business Administration; and

(2) the term “small business concern” has the meaning given the term in section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

(b) PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall establish a program within the Small Business Administration, the purpose of which shall be to assist military spouses in forming, operating, and growing small business concerns.

(2) EXTENSION OF EXISTING PROGRAM.—In lieu of establishing a new program, the Administrator may carry out the purposes described in paragraph (1) through an extension of a program that is in existence, as of the date of enactment of this Act, if that extension is tailored to military spouses and otherwise achieves those purposes and satisfies the requirements of this section.

(c) ASSISTANCE.—The assistance provided by the Administrator under the program described in subsection (b) shall include the following:

(1) Assistance for military spouses in identifying and understanding the requirements with respect to forming and operating a small business concern.

(2) Assistance for military spouses in strengthening the expertise and skills necessary for the formation and operation of a small business concern, including the expertise and skills necessary to create a sustainable small business concern throughout the uniquely challenging requirements of life as a military spouse, which arise as a result of—

(A) military deployments;

(B) military-related absences from the workforce; or

(C) multiple permanent changes of duty station or other long-term relocations for military reasons.

(3) Through military spouse entrepreneurship organizations and business volunteer entities (including by entering into cooperative agreements with those organizations and entities), providing mentorship to military spouses with respect to entrepreneurship.

(4) Any other assistance that the Administrator determines to be appropriate.

(d) SURVEY; REPORT; USE OF RESULTS.—

(1) SURVEY.—

(A) IN GENERAL.—The Administrator, in consultation with such nonprofit organizations and other stakeholders determined appropriate by the Administrator, shall conduct a survey at select military installations to identify the barriers to forming, operating, and growing small business concerns that are faced by military spouses as a result of life as a military spouse, including as a result of the conditions described in subparagraphs (A), (B), and (C) of subsection (c)(2).

(B) ANALYSIS REQUIRED.—The survey conducted under subparagraph (A) shall include an analysis of the challenges that military spouses face in accessing capital and other critical resources with respect to forming, operating, and growing small business concerns, including the education, mentoring, and training that is required to form, operate, and grow a small business concern.

(2) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of the survey conducted under paragraph (1).

(e) USE OF RESULTS; OUTREACH.—In carrying out the program described in subsection (b), the Administrator shall—

(1) take into consideration the results of the survey conducted under subsection (d)(1); and

(2) develop an outreach program to ensure that the program becomes well-known.

(f) CONSULTATION PERMITTED.—In carrying out this section, the Administrator may consult with the Secretary of Defense, as determined necessary by the Administrator.

SA 5813. Ms. KLOBUCHAR (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . EXPANSION OF MEMBERSHIP OF THE ADVISORY COMMITTEE ON MINORITY VETERANS TO INCLUDE VETERANS WHO ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER, GENDER DIVERSE, GENDER NON-CONFORMING, INTERSEX, OR QUEER.

(a) EXPANSION OF MEMBERSHIP.—Subsection (a)(2)(A) of section 544 of title 38, United States Code, is amended—

(1) in clause (iv), by striking “and” at the end;

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

(3) by inserting after clause (v) the following new clause:

“(vi) veterans who are lesbian, gay, bisexual, transgender, gender diverse, gender nonconforming, intersex, or queer.”

(b) EFFECTIVE DATE.—Clause (vi) of section 544(a)(2)(A) of title 38, United States Code, shall apply to appointments made on or after the date of the enactment of this Act.

SA 5814. Ms. SINEMA (for herself and Ms. LUMMIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . IMPROVING DIGITAL IDENTITY.

(a) FINDINGS.—Congress finds the following:

(1) The lack of an easy, affordable, reliable, and secure way for organizations, businesses, and government agencies to identify whether an individual is who they claim to be online creates an attack vector that is widely exploited by adversaries in cyberspace and precludes many high-value transactions from being available online.

(2) Incidents of identity theft and identity fraud continue to rise in the United States,

where more than 293,000,000 people were impacted by data breaches in 2021.

(3) Since 2017, losses resulting from identity fraud have increased by 333 percent, and, in 2020, those losses totaled \$56,000,000,000.

(4) The Director of the Treasury Department Financial Crimes Enforcement Network has stated that the abuse of personally identifiable information and other building blocks of identity is a key enabler behind much of the fraud and cybercrime affecting the United States today.

(5) The inadequacy of current digital identity solutions degrades security and privacy for all people in the United States, and next generation solutions are needed that improve security, privacy, equity, and accessibility.

(6) Government entities, as authoritative issuers of identity in the United States, are uniquely positioned to deliver critical components that address deficiencies in the digital identity infrastructure of the United States and augment private sector digital identity and authentication solutions.

(7) State governments are particularly well-suited to play a role in enhancing digital identity solutions used by both the public and private sectors, given the role of State governments as the issuers of driver's licenses and other identity documents commonly used today.

(8) The public and private sectors should collaborate to deliver solutions that promote confidence, privacy, choice, equity, accessibility, and innovation. The private sector drives much of the innovation around digital identity in the United States and has an important role to play in delivering digital identity solutions.

(9) The bipartisan Commission on Enhancing National Cybersecurity has called for the Federal Government to “create an inter-agency task force directed to find secure, user-friendly, privacy-centric ways in which agencies can serve as 1 authoritative source to validate identity attributes in the broader identity market. This action would enable Government agencies and the private sector to drive significant risk out of new account openings and other high-risk, high-value online services, and it would help all citizens more easily and securely engage in transactions online.”

(10) The National Institute of Standards and Technology has published digital identity guidelines that address technical requirements for identity proofing and the authentication of users, but those guidelines do not cover requirements for providing identity attribute validation services that could be used to support identity proofing.

(11) It should be the policy of the Federal Government to use the authorities and capabilities of the Federal Government, in coordination with State, local, Tribal, and territorial partners and private sector innovators, to enhance the security, reliability, privacy, equity, accessibility, and convenience of consent-based digital identity solutions that support and protect transactions between individuals, government entities, and businesses, and that enable people in the United States to prove who they are online.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE NOTIFICATION ENTITIES.—The term “appropriate notification entities” means—

(A) the President;

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

(C) the Committee on Oversight and Reform of the House of Representatives.

(2) DIGITAL IDENTITY VERIFICATION.—The term “digital identity verification” means a process to verify the identity or an identity

attribute of an individual accessing a service online or through another electronic means.

(3) **DIRECTOR.**—The term “Director” means the Director of the Task Force.

(4) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

(5) **IDENTITY ATTRIBUTE.**—The term “identity attribute” means a data element associated with the identity of an individual, including, the name, address, or date of birth of an individual.

(6) **IDENTITY CREDENTIAL.**—The term “identity credential” means a document or other evidence of the identity of an individual issued by a government agency that conveys the identity of the individual, including a driver’s license or passport.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

(8) **TASK FORCE.**—The term “Task Force” means the Improving Digital Identity Task Force established under subsection (c)(1).

(C) **IMPROVING DIGITAL IDENTITY TASK FORCE.**—

(1) **ESTABLISHMENT.**—There is established in the Executive Office of the President a task force to be known as the “Improving Digital Identity Task Force”.

(2) **PURPOSE.**—The purpose of the Task Force shall be to establish and coordinate a government-wide effort to develop secure methods for Federal, State, local, Tribal, and territorial agencies to improve access and enhance security between physical and digital identity credentials, particularly by promoting the development of digital versions of existing physical identity credentials, including driver’s licenses, e-Passports, social security credentials, and birth certificates, to—

(A) protect the privacy and security of individuals;

(B) support reliable, interoperable digital identity verification in the public and private sectors; and

(C) in achieving subparagraphs (A) and (B), place a particular emphasis on—

(i) reducing identity theft and fraud;

(ii) enabling trusted transactions; and

(iii) ensuring equitable access to digital identity verification.

(3) **DIRECTOR.**—

(A) **IN GENERAL.**—The Task Force shall have a Director, who shall be appointed by the President.

(B) **POSITION.**—The Director shall serve at the pleasure of the President.

(C) **PAY AND ALLOWANCES.**—The Director shall be compensated at the rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5, United States Code.

(D) **QUALIFICATIONS.**—The Director shall have substantive technical expertise and managerial acumen that—

(i) is in the business of digital identity management, information security, or benefits administration;

(ii) is gained from not less than 1 organization; and

(iii) includes specific expertise gained from academia, advocacy organizations, or the private sector.

(E) **EXCLUSIVITY.**—The Director may not serve in any other capacity within the Federal Government while serving as Director.

(F) **TERM.**—The term of the Director, including any official acting in the role of the Director, shall terminate on the date described in paragraph (11).

(4) **MEMBERSHIP.**—

(A) **FEDERAL GOVERNMENT REPRESENTATIVES.**—The Task Force shall include the following individuals or the designees of such individuals:

(i) The Secretary.

(ii) The Secretary of the Treasury.

(iii) The Director of the National Institute of Standards and Technology.

(iv) The Director of the Financial Crimes Enforcement Network.

(v) The Commissioner of Social Security.

(vi) The Secretary of State.

(vii) The Administrator of General Services.

(viii) The Director of the Office of Management and Budget.

(ix) The Postmaster General of the United States Postal Service.

(x) The National Cyber Director.

(xi) The heads of other Federal agencies or offices as the President may designate or invite, as appropriate.

(B) **STATE, LOCAL, TRIBAL, AND TERRITORIAL GOVERNMENT REPRESENTATIVES.**—The Director shall appoint to the Task Force 6 State, local, Tribal, and territorial government officials who represent agencies that issue identity credentials and who have—

(i) experience in identity technology and services;

(ii) knowledge of the systems used to provide identity credentials; or

(iii) any other qualifications or competencies that may help achieve balance or otherwise support the mission of the Task Force.

(C) **NONGOVERNMENTAL EXPERTS.**—

(i) **IN GENERAL.**—The Director shall appoint to the Task Force 5 nongovernmental experts.

(ii) **SPECIFIC APPOINTMENTS.**—The experts appointed under clause (i) shall include the following:

(I) A member who is a privacy and civil liberties expert.

(II) A member who is a technical expert in identity verification.

(III) A member who is a technical expert in cybersecurity focusing on identity verification services.

(IV) A member who represents an industry identity verification service provider.

(V) A member who represents a party that relies on effective identity verification services to conduct business.

(5) **WORKING GROUPS.**—The Director shall organize the members of the Task Force into appropriate working groups for the purpose of increasing the efficiency and effectiveness of the Task Force, as appropriate.

(6) **MEETINGS.**—The Task Force shall—

(A) convene at the call of the Director; and

(B) provide an opportunity for public comment in accordance with section 10(a)(3) of the Federal Advisory Committee Act (5 U.S.C. App.).

(7) **DUTIES.**—In carrying out the purpose described in paragraph (2), the Task Force shall—

(A) identify Federal, State, local, Tribal, and territorial agencies that issue identity credentials or hold information relating to identifying an individual;

(B) assess restrictions with respect to the abilities of the agencies described in subparagraph (A) to verify identity information for other agencies and nongovernmental organizations;

(C) assess any necessary changes in statutes, regulations, or policy to address any restrictions assessed under subparagraph (B);

(D) recommend a standards-based architecture to enable agencies to provide services relating to digital identity verification in a way that—

(i) is secure, protects privacy, and protects individuals against unfair and misleading practices;

(ii) prioritizes equity and accessibility;

(iii) requires individual consent for the provision of digital identity verification

services by a Federal, State, local, Tribal, or territorial agency; and

(iv) is interoperable among participating Federal, State, local, Tribal, and territorial agencies, as appropriate and in accordance with applicable laws;

(E) recommend principles to promote policies for shared identity proofing across public sector agencies, which may include single sign-on or broadly accepted attestations;

(F) identify funding or other resources needed to support the agencies described in subparagraph (D) that provide digital identity verification, including recommendations with respect to the need for and the design of a Federal grant program to implement the recommendations of the Task Force and facilitate the development and upgrade of State, local, Tribal, and territorial highly-secure interoperable systems that enable digital identity verification;

(G) recommend funding models to provide digital identity verification to private sector entities, which may include fee-based funding models;

(H) determine if any additional steps are necessary with respect to Federal, State, local, Tribal, and territorial agencies to improve digital identity verification and management processes for the purpose of enhancing the security, reliability, privacy, accessibility, equity, and convenience of digital identity solutions that support and protect transactions between individuals, government entities, and businesses; and

(I) undertake other activities necessary to assess and address other matters relating to digital identity verification, including with respect to—

(i) the potential exploitation of digital identity tools or associated products and services by malign actors;

(ii) privacy implications; and

(iii) increasing access to foundational identity documents.

(8) **PROHIBITION.**—The Task Force may not implicitly or explicitly recommend the creation of—

(A) a single identity credential provided or mandated by the Federal Government for the purposes of verifying identity or associated attributes;

(B) a unilateral central national identification registry relating to digital identity verification; or

(C) a requirement that any individual be forced to use digital identity verification for a given public purpose.

(9) **REQUIRED CONSULTATION.**—The Task Force shall closely consult with leaders of Federal, State, local, Tribal, and territorial governments and nongovernmental leaders, which shall include the following:

(A) The Secretary of Education.

(B) The heads of other Federal agencies and offices determined appropriate by the Director.

(C) State, local, Tribal, and territorial government officials focused on identity, such as information technology officials and directors of State departments of motor vehicles and vital records bureaus.

(D) Digital privacy experts.

(E) Civil liberties experts.

(F) Technology and cybersecurity experts.

(G) Users of identity verification services.

(H) Representatives with relevant expertise from academia and advocacy organizations.

(I) Industry representatives with experience implementing digital identity systems.

(J) Identity theft and fraud prevention experts, including advocates for victims of identity theft and fraud.

(10) **REPORTS.**—

(A) **INITIAL REPORT.**—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate

notification entities a report on the activities of the Task Force, including—

(i) recommendations on—
(I) priorities for research and development in the systems that enable digital identity verification, including how the priorities can be executed;

(II) the standards-based architecture developed pursuant to paragraph (7)(D);

(III) methods to leverage digital driver's licenses, distributed ledger technology, and other technologies; and

(IV) priorities for research and development in the systems and processes that reduce identity fraud; and

(ii) summaries of the input and recommendations of the leaders consulted under paragraph (9).

(B) INTERIM REPORTS.—

(i) IN GENERAL.—The Director may submit to the appropriate notification entities interim reports the Director determines necessary to support the work of the Task Force and educate the public.

(ii) MANDATORY REPORT.—Not later than the date that is 18 months after the date of enactment of this Act, the Director shall submit to the appropriate notification entities an interim report addressing—

(I) the matters described in subparagraphs (A), (B), (D), and (F) of paragraph (7); and

(II) any other matters the Director determines necessary to support the work of the Task Force and educate the public.

(C) FINAL REPORT.—Not later than 180 days before the date described in paragraph (11), the Director shall submit to the appropriate notification entities a final report that includes recommendations for the President and Congress relating to any relevant matter within the scope of the duties of the Task Force.

(D) PUBLIC AVAILABILITY.—The Task Force shall make the reports required under this paragraph publicly available on centralized website as an open Government data asset (as defined in section 3502 of title 44, United States Code).

(1) SUNSET.—The Task Force shall conclude business on the date that is 3 years after the date of enactment of this Act.

(d) SECURITY ENHANCEMENTS TO FEDERAL SYSTEMS.—

(1) GUIDANCE FOR FEDERAL AGENCIES.—Not later than 180 days after the date on which the Director submits the report required under subsection (c)(10)(A), the Director of the Office of Management and Budget shall issue guidance to Federal agencies for the purpose of implementing any recommendations included in such report determined appropriate by the Director of the Office of Management and Budget.

(2) REPORTS ON FEDERAL AGENCY PROGRESS IMPROVING DIGITAL IDENTITY VERIFICATION CAPABILITIES.—

(A) ANNUAL REPORT ON GUIDANCE IMPLEMENTATION.—Not later than 1 year after the date of the issuance of guidance under paragraph (1), and annually thereafter, the head of each Federal agency shall submit to the Director of the Office of Management and Budget a report on the efforts of the Federal agency to implement that guidance.

(B) PUBLIC REPORT.—

(i) IN GENERAL.—Not later than 45 days after the date of the issuance of guidance under paragraph (1), and annually thereafter, the Director shall develop and make publicly available a report that includes—

(I) a list of digital identity verification services offered by Federal agencies;

(II) the volume of digital identity verifications performed by each Federal agency;

(III) information relating to the effectiveness of digital identity verification services by Federal agencies; and

(IV) recommendations to improve the effectiveness of digital identity verification services by Federal agencies.

(ii) CONSULTATION.—In developing the first report required under clause (i), the Director shall consult the Task Force.

(C) CONGRESSIONAL REPORT ON FEDERAL AGENCY DIGITAL IDENTITY CAPABILITIES.—

(i) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of the Office of Management and Budget, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report relating to the implementation and effectiveness of the digital identity capabilities of Federal agencies.

(ii) CONSULTATION.—In developing the report required under clause (i), the Director of the Office of Management and Budget shall—

(I) consult with the Task Force; and
(II) to the greatest extent practicable, include in the report recommendations of the Task Force.

(iii) CONTENTS OF REPORT.—The report required under clause (i) shall include—

(I) an analysis, including metrics and milestones, for the implementation by Federal agencies of—

(aa) the guidelines published by the National Institute of Standards and Technology in the document entitled “Special Publication 800-63” (commonly referred to as the “Digital Identity Guidelines”), or any successor document; and

(bb) if feasible, any additional requirements relating to enhancing digital identity capabilities identified in the document of the Office of Management and Budget entitled “M-19-17” and issued on May 21, 2019, or any successor document;

(II) a review of measures taken to advance the equity, accessibility, cybersecurity, and privacy of digital identity verification services offered by Federal agencies; and

(III) any other relevant data, information, or plans for Federal agencies to improve the digital identity capabilities of Federal agencies.

(3) ADDITIONAL REPORTS.—On the first March 1 occurring after the date described in paragraph (2)(C)(i), and annually thereafter, the Director of the Office of Management and Budget shall include in the report required under section 3553(c) of title 44, United States Code—

(A) any additional and ongoing reporting on the matters described in paragraph (2)(C)(iii); and

(B) associated information collection mechanisms.

(e) GAO REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the estimated potential savings, including estimated annual potential savings, due to the increased adoption and widespread use of digital identification, of—

(A) the Federal Government from averted fraud, including benefit fraud; and

(B) the economy of the United States and consumers from averted identity theft.

(2) CONTENTS.—Among other variables the Comptroller General of the United States determines relevant, the report required under paragraph (1) shall include multiple scenarios with varying uptake rates to demonstrate a range of possible outcomes.

SA 5815. Mr. PETERS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to

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

At the appropriate place, insert the following:

DIVISION —FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2022

SEC. 01. SHORT TITLE.

This division may be cited as the “Federal Information Security Modernization Act of 2022”.

SEC. 02. DEFINITIONS.

In this division, unless otherwise specified:

(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term “additional cybersecurity procedure” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(2) AGENCY.—The term “agency” has the meaning given the term in section 3502 of title 44, United States Code.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

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

(B) the Committee on Oversight and Reform of the House of Representatives; and

(C) the Committee on Homeland Security of the House of Representatives.

(4) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(5) INCIDENT.—The term “incident” has the meaning given the term in section 3552(b) of title 44, United States Code.

(6) NATIONAL SECURITY SYSTEM.—The term “national security system” has the meaning given the term in section 3552(b) of title 44, United States Code.

(7) PENETRATION TEST.—The term “penetration test” has the meaning given the term in section 3552(b) of title 44, United States Code, as amended by this division.

(8) THREAT HUNTING.—The term “threat hunting” means proactively and iteratively searching systems for threats and vulnerabilities, including threats or vulnerabilities that may evade detection by automated threat detection systems.

(9) ZERO TRUST ARCHITECTURE.—The term “zero trust architecture” has the meaning given the term in Special Publication 800-207 of the National Institute of Standards and Technology, or any successor document.

SEC. 03. AMENDMENTS TO TITLE 44.

(a) SUBCHAPTER I AMENDMENTS.—Subchapter I of chapter 35 of title 44, United States Code, is amended—

(1) in section 3504—

(A) in subsection (a)(1)(B)—

(i) by striking clause (v) and inserting the following:

“(v) confidentiality, privacy, disclosure, and sharing of information;”;

(ii) by redesignating clause (vi) as clause (vii); and

(iii) by inserting after clause (v) the following:

“(vi) in consultation with the National Cyber Director, security of information; and”;

(B) in subsection (g), by striking paragraph (1) and inserting the following:

“(1) develop and oversee the implementation of policies, principles, standards, and

guidelines on privacy, confidentiality, disclosure, and sharing, and in consultation with the National Cyber Director, oversee the implementation of policies, principles, standards, and guidelines on security, of information collected or maintained by or for agencies; and”;

(2) in section 3505—

(A) by striking the first subsection designated as subsection (c);

(B) in paragraph (2) of the second subsection designated as subsection (c), by inserting “an identification of internet accessible information systems and” after “an inventory under this subsection shall include”;

(C) in paragraph (3) of the second subsection designated as subsection (c)—

(i) in subparagraph (B)—

(I) by inserting “the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and” before “the Comptroller General”; and

(II) by striking “and” at the end;

(ii) in subparagraph (C)(v), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) maintained on a continual basis through the use of automation, machine-readable data, and scanning, wherever practicable.”;

(3) in section 3506—

(A) in subsection (a)(3), by inserting “In carrying out these duties, the Chief Information Officer shall coordinate, as appropriate, with the Chief Data Officer in accordance with the designated functions under section 3520(c).” after “reduction of information collection burdens on the public.”;

(B) in subsection (b)(1)(C), by inserting “availability,” after “integrity.”; and

(C) in subsection (h)(3), by inserting “security,” after “efficiency.”; and

(4) in section 3513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following:

“(c) Each agency providing a written plan under subsection (b) shall provide any portion of the written plan addressing information security to the Secretary of Homeland Security and the National Cyber Director.”.

(b) SUBCHAPTER II DEFINITIONS.—

(1) IN GENERAL.—Section 3552(b) of title 44, United States Code, is amended—

(A) by redesignating paragraphs (1), (2), (3), (4), (5), (6), and (7) as paragraphs (2), (4), (5), (6), (7), (9), and (11), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

“(1) The term ‘additional cybersecurity procedure’ means a process, procedure, or other activity that is established in excess of the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.”;

(C) by inserting after paragraph (2), as so redesignated, the following:

“(3) The term ‘high value asset’ means information or an information system that the head of an agency, using policies, principles, standards, or guidelines issued by the Director under section 3553(a), in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, determines to be so critical to the agency that the loss or degradation of the confidentiality, integrity, or accessibility of such information or information system would have a serious impact on the ability of the agency to perform the mission of the agency or conduct business.”;

(D) by inserting after paragraph (7), as so redesignated, the following:

“(8) The term ‘major incident’ has the meaning given the term in guidance issued by the Director under section 3598(a).”;

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

“(10) The term ‘penetration test’—

“(A) means an authorized assessment that emulates attempts to gain unauthorized access to, or disrupt the operations of, an information system or component of an information system; and

“(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).”;

(F) by inserting after paragraph (11), as so redesignated, the following:

“(12) The term ‘shared service’ means a centralized business or mission capability that is provided to multiple organizations within an agency or to multiple agencies.

“(13) The term ‘zero trust architecture’ has the meaning given the term in Special Publication 800-207 of the National Institute of Standards and Technology, or any successor document.”.

(2) CONFORMING AMENDMENTS.—

(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security Act of 2002 (6 U.S.C. 511(1)(A)) is amended by striking “section 3552(b)(5)” and inserting “section 3552(b)”.

(B) TITLE 10.—

(i) SECTION 2222.—Section 2222(i)(8) of title 10, United States Code, is amended by striking “section 3552(b)(6)(A)” and inserting “section 3552(b)(9)(A)”.

(ii) SECTION 2223.—Section 2223(c)(3) of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(iii) SECTION 2315.—Section 2315 of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(iv) SECTION 2339A.—Section 2339a(e)(5) of title 10, United States Code, is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(C) HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Section 207(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5527(a)) is amended by striking “section 3552(b)(6)(A)(i)” and inserting “section 3552(b)(9)(A)(i)”.

(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g-3a) is amended by striking “section 3552(b)(6)” and inserting “section 3552(b)”.

(E) NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224 note) is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) is amended—

(i) in section 806(e)(5) (10 U.S.C. 2304 note), by striking “section 3542(b)” and inserting “section 3552(b)”;

(ii) in section 931(b)(3) (10 U.S.C. 2223 note), by striking “section 3542(b)(2)” and inserting “section 3552(b)”;

(iii) in section 932(b)(2) (10 U.S.C. 2224 note), by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(G) E-GOVERNMENT ACT OF 2002.—Section 301(c)(1)(A) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended by striking “section 3542(b)(2)” and inserting “section 3552(b)”.

(H) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT.—Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(i) in subsection (a)(2), by striking “section 3552(b)(5)” and inserting “section 3552(b)”;

and

(ii) in subsection (f)—

(I) in paragraph (3), by striking “section 3532(1)” and inserting “section 3552(b)”;

(II) in paragraph (5), by striking “section 3532(b)(2)” and inserting “section 3552(b)”.

(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United States Code, is amended—

(1) in section 3551—

(A) in paragraph (4), by striking “diagnose and improve” and inserting “integrate, deliver, diagnose, and improve”;

(B) in paragraph (5), by striking “and” at the end;

(C) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(7) recognize that each agency has specific mission requirements and, at times, unique cybersecurity requirements to meet the mission of the agency;

“(8) recognize that each agency does not have the same resources to secure agency systems, and an agency should not be expected to have the capability to secure the systems of the agency from advanced adversaries alone; and

“(9) recognize that a holistic Federal cybersecurity model is necessary to account for differences between the missions and capabilities of agencies.”;

(2) in section 3553—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “, in consultation with the Secretary and the National Cyber Director,” before “overseeing”;

(ii) in paragraph (5), by striking “and” at the end;

(iii) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(8) promoting, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, and the Director of the National Institute of Standards and Technology—

“(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

“(B) the use of presumption of compromise and least privilege principles, such as zero trust architecture, to improve resiliency and timely response actions to incidents on Federal systems.”;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting “and the National Cyber Director” after “Director”;

(ii) in paragraph (2)(A), by inserting “and reporting requirements under subchapter IV of this chapter” after “section 3556”;

(iii) by redesignating paragraphs (8) and (9) as paragraphs (10) and (11), respectively; and

(iv) by inserting after paragraph (7) the following:

“(8) expeditiously seeking opportunities to reduce costs, administrative burdens, and other barriers to information technology security and modernization for agencies, including through shared services for cybersecurity capabilities identified as appropriate by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and other agencies as appropriate”;

(C) in subsection (c)—

(i) in the matter preceding paragraph (1)—

(I) by striking “each year” and inserting “each year during which agencies are required to submit reports under section 3554(c)”;

(II) by inserting “, which shall be unclassified but may include a classified annex,” after “a report”;

(III) by striking “preceding year” and inserting “preceding 2 years”;

(ii) by striking paragraph (1);

(iii) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking “and” at the end;

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

“(4) a summary of the risks and trends identified in the Federal risk assessment required under subsection (i);”;

(vi) in paragraph (5), by striking the period at the end and inserting “; and”;

(D) in subsection (h)—

(i) in paragraph (2)—

(I) in subparagraph (A), by inserting “and the National Cyber Director” after “in coordination with the Director”; and

(II) in subparagraph (D), by inserting “, the National Cyber Director,” after “notify the Director”; and

(ii) in paragraph (3)(A)(iv), by inserting “, the National Cyber Director,” after “the Secretary provides prior notice to the Director”;

(E) by amending subsection (i) to read as follows:

“(i) **FEDERAL RISK ASSESSMENT.**—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall assess the Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of such assessment, including—

“(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7);

“(2) any vulnerability information relating to the systems of an agency that is known by the agency;

“(3) analysis of incident information under section 3597;

“(4) evaluation of penetration testing performed under section 3559A;

“(5) evaluation of vulnerability disclosure program information under section 3559B;

“(6) evaluation of agency threat hunting results;

“(7) evaluation of Federal and non-Federal cyber threat intelligence;

“(8) data on agency compliance with standards issued under section 11331 of title 40;

“(9) agency system risk assessments required under section 3554(a)(1)(A); and

“(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.”; and

(F) by adding at the end the following:

“(m) **BINDING OPERATIONAL DIRECTIVES.**—If the Secretary issues a binding operational directive or an emergency directive under this section, not later than 4 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Director, National Cyber Director, the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives the status of the implementation of the binding operational directive at the agency.

“(n) **REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.**—

“(1) **CONDUCT OF REVIEW.**—The Director of the Office of Management and Budget shall regularly review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risks, including consideration of reporting and compliance burden on agencies.

“(2) **CONGRESSIONAL NOTIFICATION.**—The Director of the Office of Management and Budget shall notify the Committee on Home-

land Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives of planned changes to guidance or policy resulting from the review in paragraph (1).

“(3) **GAO REVIEW.**—The Government Accountability Office shall regularly review the guidance and policy promulgated by the Director to assess its efficacy in risk reduction and burden on agencies, and shall issue recommendations to the Director.

“(o) **AUTOMATED STANDARD IMPLEMENTATION VERIFICATION.**—When the Director of the National Institute of Standards and Technology issues a proposed standard or guideline pursuant to paragraphs (2) or (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3(a)), the Director of the National Institute of Standards and Technology shall consider developing and, if appropriate and practical, develop, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, specifications to enable the automated verification of the implementation of the controls.

“(p) **INSPECTORS GENERAL ACCESS TO FEDERAL RISK ASSESSMENTS.**—The Director of the Cybersecurity and Infrastructure Security Agency shall, upon request, make available Federal risk assessment information under (i) to the Council of the Inspectors General on Integrity and Efficiency.”;

(3) in section 3554—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively;

(II) by inserting before subparagraph (B), as so redesignated, the following:

“(A) on an ongoing and continuous basis, assessing agency system risk by—

“(i) identifying and documenting the high value assets of the agency using guidance from the Director;

“(ii) evaluating the data assets inventoried under section 3511 for sensitivity to compromises in confidentiality, integrity, and availability;

“(iii) identifying agency systems that have access to or hold the data assets inventoried under section 3511;

“(iv) evaluating the threats facing agency systems and data, including high value assets, based on Federal and non-Federal cyber threat intelligence products, where available;

“(v) evaluating the vulnerability of agency systems and data, including high value assets, including by analyzing—

“(I) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9);

“(II) the results of penetration testing performed under section 3559A;

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B;

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(vi) assessing the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(vii) assessing the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, including due to interconnectivity between different agency systems or operational reliance on the operations of the system or data in the system.”;

(III) in subparagraph (B), as so redesignated, in the matter preceding clause (i), by striking “providing information” and insert-

ing “using information from the assessment required under subparagraph (A), providing information”;

(IV) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting “binding” before “operational”; and

(bb) in clause (vi), by striking “and” at the end; and

(V) by adding at the end the following:

“(E) providing an update on the ongoing and continuous assessment required under subparagraph (A)—

“(i) upon request, to the inspector general of the agency or the Comptroller General of the United States; and

“(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

“(I) the Director;

“(II) the Director of the Cybersecurity and Infrastructure Security Agency; and

“(III) the National Cyber Director;

“(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures are appropriate for securing a system of, or under the supervision of, the agency, which shall—

“(i) be completed considering the agency system risk assessment required under subparagraph (A); and

“(ii) include a specific evaluation for high value assets;

“(G) not later than 30 days after completing the evaluation performed under subparagraph (F), providing the evaluation and an implementation plan, if applicable, for using additional cybersecurity procedures determined to be appropriate to—

“(i) the Director of the Cybersecurity and Infrastructure Security Agency;

“(ii) the Director; and

“(iii) the National Cyber Director; and

“(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency.”;

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting “in accordance with the agency system risk assessment required under paragraph (1)(A)” after “information systems”;

(II) in subparagraph (B)—

(aa) by striking “in accordance with standards” and inserting “in accordance with—

“(i) standards”; and

(bb) by adding at the end the following:

“(ii) the evaluation performed under paragraph (1)(F); and

“(iii) the implementation plan described in paragraph (1)(G);”;

(III) in subparagraph (D), by inserting “, through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means,” after “periodically”;

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (iii), by striking “and” at the end;

(bb) in clause (iv), by adding “and” at the end; and

(cc) by adding at the end the following:

“(v) ensure that—

“(I) senior agency information security officers of component agencies carry out responsibilities under this subchapter, as directed by the senior agency information security officer of the agency or an equivalent official; and

“(II) senior agency information security officers of component agencies report to—

“(aa) the senior information security officer of the agency or an equivalent official; and

“(bb) the Chief Information Officer of the component agency or an equivalent official.”; and

(iv) in paragraph (5), by inserting “and the Director of the Cybersecurity and Infrastructure Security Agency” before “on the effectiveness”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) the ongoing and continuous assessment of agency system risk required under subsection (a)(1)(A), which may include using guidance and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;”;

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

“(B) comply with the risk-based budget model developed pursuant to section 3553(a)(7);”;

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

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

“(iii) binding operational directives and emergency directives issued by the Secretary under section 3553;”;

(cc) in clause (iv), as so redesignated, by striking “as determined by the agency; and” and inserting “as determined by the agency, considering the agency risk assessment required under subsection (a)(1)(A);

(iii) in paragraph (5)(A), by inserting “, including penetration testing, as appropriate,” after “shall include testing”;

(iv) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(v) by inserting after paragraph (6) the following:

“(7) a process for providing the status of every remedial action and unremediated identified system vulnerability to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;”;

(vi) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

“(ii) notifying and consulting with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;”;

(II) by redesignating clause (iii) as clause (iv);

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

“(iii) performing the notifications and other activities required under subchapter IV of this chapter; and”;

(IV) in clause (iv), as so redesignated—

(aa) in subclause (II), by adding “and” at the end;

(bb) by striking subclause (III); and

(cc) by redesignating subclause (IV) as subclause (III);

(C) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (5);

(ii) by striking paragraph (1) and inserting the following:

“(1) BIENNIAL REPORT.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2022 and not less frequently than once every 2 years thereafter, using the continuous and ongoing agency system risk assessment required under subsection (a)(1)(A), the head of each agency shall submit to the Director, the Director of the Cybersecurity and

Infrastructure Security Agency, the majority and minority leaders of the Senate, the Speaker and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, the appropriate authorization and appropriations committees of Congress, the National Cyber Director, and the Comptroller General of the United States a report that—

“(A) summarizes the agency system risk assessment required under subsection (a)(1)(A);

“(B) evaluates the adequacy and effectiveness of information security policies, procedures, and practices of the agency to address the risks identified in the agency system risk assessment required under subsection (a)(1)(A), including an analysis of the agency’s cybersecurity and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

“(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

“(D) summarizes the status of remedial actions identified by inspector general of the agency, the Comptroller General of the United States, and any other source determined appropriate by the head of the agency.

“(2) UNCLASSIFIED REPORTS.—Each report submitted under paragraph (1)—

“(A) shall be, to the greatest extent practicable, in an unclassified and otherwise uncontrolled form; and

“(B) may include a classified annex.

“(3) ACCESS TO INFORMATION.—The head of an agency shall ensure that, to the greatest extent practicable, information is included in the unclassified form of the report submitted by the agency under paragraph (2)(A).

“(4) BRIEFINGS.—During each year during which a report is not required to be submitted under paragraph (1), the Director shall provide to the congressional committees described in paragraph (1) a briefing summarizing current agency and Federal risk postures.”;

(iii) in paragraph (5), as so redesignated, by striking the period at the end and inserting “, including the reporting procedures established under section 11315(d) of title 40 and subsection (a)(3)(A)(v) of this section”;

(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting “and the National Cyber Director” after “the Director”; and

(E) by adding at the end the following:

“(f) REPORTING STRUCTURE EXEMPTION.—“(1) IN GENERAL.—On an annual basis, the Director may exempt an agency from the reporting structure requirement under subsection (a)(3)(A)(v)(II).

“(2) REPORT.—On an annual basis, the Director shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

“(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under this chapter.”;

(4) in section 3555—

(A) in the section heading, by striking “ANNUAL INDEPENDENT” and inserting “INDEPENDENT”;

(B) in subsection (a)—

(i) in paragraph (1), by inserting “during which a report is required to be submitted under section 3553(c),” after “Each year”;

(ii) in paragraph (2)(A), by inserting “, including by performing, or reviewing the results of, agency penetration testing and analyzing the vulnerability disclosure program of the agency” after “information systems”; and

(iii) by adding at the end the following:

“(3) An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency.”;

(C) in subsection (b)(1), by striking “annual”;

(D) in subsection (e)(1), by inserting “during which a report is required to be submitted under section 3553(c)” after “Each year”;

(E) in subsection (g)(2)—

(i) by striking “this subsection shall” and inserting “this subsection—“(A) shall”;

(ii) in subparagraph (A), as so designated, by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(B) identify any entity that performs an independent evaluation under subsection (b).”;

(F) by striking subsection (j) and inserting the following:

“(j) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of risk-based guidance for evaluating the effectiveness of an information security program and practices

“(2) PRIORITIES.—The risk-based guidance developed under paragraph (1) shall include—

“(A) the identification of the most common successful threat patterns experienced by each agency;

“(B) the identification of security controls that address the threat patterns described in subparagraph (A);

“(C) any other security risks unique to the networks of each agency; and

“(D) any other element the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Council of the Inspectors General on Integrity and Efficiency, determines appropriate.”;

(5) in section 3556(a)—

(A) in the matter preceding paragraph (1), by inserting “within the Cybersecurity and Infrastructure Security Agency” after “incident center”; and

(B) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”.

(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3555 and inserting the following:

“3555. Independent evaluation.”.

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1524(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (i), by striking “annually thereafter” and inserting “thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code”; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking “annually thereafter” and inserting “thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code”; and

(ii) by striking “the report required under section 3553(c) of title 44, United States Code” and inserting “that report”.

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)(3)(B)) is amended by striking “annual”.

(e) FEDERAL SYSTEM INCIDENT RESPONSE.—

(1) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

“§ 3591. Definitions

“(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3502 and 3552 shall apply to this subchapter.

“(b) ADDITIONAL DEFINITIONS.—As used in this subchapter:

“(1) APPROPRIATE REPORTING ENTITIES.—The term ‘appropriate reporting entities’ means—

“(A) the majority and minority leaders of the Senate;

“(B) the Speaker and minority leader of the House of Representatives;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on Commerce, Science, and Transportation of the Senate;

“(E) the Committee on Oversight and Reform of the House of Representatives;

“(F) the Committee on Homeland Security of the House of Representatives;

“(G) the Committee on Science, Space, and Technology of the House of Representatives;

“(H) the appropriate authorization and appropriations committees of Congress;

“(I) the Director;

“(J) the Director of the Cybersecurity and Infrastructure Security Agency;

“(K) the National Cyber Director;

“(L) the Comptroller General of the United States; and

“(M) the inspector general of any impacted agency.

“(2) Awardee.—The term ‘awardee’, with respect to an agency—

“(A) means—

“(i) a contractor of an agency;

“(ii) the recipient of a grant from an agency;

“(iii) a party to a cooperative agreement with an agency; and

“(iv) a party to an other transaction agreement with an agency; and

“(B) includes a subgrantee of an entity described in subparagraph (A).

“(3) Breach.—The term ‘breach’—

“(A) means the compromise, unauthorized disclosure, unauthorized acquisition, or loss of control of personally identifiable information or any similar occurrence; and

“(B) includes any additional meaning given the term in policies, principles, standards, or guidelines issued by the Director under section 3553(a).

“(4) Contractor.—The term ‘contractor’ means a prime contractor of an agency or a subcontractor of a prime contractor of an agency that creates, collects, stores, processes, maintains, or transmits Federal information.

“(5) Federal information.—The term ‘Federal information’ means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

“(6) Federal information system.—The term ‘Federal information system’ means an

information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

“(7) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(8) NATIONWIDE CONSUMER REPORTING AGENCY.—The term ‘nationwide consumer reporting agency’ means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

“(9) VULNERABILITY DISCLOSURE.—The term ‘vulnerability disclosure’ means a vulnerability identified under section 3559B.

“§ 3592. Notification of breach

“(a) NOTIFICATION.—As expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with the senior privacy officer of the agency, shall—

“(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

“(A) the nature and sensitivity of the personally identifiable information affected by the breach;

“(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

“(C) the type of breach; and

“(D) any other factors determined by the Director; and

“(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

“(A) to the last known mailing address of the individual; or

“(B) through an appropriate alternative method of notification that the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

“(b) CONTENTS OF NOTICE.—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

“(1) a brief description of the breach;

“(2) if possible, a description of the types of personally identifiable information affected by the breach;

“(3) contact information of the agency that may be used to ask questions of the agency, which—

“(A) shall include an e-mail address or another digital contact mechanism; and

“(B) may include a telephone number, mailing address, or a website;

“(4) information on any remedy being offered by the agency;

“(5) any applicable educational materials relating to what individuals can do in response to a breach that potentially affects their personally identifiable information, including relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

“(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

“(c) DELAY OF NOTIFICATION.—

“(1) IN GENERAL.—The Attorney General, the Director of National Intelligence, or the Secretary of Homeland Security may delay a notification required under subsection (a) or (d) if the notification would—

“(A) impede a criminal investigation or a national security activity;

“(B) reveal sensitive sources and methods;

“(C) cause damage to national security; or

“(D) hamper security remediation actions.

“(2) DOCUMENTATION.—

“(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the

Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

“(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

“(C) FORM.—The report required under subparagraph (A) shall be unclassified but may include a classified annex.

“(3) RENEWAL.—A delay under paragraph (1) shall be for a period of 60 days and may be renewed.

“(d) UPDATE NOTIFICATION.—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to potentially affected individuals as described in subsection (b), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 30 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

“(e) DELAY AND LACK OF NOTIFICATION REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, and annually thereafter, an official who delays a notification under subsection (c) shall submit to the appropriate reporting entities a report on the delay.

“(2) LACK OF BREACH NOTIFICATION.—The Director shall submit to the appropriate reporting entities an annual report on each breach with respect to which the head of an agency determined, pursuant to subsection (a)(1), not to notify individuals potentially impacted by the breach.

“(3) COMPONENT OF OTHER REPORT.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597(b).

“(f) CONGRESSIONAL REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—On a periodic basis, the Director of the Office of Management and Budget shall update breach notification policies and guidelines for agencies.

“(2) REQUIRED NOTICE FROM AGENCIES.—Subject to paragraph (4), the Director of the Office of Management and Budget shall require the head of an agency affected by a breach to expeditiously and not later than 30 days after the date on which the agency discovers the breach give notice of the breach to—

“(A) each congressional committee described in section 3554(c)(1); and

“(B) the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

“(3) CONTENTS OF NOTICE.—Notice of a breach provided by the head of an agency pursuant to paragraph (2) shall include—

“(A) information about the breach, including a summary of any information about how the breach occurred known by the agency as of the date of the notice;

“(B) an estimate of the number of individuals affected by the breach based on information known by the agency as of the date of the notice, including an assessment of the risk of harm to affected individuals;

“(C) a description of any circumstances necessitating a delay in providing notice to individuals affected by the breach; and

“(D) an estimate of whether and when the agency will provide notice to individuals affected by the breach.

“(4) EXCEPTION.—An element of the intelligence community that is required to provide notice pursuant to paragraph (2) shall only provide such notice to the appropriate committees of Congress.

“(5) RULE OF CONSTRUCTION.—Nothing in paragraphs (1) through (3) shall be construed to alter any authority of an agency.

“(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

“(1) the authority of the Director from issuing guidance relating to notifications of, or the head of an agency from notifying individuals potentially affected by, breaches that are not determined to be major incidents;

“(2) the authority of the Director from issuing guidance relating to notifications of major incidents;

“(3) the authority of the head of an agency from providing more information than required under subsection (b) when notifying individuals potentially affected by a breach; or

“(4) the timing of incident reporting or the types of information included in incident reports provided, pursuant to this subchapter, to—

“(A) the Director;

“(B) the National Cyber Director;

“(C) the Director of the Cybersecurity and Infrastructure Security Agency; or

“(D) any other agency.

“§ 3593. Congressional and Executive Branch reports

“(a) INITIAL REPORT.—

“(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities a written report and, to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Science, Space, and Technology of the House of Representatives, and the appropriate authorization and appropriations committees of Congress.

“(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner consistent with section 552a of title 5, United States Code—

“(A) a summary of the information available about the major incident, including how the major incident occurred and, if applicable information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

“(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in a notification to individuals potentially affected by the major incident under section 3592(c);

“(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report;

“(D) if applicable, whether any ransom has been demanded or paid, or is expected to be paid, by any entity operating a Federal information system or with access to Federal information or a Federal information system, including, as available, the name of the entity demanding ransom, the date of the demand, and the amount and type of currency

demanded, unless disclosure of such information will disrupt an active Federal law enforcement or national security operation; and

“(E) information available about the major incident, taking into account—

“(i) the information known at the time of the report;

“(ii) the sensitivity of the details associated with the major incident; and

“(iii) the classification level of the information contained in the report.

“(b) SUPPLEMENTAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates, which may include classified annexes, on the major incident and, to the extent practicable, provide a briefing, which may include a classified component, to the congressional committees described in subsection (a)(1), including summaries of—

“(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency relating to the major incident;

“(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the major incident occurred;

“(3) the status of compliance of the affected information system with applicable security requirements, including the requirements of section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523), at the time of the major incident;

“(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

“(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

“(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

“(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process described in section 3592(a), including any delay described in section 3592(c), if applicable; and

“(8) if applicable, a description of any data or circumstances leading the head of the agency to determine, pursuant to section 3592(a)(1), not to notify individuals potentially impacted by a breach.

“(c) UPDATE REPORT.—If the agency, the Director, or the National Cyber Director, determines that there is any significant change in the understanding of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities that includes information relating to the change in understanding.

“(d) BIENNIAL REPORT.—Each agency shall submit as part of the biennial report required under section 3554(c)(1) a description of each major incident that occurred during the 2-year period preceding the date on which the biennial report is submitted.

“(e) REPORT DELIVERY.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

“(f) THREAT BRIEFING.—

“(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the impacted agency shall coordinate with the National Cyber Director and consult with the Director and any other Federal entity determined appropriate by the National Cyber Director to provide a briefing to the congressional committees described in subsection (a)(1) on the threat causing the major incident.

“(2) COMPONENTS.—The briefing required under paragraph (1)—

“(A) shall, to the greatest extent practicable, include an unclassified component; and

“(B) may include a classified component.

“(g) REPORT AND BRIEFING CONSISTENCY.—To achieve consistent and coherent agency reporting to Congress, the National Cyber Director, in coordination with the Director, shall—

“(1) provide recommendations to agencies on formatting and the contents of information to be included in the reports and briefings required under this section, including recommendations for consistent formats for presenting any associated metrics; and

“(2) maintain a comprehensive record of each major incident report and briefing provided under this section, which shall—

“(A) include, at a minimum—

“(i) the full contents of the report;

“(ii) the reporting agency; and

“(iii) the date of submission; and a list of the recipient congressional entities; and

“(B) be made available upon request to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives.

“(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

“(1) the ability of an agency to provide additional reports or briefings to Congress; or

“(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

“§ 3594. Government information sharing and incident response

“(a) IN GENERAL.—

“(1) INCIDENT REPORTING.—Subject to the limitations described in subsection (b), the head of each agency shall provide to the Cybersecurity and Infrastructure Security Agency information relating to any incident affecting the agency, whether the information is obtained by the Federal Government directly or indirectly.

“(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall, at a minimum—

“(A) include detailed information about the safeguards that were in place when the incident occurred;

“(B) identify whether the agency implemented the safeguards described in subparagraph (A) correctly;

“(C) in order to protect against a similar incident, identify—

“(i) how the safeguards described in subparagraph (A) should be implemented differently; and

“(ii) additional necessary safeguards; and

“(D) include information to aid in incident response, such as—

“(i) a description of the affected systems or networks;

“(ii) the estimated dates of when the incident occurred; and

“(iii) information that could reasonably help identify the party that conducted the incident or the cause of the incident, subject to appropriate privacy protections.

“(3) INFORMATION SHARING.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

“(A) make incident information provided under paragraph (1) available to the Director and the National Cyber Director;

“(B) to the greatest extent practicable, share information relating to an incident with—

“(i) the head of any agency that may be—
“(I) impacted by the incident;

“(II) similarly susceptible to the incident;

or
“(III) similarly targeted by the incident;

and
“(ii) appropriate Federal law enforcement agencies to facilitate any necessary threat response activities, as requested;

“(C) coordinate any necessary information sharing efforts relating to a major incident with the private sector; and

“(D) notify the National Cyber Director of any efforts described in subparagraph (C).

“(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

“(b) COMPLIANCE.—In providing information and selecting a method to provide information under subsection (a), the head of each agency shall implement subsection (a)(1) in a manner that enables automated and consistent reporting to the greatest extent practicable.

“(c) INCIDENT RESPONSE.—Each agency that has a reasonable basis to suspect or conclude that a major incident occurred involving Federal information in electronic medium or form that does not exclusively involve a national security system, regardless of delays from notification granted for a major incident that is also a breach, shall coordinate with—

“(1) the Cybersecurity and Infrastructure Security Agency to facilitate asset response activities and provide recommendations for mitigating future incidents; and

“(2) consistent with relevant policies, appropriate Federal law enforcement agencies to facilitate threat response activities.

“§3595. Responsibilities of contractors and awardees

“(a) REPORTING.—

“(1) IN GENERAL.—With respect to the agency with which an awardee has a contract, grant, cooperative agreement, or other transaction agreement, within the same amount of time that agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency under section 3594(a), the awardee shall report to the head of that agency and the Director of the Cybersecurity and Infrastructure Security Agency if the awardee has a reasonable basis to suspect or conclude that—

“(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement;

“(B) an incident or breach has occurred with respect to a Federal information system used or operated by the awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement; or

“(C) the awardee has received information from the agency that the awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement.

“(2) PROCEDURES.—Following a report of a breach or incident to an agency by an awardee under paragraph (1), the head of the agency, in consultation with the awardee, shall carry out the applicable requirements under sections 3592, 3593, and 3594 with respect to the breach or incident.

“(b) REGULATIONS; MODIFICATIONS.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, the head of each agency shall—

“(1) promulgate regulations, policies, and procedures, as appropriate, relating to the responsibilities of awardees to comply with this section; and

“(2) modify each existing contract, grant, cooperative agreement, and other transaction agreement of the agency to comply with this section.

“§3596. Training

“(a) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as—

“(1) an employee, contractor, awardee, volunteer, or intern of an agency; or

“(2) an employee of a contractor or awardee of an agency.

“(b) GUIDANCE.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director of the National Institute of Standards and Technology, shall develop guidance containing minimum standards for training for covered individuals on how to identify and respond to an incident, including—

“(1) the internal process of the agency for reporting an incident, including the information to be collected and a requirement that such information be reported in a machine-readable format to the greatest extent practicable;

“(2) the obligation of a covered individual to report to the agency any suspected or confirmed incident involving Federal information in any medium or form, including paper, oral, and electronic; and

“(3) appropriate training and qualification standards for information technology personnel and cyber incident responders.

“(c) TRAINING.—The head of each agency shall develop training for covered individuals that adheres to the guidance developed under subsection (b).

“(d) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (c) may be included as part of an annual privacy or security awareness training of an agency.

“§3597. Analysis and report on Federal incidents

“(a) ANALYSIS OF FEDERAL INCIDENTS.—

“(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall perform and, in consultation with the Director and the National Cyber Director, develop, continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

“(A) the causes of incidents, including—

“(i) attacker tactics, techniques, and procedures; and

“(ii) system vulnerabilities, including zero days, unpatched systems, and information system misconfigurations;

“(B) the scope and scale of incidents at agencies;

“(C) common root causes of incidents across multiple agencies;

“(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

“(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

“(F) trends across multiple agencies to address intrusion detection and incident response capabilities using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

“(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, use machine readable data, automation, and machine learning processes.

“(3) SHARING OF DATA AND ANALYSIS.—

“(A) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall share on an ongoing basis the analyses required under this subsection with agencies, the Director, and the National Cyber Director to—

“(i) improve the understanding of cybersecurity risk of agencies; and

“(ii) support the cybersecurity improvement efforts of agencies.

“(B) FORMAT.—In carrying out subparagraph (A), the Director of the Cybersecurity and Infrastructure Security Agency shall share the analyses—

“(i) in human-readable written products; and

“(ii) to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

“(b) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, the National Cyber Director and the heads of other agencies, as appropriate, shall submit to the appropriate reporting entities a report that includes—

“(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

“(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

“(A) a specific analysis of breaches; and

“(B) an analysis of the Federal Government's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

“(3) an annex for each agency that includes—

“(A) a description of each major incident;

“(B) the total number of incidents of the agency; and

“(C) an analysis of the agency's performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

“(c) PUBLICATION.—

“(1) IN GENERAL.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year during which the report is submitted.

“(2) EXEMPTION.—The Director of the Cybersecurity and Infrastructure Security Agency shall exempt all or a portion of a report described in paragraph (1) from public publication if the Director of the Cybersecurity and Infrastructure Security Agency or the National Cyber Director determines the exemption is in the interest of national security.

“(3) LIMITATION ON EXEMPTION.—An exemption granted under paragraph (2) shall not apply to any version of a report submitted to the appropriate reporting entities under subsection (b).

“(d) INFORMATION PROVIDED BY AGENCIES.—

“(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).”

“(2) NONCOMPLIANCE REPORTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes the information described in subsection (b) with respect to the agency.

“(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

“(3) NATIONAL SECURITY SYSTEM REPORTS.—

“(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the national security system to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

“(i) the majority and minority leaders of the Senate,

“(ii) the Speaker and minority leader of the House of Representatives;

“(iii) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(iv) the Select Committee on Intelligence of the Senate;

“(v) the Committee on Armed Services of the Senate;

“(vi) the Committee on Appropriations of the Senate;

“(vii) the Committee on Oversight and Reform of the House of Representatives;

“(viii) the Committee on Homeland Security of the House of Representatives;

“(ix) the Permanent Select Committee on Intelligence of the House of Representatives;

“(x) the Committee on Armed Services of the House of Representatives; and

“(xi) the Committee on Appropriations of the House of Representatives.

“(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

“(e) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director and the National Cyber Director, and in consultation with the impacted agency.

“§ 3598. Major incident definition

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Information Security Modernization Act of 2022, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term ‘major incident’ for the purposes of subchapter II and this subchapter.

“(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the definition of the term ‘major incident’ shall—

“(1) include, with respect to any information collected or maintained by or on behalf

of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

“(A) any incident the head of the agency determines is likely to have an impact on—

“(i) the national security, foreign relations, homeland security, or economic security of the United States; or

“(ii) the civil liberties, public confidence, privacy, or public health and safety of the people of the United States;

“(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

“(C) any incident the head of the agency determines substantially disrupts or substantially degrades the operations of a high value asset owned or operated by the agency;

“(D) any incident involving the exposure to a foreign entity of sensitive agency information, such as the communications of the head of the agency, the head of a component of the agency, or the direct reports of the head of the agency or the head of a component of the agency; and

“(E) any other type of incident determined appropriate by the Director;

“(2) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, may declare a major incident at any agency;

“(3) stipulate that the National Cyber Director, in consultation with the Director and the Director of the Cybersecurity and Infrastructure Security Agency, shall consider declaring a major incident at any agency impacted by an incident if it is determined that an incident—

“(A) occurs at not less than 2 agencies; and

“(B) is enabled by—

“(i) a common technical root cause, such as a supply chain compromise, or a common software or hardware vulnerability; or

“(ii) the related activities of a common threat actor;

“(4) stipulate that, in determining whether an incident constitutes a major incident under the standards described in paragraph (1), the head of the agency shall consult with the National Cyber Director, the Director, and the Director of the Cybersecurity and Infrastructure Security Agency; and

“(5) stipulate that the mere report of a vulnerability discovered or disclosed without a loss of confidentiality, integrity, or availability shall not on its own constitute a major incident.

“(c) EVALUATION AND UPDATES.—Not later than 2 years after the date on which the Director promulgates the guidance required under subsection (a), and not less frequently than every 2 years thereafter, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing that includes—

“(1) an evaluation of any necessary updates to the guidance;

“(2) an evaluation of any necessary updates to the definition of the term ‘major incident’ included in the guidance; and

“(3) an explanation of, and the analysis that led to, the definition described in paragraph (2).”

(2) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

“3591. Definitions.

“3592. Notification of breach.

“3593. Congressional and Executive Branch reports.

“3594. Government information sharing and incident response.

“3595. Responsibilities of contractors and awardees.

“3596. Training.

“3597. Analysis and report on Federal incidents.

“3598. Major incident definition.”

SEC. 404. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 11301 note) is amended in section 1078—

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

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term in section 551 of title 5, United States Code.

“(2) HIGH VALUE ASSET.—The term ‘high value asset’ has the meaning given the term in section 3552 of title 44, United States Code.”

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

“(8) PROPOSAL EVALUATION.—The Director shall—

“(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

“(B) require that any proposal for the use of amounts in the Fund includes, as appropriate and to be reviewed by the member of the Technology Modernization Board described in subsection (c)(5)(C)—

“(i) a cybersecurity risk management plan; and

“(ii) a supply chain risk management plan.”; and

(3) in subsection (c)—

(A) in paragraph (2)(A)(i), by inserting “, including a consideration of the impact on high value assets” after “operational risks”;

(B) in paragraph (5)—

(i) in subparagraph (A), by striking “and” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “and”; and

(iii) by adding at the end the following:

“(C) a senior official from the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, appointed by the Director.”; and

(C) in paragraph (6)(A), by striking “shall be—” and all that follows through “4 employees” and inserting “shall be 4 employees”.

(b) SUBCHAPTER I.—Subchapter I of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11302—

(A) in subsection (b), by striking “use, security, and disposal of” and inserting “use, and disposal of, and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, promote and improve the security of.”;

(B) in subsection (c)(3)—

(i) in subparagraph (A)—

(I) by striking “including data” and inserting “which shall—

“(i) include data”; and

(II) by adding at the end the following:

“(ii) specifically denote cybersecurity funding under the risk-based budget model developed pursuant to section 3553(a)(7) of title 44.”; and

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

“(iii) The Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (ii) of this subparagraph.”; and

(C) in subsection (h), by inserting “, including cybersecurity performances,” after “the performances”; and

(2) in section 11303(b)—

(A) in paragraph (2)(B)—

(i) in clause (i), by striking “or” at the end;

(ii) in clause (ii), by adding “or” at the end; and

(iii) by adding at the end the following:

“(iii) whether the function should be performed by a shared service offered by another executive agency;”;

(B) in paragraph (5)(B)(i), by inserting “, while taking into account the risk-based budget model developed pursuant to section 3553(a)(7) of title 44” after “title 31”.

(c) SUBCHAPTER II.—Subchapter II of chapter 113 of subtitle III of title 40, United States Code, is amended—

(1) in section 11312(a), by inserting “, including security risks” after “managing the risks”;;

(2) in section 11313(1), by striking “efficiency and effectiveness” and inserting “efficiency, security, and effectiveness”;;

(3) in section 11315, by adding at the end the following:

“(d) COMPONENT AGENCY CHIEF INFORMATION OFFICERS.—The Chief Information Officer or an equivalent official of a component agency shall report to—

“(1) the Chief Information Officer designated under section 3506(a)(2) of title 44 or an equivalent official of the agency of which the component agency is a component; and

“(2) the head of the component agency.

“(e) REPORTING STRUCTURE EXEMPTION.—

“(1) IN GENERAL.—On annual basis, the Director may exempt any agency from the reporting structure requirements under subsection (d).

“(2) REPORT.—On an annual basis, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report that includes a list of each exemption granted under paragraph (1) and the associated rationale for each exemption.

“(3) COMPONENT OF OTHER REPORT.—The report required under paragraph (2) may be incorporated into any other annual report required under chapter 35 of title 44, United States Code.”;

(4) in section 11317, by inserting “security,” before “or schedule”; and

(5) in section 11319(b)(1), in the paragraph heading, by striking “CIOS” and inserting “CHIEF INFORMATION OFFICERS”.

SEC. 05. ACTIONS TO ENHANCE FEDERAL INCIDENT TRANSPARENCY.

(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall—

(A) develop a plan for the development of the analysis required under section 3597(a) of title 44, United States Code, as added by this division, and the report required under subsection (b) of that section that includes—

(i) a description of any challenges the Director of the Cybersecurity and Infrastructure Security Agency anticipates encountering; and

(ii) the use of automation and machine-readable formats for collecting, compiling, monitoring, and analyzing data; and

(B) provide to the appropriate congressional committees a briefing on the plan developed under subparagraph (A).

(2) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure

Security Agency shall provide to the appropriate congressional committees a briefing on—

(A) the execution of the plan required under paragraph (1)(A); and

(B) the development of the report required under section 3597(b) of title 44, United States Code, as added by this division.

(b) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) UPDATING FISMA 2014.—Section 2 of the Federal Information Security Modernization Act of 2014 (Public Law 113–283; 128 Stat. 3073) is amended—

(A) by striking subsections (b) and (d); and

(B) by redesignating subsections (c), (e), and (f) as subsections (b), (c), and (d), respectively.

(2) INCIDENT DATA SHARING.—

(A) IN GENERAL.—The Director shall develop guidance, to be updated not less frequently than once every 2 years, on the content, timeliness, and format of the information provided by agencies under section 3594(a) of title 44, United States Code, as added by this division.

(B) REQUIREMENTS.—The guidance developed under subparagraph (A) shall—

(i) enable the efficient development of—

(I) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(II) the report on Federal incidents required under section 3597(b) of title 44, United States Code, as added by this division;

(ii) include requirements for the timeliness of data production; and

(iii) include requirements for using automation and machine-readable data for data sharing and availability.

(3) GUIDANCE ON RESPONDING TO INFORMATION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the Director shall develop guidance for agencies to implement the requirement under section 552a(b)(13) of title 5, United States Code, as added by this section, to provide information to other agencies experiencing incidents.

(4) STANDARD GUIDANCE AND TEMPLATES.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, shall develop guidance and, as appropriate, templates, to be reviewed and, if necessary, updated not less frequently than once every 2 years, for use by agencies in the activities required under sections 3592, 3593, and 3596 of title 44, United States Code, as added by this division.

(5) CONTRACTOR AND Awardee GUIDANCE.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Secretary of Homeland Security, the Secretary of Defense, the Administrator of General Services, and the heads of other agencies determined appropriate by the Director, shall issue guidance to agencies on how to deconflict, to the greatest extent practicable, existing regulations, policies, and procedures relating to the responsibilities of contractors and awardees established under section 3595 of title 44, United States Code, as added by this division.

(B) EXISTING PROCESSES.—To the greatest extent practicable, the guidance issued under subparagraph (A) shall allow contractors and awardees to use existing processes for notifying agencies of incidents involving information of the Federal Government.

(6) UPDATED BRIEFINGS.—Not later than 30 days after the Director updates guidance or templates under paragraph (2)(A) or (4), the Director shall provide to the appropriate congressional committees a briefing on such updates.

(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552a(b) of title 5, United States Code (commonly known as the “Privacy Act of 1974”) is amended—

(1) in paragraph (11), by striking “or” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(13) to another agency, to the extent necessary, in furtherance of a response to an incident (as defined in section 3552 of title 44) or to fulfill the information sharing requirements under section 3594 of title 44, provided that the disclosing agency maintains documentation specifying the particular portion shared and the activity for which the record is disclosed.”.

SEC. 06. ADDITIONAL GUIDANCE TO AGENCIES ON FISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous agency system risk assessment required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division;

(2) implementing additional cybersecurity procedures, which shall include opportunities for shared services;

(3) establishing a process for providing the status of each remedial action under section 3554(b)(7) of title 44, United States Code, as amended by this division, to the Director and the Director of the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practicable, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action; and

(4) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations by inspectors general.

SEC. 07. AGENCY REQUIREMENTS TO NOTIFY PRIVATE SECTOR ENTITIES IMPACTED BY INCIDENTS.

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term “reporting entity” means private organization or governmental unit that is required by statute or regulation to submit sensitive information to an agency.

(2) SENSITIVE INFORMATION.—The term “sensitive information” has the meaning given the term by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 1 year after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of an incident that is likely to substantially affect—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) any agency information system used in the transmission or storage of the sensitive information described in paragraph (1).

SEC. 08. MOBILE SECURITY STANDARDS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device;

(2) a requirement for each agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices; and

(3) instructions on sharing the inventory of the agency required under paragraph (1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(c) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (a)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide to the appropriate congressional committees a briefing on the guidance.

SEC. 09. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the duration that logs and other relevant data should be retained;

(3) the time periods for agency implementation of recommended logging and security requirements;

(4) how to ensure the confidentiality, integrity, and availability of logs;

(5) requirements to ensure that, upon request, in a manner consistent section 552a of title 5, United States Code, agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Director of the Federal Bureau of Investigation, or the appropriate Federal law enforcement agency, to investigate potential criminal activity; and

(6) requirements to ensure that the highest level security operations center of each agency has visibility into all agency logs.

(c) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the National Cyber Director, the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined to be appropriate by the Director, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

(d) SUNSET.—This section shall cease to have force or effect on the date that is 10 years after the date of the enactment of this Act.

SEC. 10. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than 1 cybersecurity professional employed

by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) serving as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

(f) COORDINATION OF ACTIVITIES.—The Director of the Cybersecurity and Infrastructure Security Agency shall consult with the Director on the execution of the duties of the Cybersecurity and Infrastructure Security Agency advisors to ensure that there is no inappropriate duplication of activities among—

(1) Federal cybersecurity support to agencies of the Office of Management and Budget; and

(2) the Cybersecurity and Infrastructure Security Agency advisors.

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to impact the ability of the Director to support agency implementation of Federal cybersecurity requirements pursuant to subchapter II of chapter 35 of title 44, United States Code, as amended by this Act.

SEC. 11. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

“§ 3559A. Federal penetration testing

“(a) GUIDANCE.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies that—

“(1) requires agencies to use, when and where appropriate, penetration testing by both Federal and non-Federal entities on agency systems with a focus on high value assets;

“(2) provides policies governing the development of—

“(A) an agency operational plan;

“(B) rules of engagement for using penetration testing; and

“(C) procedures to use the results of penetration testing to improve the cybersecurity and risk management of the agency;

“(3) ensures that—

“(A) penetration testing is performed appropriately by agencies; and

“(B) operational support or a shared service is available; and

“(4) in no manner restricts the authority of the Secretary of Homeland Security or the Director of the Cybersecurity and Infrastructure Security Agency to conduct threat hunting pursuant to section 3553 of title 44, United States Code, or penetration testing under this chapter.

“(b) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (a) shall not apply to national security systems.

“(c) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (a) shall be delegated to—

“(1) the Secretary of Defense in the case of a system described in section 3553(e)(2); and

“(2) the Director of National Intelligence in the case of a system described in section 3553(e)(3).”.

(b) DEADLINE FOR GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall issue the guidance required under section 3559A(a) of title 44, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:

“3559A. Federal penetration testing.”.

(d) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559A.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559A.

(e) PENETRATION TESTING BY THE SECRETARY OF HOMELAND SECURITY.—Section 3553(b) of title 44, United States Code, as amended by section 03, is further amended by inserting after paragraph (8) the following:

“(9) performing penetration testing to identify vulnerabilities within Federal information systems;”.

SEC. 12. ONGOING THREAT HUNTING PROGRAM.

(a) THREAT HUNTING PROGRAM.—

(1) IN GENERAL.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, proactive threat-hunting services in accordance with authorities granted under section paragraphs (7) and (10) of subsection (b) and subsection (1) of section 3553 of title 44, United States Code, as amended by this Act, which may be offered as a shared service, on the networks of each agency.

(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

(A) determine the method for collecting, storing, accessing, analyzing, and safeguarding appropriate agency data;

(B) provide on-premises support to agencies;

(C) staff threat hunting services;

(D) establish common operating procedures, including necessary interagency legal agreements;

(E) allocate available human and financial resources to implement the plan; and

(F) provide input to the heads of agencies on the use of additional cybersecurity procedures under section 3554 of title 44, United States Code.

(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and

(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

SEC. 13. VULNERABILITY DISCLOSURE PROGRAMS.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 11 of this division, the following:

“§ 3559B. Federal vulnerability disclosure programs

“(a) PURPOSE; SENSE OF CONGRESS.—

“(1) PURPOSE.—The purpose of Federal vulnerability disclosure programs is to create a mechanism to use the expertise of the public to provide a service to agencies by identifying information system vulnerabilities.

“(2) SENSE OF CONGRESS.—It is the sense of Congress that, in implementing the requirements of this section, the Federal Government should take appropriate steps to reduce real and perceived burdens in communications between agencies and security researchers.

“(b) DEFINITIONS.—In this section:

“(1) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

“(2) SUBMITTER.—The term ‘submitter’ means an individual that submits a vulnerability disclosure report pursuant to the vulnerability disclosure process of an agency.

“(3) VULNERABILITY DISCLOSURE REPORT.—The term ‘vulnerability disclosure report’ means a disclosure of a security vulnerability made to an agency by a submitter.

“(c) RESPONSIBILITIES OF OMB.—

“(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a submitter or an individual that conducts a security research activity that—

“(A) represents a good faith effort to identify and report security vulnerabilities in Federal information systems; or

“(B) is otherwise authorized under the vulnerability disclosure policy of the agency developed under subsection (e)(2).

“(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine readable manner with the Director of the Cybersecurity and Infrastructure Security Agency, including—

“(A) any valid or credible vulnerability disclosure reports of newly discovered or not publicly known security vulnerabilities (including misconfigurations) in commercial software or services used by Federal information systems;

“(B) information relating to vulnerability disclosure, coordination, or remediation ac-

tivities of an agency, particularly as those activities relate to outside organizations—

“(i) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist; or

“(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

“(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Director of the Cybersecurity and Infrastructure Security Agency.

“(3) AGENCY VULNERABILITY DISCLOSURE POLICIES.—

“(A) IN GENERAL.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (e)(2).

“(B) LIMITATION.—The guidance to agencies under subparagraph (A) shall stipulate that the mere identification by a submitter of a security vulnerability, without a significant compromise of confidentiality, integrity, or availability, does not constitute a major incident.

“(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

“(1) provide support to agencies with respect to the implementation of the requirements of this section;

“(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section;

“(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified security vulnerabilities in vendor products and services; and

“(4) as appropriate, implement the requirements of this section, in accordance with the authority under section 3553(b)(8), as a shared service available to agencies.

“(e) RESPONSIBILITIES OF AGENCIES.—

“(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

“(A) an appropriate security contact; and

“(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

“(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall develop and make publicly available a vulnerability disclosure policy for the agency, which shall—

“(A) describe—

“(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

“(ii) the type of information system testing that is authorized by the agency;

“(iii) the type of information system testing that is not authorized by the agency; and

“(iv) the disclosure policy of the agency for sensitive information;

“(B) with respect to a vulnerability disclosure report to an agency, describe—

“(i) how the submitter should submit the vulnerability disclosure report; and

“(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

“(C) include any other relevant information; and

“(D) be mature in scope and cover every internet accessible Federal information system used or operated by that agency or on behalf of that agency.

“(3) IDENTIFIED SECURITY VULNERABILITIES.—The head of each agency shall—

“(A) consider security vulnerabilities reported under paragraph (2); and

“(B) commensurate with the risk posed by the security vulnerability, address such security vulnerability using the security vulnerability management process of the agency.

“(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2022, and annually thereafter for a 3-year period, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the heads of impacted agencies, shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (c)(3), an identification of the agencies that are compliant and not compliant.

“(g) EXEMPTIONS.—The authorities and functions of the Director and Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

“(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

“(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

“(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 11 of this division, the following: “3559B. Federal vulnerability disclosure programs.”

(c) SUNSET.—

(1) IN GENERAL.—Effective on the date that is 10 years after the date of enactment of this Act, subchapter II of chapter 35 of title 44, United States Code, is amended by striking section 3559B.

(2) CLERICAL AMENDMENT.—Effective on the date that is 10 years after the date of enactment of this Act, the table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3559B.

SEC. 14. IMPLEMENTING ZERO TRUST ARCHITECTURE.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives an update on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from “trusted networks” to implement security controls based on a presumption of compromise, including through the transition to zero trust architecture;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems as quickly as practicable, accounting for intelligence or law enforcement purposes;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) **PROGRESS REPORT.**—As a part of the report required under section 3553(c) of title 44, United States Code, the Director shall include an update on agency implementation of information security programs based on the presumption of compromise and least privilege, such as zero trust architecture, which shall include—

(1) a description of steps agencies have completed, including progress toward achieving any requirements issued by the Director, including the adoption of any models or reference architecture;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

(c) **CLASSIFIED ANNEX.**—The update required under subsection (b) may include a classified annex, as appropriate.

SEC. 15. GAO AUTOMATION REPORTS.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall perform a study, and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives a report, on the use of automation and machine-readable data across the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes employed by agencies under paragraphs (1), (5)(C), and (8)(B) of section 3554(b) of title 44, United States Code, as amended by this Act.

SEC. 16. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL AND SOFTWARE INVENTORY.

(a) **EXTENSION.**—Section 1328 of title 41, United States Code, is amended by striking “the date that” and all that follows and inserting “December 31, 2028.”

(b) **EXTENSION.**—Section 4713(j) of title 41, United States Code, is amended by striking “the date that” and all that follows and inserting “December 31, 2028.”

(c) **REQUIREMENT.**—Subsection 1326(b) of title 41, United States Code, is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5) the following:

“(6) maintaining an up-to-date and accurate inventory of software in use by the agency and, when available and applicable, the components of such software, including any available software bills of materials, as applicable, that will be provided within 30 days of receiving a request from the Federal Acquisition Security Council, the individual serving as the Administrator of the Office of Electronic Government, the National Cyber Director, or the Director of Cybersecurity and Infrastructure Security Agency; and”.

SEC. 17. EXTENSION OF CHIEF DATA OFFICER COUNCIL.

Section 3520A(e)(2) of title 44, United States Code, is amended by striking “upon the expiration of the 2-year period that begins on the date the Comptroller General submits the report under paragraph (1) to Congress” and inserting “January 31, 2030”.

SEC. 18. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) **DASHBOARD REQUIRED.**—Section 11(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) that shall include a dashboard of open information security recommendations identified in the independent evaluations required by section 3555(a) of title 44, United States Code; and”; and

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

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to require the publication of information that is exempted from disclosure under section 552 of title 5, United States Code”.

SEC. 19. QUANTITATIVE CYBERSECURITY METRICS.

(a) **DEFINITION OF COVERED METRICS.**—In this section, the term “covered metrics” means the metrics established, reviewed, and updated under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) **UPDATING AND ESTABLISHING METRICS.**—Not later than 1 year after the date of enactment of this Act, and as appropriate thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director and the National Cyber Director, shall—

(1) evaluate any covered metrics established as of the date of enactment of this Act; and

(2) as appropriate and pursuant to section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)) update or establish new covered metrics.

(c) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than 540 days after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall promulgate guidance that requires each agency to use covered metrics to track trends in the cybersecurity and incident response capabilities of the agency.

(2) **PERFORMANCE DEMONSTRATION.**—The guidance issued under paragraph (1) and any subsequent guidance shall require agencies to share with the Director of the Cybersecurity and Infrastructure Security Agency data demonstrating the performance of the agency using the covered metrics included in the guidance.

(3) **PENETRATION TESTS.**—On not less than 2 occasions during the 2-year period following the date on which guidance is promulgated under paragraph (1), the Director shall ensure that not less than 3 agencies are subjected to substantially similar penetration tests, as determined by the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) **ANALYSIS CAPACITY.**—The Director of the Cybersecurity and Infrastructure Security Agency shall develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(5) **TIME-BASED METRIC.**—With respect to the first update or establishment of covered metrics required under subsection (b)(2), the Director of the Cybersecurity and Infrastructure Security Agency shall establish covered metrics that include not less than 2 metrics addressing the time it takes for agencies to identify and respond to incidents.

(d) **CONGRESSIONAL REPORTS.**—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall submit to the appropriate congressional committees a

report on the utility and use of the covered metrics.

(e) **FEDERAL CYBERSECURITY ENHANCEMENT ACT OF 2015 UPDATE.**—Section 222(3)(B) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1521(3)(B)) is amended by inserting “and the Committee on Oversight and Reform” before “of the House of Representatives.”

SEC. 20. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

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

(B) the Committee on Oversight and Reform, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) **COVERED AGENCY.**—The term “covered agency” has the meaning given the term “executive agency” in section 133 of title 41, United States Code.

(3) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

(4) **INFORMATION TECHNOLOGY.**—The term “information technology”—

(A) has the meaning given the term in section 11101 of title 40, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control physical equipment and processes of the Federal agency.

(5) **RISK-BASED BUDGET.**—The term “risk-based budget” means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats; and

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

(b) **ESTABLISHMENT OF RISK-BASED BUDGET MODEL.**—

(1) **IN GENERAL.**—

(A) **MODEL.**—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for informing a risk-based budget for cybersecurity spending.

(B) **RESPONSIBILITY OF DIRECTOR.**—Section 3553(a) of title 44, United States Code, as amended by section 03 of this division, is further amended by inserting after paragraph (6) the following:

“(7) developing a standard risk-based budget model to inform Federal agency cybersecurity budget development; and”.

(C) **CONTENTS OF MODEL.**—The model required to be developed under subparagraph (A) shall utilize appropriate information to evaluate risk, including, as determined appropriate by the Director—

(i) Federal and non-Federal cyber threat intelligence products, where available, to identify threats, vulnerabilities, and risks;

(ii) analysis of the impact of agency operations of compromise of systems, including the interconnectivity to other agency systems and the operations of other agencies; and

(iii) to the greatest extent practicable, analysis of where resources should be allocated to have the greatest impact on mitigating current and future threats and current and future cybersecurity capabilities.

(D) USE OF MODEL.—The model required to be developed under subparagraph (A) shall be used to—

(i) inform acquisition and sustainment of—
(I) information technology and cybersecurity tools;

(II) information technology and cybersecurity architectures;

(III) information technology and cybersecurity personnel; and

(IV) cybersecurity and information technology concepts of operations; and

(ii) evaluate and inform Government-wide cybersecurity programs.

(E) MODEL VARIATION.—The Director may develop multiple models under subparagraph (A) based on different agency characteristics, such as size or cybersecurity maturity.

(F) REQUIRED UPDATES.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under subparagraph (A).

(G) PUBLICATION.—Not earlier than 5 years after the date on which the model developed under subparagraph (A) is completed, the Director shall, taking into account any classified or sensitive information, publish the model, and any updates necessary under subparagraph (F), on the public website of the Office of Management and Budget.

(H) REPORTS.—Not later than 2 years after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under subparagraph (A) is completed, whichever is sooner, the Director shall submit to the appropriate congressional committees a report on the development of the model.

(2) PHASED IMPLEMENTATION OF RISK-BASED BUDGET MODEL.—

(A) INITIAL PHASE.—

(i) IN GENERAL.—Not later than 2 years after the date on which the model developed under paragraph (1) is completed, the Director shall require not less than 5 covered agencies to use the model to inform the development of the annual cybersecurity and information technology budget requests of those covered agencies.

(ii) BRIEFING.—Not later than 1 year after the date on which the covered agencies selected under clause (i) begin using the model developed under paragraph (1), the Director shall provide to the appropriate congressional committees a briefing on implementation of risk-based budgeting for cybersecurity spending, an assessment of agency implementation, and an evaluation of whether the risk-based budget helps to mitigate cybersecurity vulnerabilities.

(B) FULL DEPLOYMENT.—Not later than 5 years after the date on which the model developed under paragraph (1) is completed, the head of each covered agency shall use the model, or any updated model pursuant to paragraph (1)(F), to the greatest extent practicable, to inform the development of the annual cybersecurity and information technology budget requests of the covered agency.

(C) AGENCY PERFORMANCE PLANS.—

(i) AMENDMENT.—Section 3554(d)(2) of title 44, United States Code, is amended by inserting “and the risk-based budget model required under section 3553(a)(7)” after “paragraph (1)”.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the

date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(3) VERIFICATION.—

(A) IN GENERAL.—Section 1105(a)(35)(A)(i) of title 31, United States Code, is amended—

(i) in the matter preceding subclause (I), by striking “by agency, and by initiative area (as determined by the administration)” and inserting “and by agency”;

(ii) in subclause (III), by striking “and” at the end; and

(iii) by adding at the end the following:

“(V) a validation that the budgets submitted were informed by using a risk-based methodology; and

“(VI) a report on the progress of each agency on closing recommendations identified under the independent evaluation required by section 3555(a)(1) of title 44.”.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(4) REPORTS.—

(A) INDEPENDENT EVALUATION.—Section 3555(a)(2) of title 44, United States Code, is amended—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(D) an assessment of how the agency was informed by the risk-based budget model required under section 3553(a)(7) and an evaluation of whether the model mitigates agency cyber vulnerabilities.”.

(B) ASSESSMENT.—

(i) AMENDMENT.—Section 3553(c) of title 44, United States Code, as amended by section 03 of this division, is further amended by inserting after paragraph (5) the following:

“(6) an assessment of—

“(A) Federal agency utilization of the model required under subsection (a)(7); and

“(B) whether the model mitigates the cyber vulnerabilities of the Federal Government.”.

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the date that is 5 years after the date on which the model developed under paragraph (1) is completed.

(5) GAO REPORT.—Not later than 3 years after the date on which the first budget of the President is submitted to Congress containing the validation required under section 1105(a)(35)(A)(i)(V) of title 31, United States Code, as amended by paragraph (3), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that includes—

(A) an evaluation of the success of covered agencies in utilizing the risk-based budget model;

(B) an evaluation of the success of covered agencies in implementing risk-based budgets;

(C) an evaluation of whether the risk-based budgets developed by covered agencies are effective at informing Federal Government-wide cybersecurity programs; and

(D) any other information relating to risk-based budgets the Comptroller General determines appropriate.

SEC. 21. ACTIVE CYBER DEFENSIVE STUDY.

(a) DEFINITION.—In this section, the term “active defense technique”—

(1) has the meaning given the term by the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, the Attorney General, and the heads of other appropriate agencies; and

(2) includes, at a minimum—

(A) an action taken on the systems of an entity to increase the security of informa-

tion on the network of an agency by misleading an adversary; and

(B) a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) STUDY.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director and the National Cyber Director, shall perform a study, and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committees on Oversight and Reform and Homeland Security of the House of Representatives a report, on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Attorney General;

(2) an evaluation of—

(A) the efficacy of a selection of active defense techniques determined by the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) factors that impact the efficacy of the active defense techniques evaluated under subparagraph (A);

(3) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impede agency operations and mission delivery, threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(4) the development of a framework for the use of different active defense techniques by agencies.

SEC. 22. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal security operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time, including endpoint detection and response capabilities;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans, including alignment with existing shared services operations and policy.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security operations center as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 270 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

SEC. 23. FEDERAL CYBERSECURITY REQUIREMENTS.

(a) EXEMPTION FROM FEDERAL REQUIREMENTS.—Section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) DURATION OF CERTIFICATION.—

“(A) IN GENERAL.—A certification and corresponding exemption of an agency under paragraph (2) shall expire on the date that is 4 years after the date on which the head of the agency submits the certification under paragraph (2)(A).

“(B) RENEWAL.—Upon the expiration of a certification of an agency under paragraph (2), the head of the agency may submit an additional certification in accordance with that paragraph.”.

(b) REPORT ON EXEMPTIONS.—Section 3554(c)(1) of title 44, United States Code, as amended by section 303(c) of this division, is amended—

(1) in subparagraph (C), by striking “and” at the end;

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

(3) by adding at the end the following:

“(E) with respect to any exemption from the requirements of section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report, the number of agency information systems that have received an exemption from those requirements.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 5816. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. ARCTIC SHIPPING FEDERAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall establish the Arctic Shipping Federal Advisory Committee, as required in section 8426 of the Elijah E. Cummings Coast Guard Authorization Act of 2020 (division G of Public Law 116-283).

(b) FUNDING.—The Secretary of Transportation shall make available to the Arctic Shipping Advisory Committee, from amounts appropriated to the Office of the Secretary of Transportation, such funds as may be necessary for the operation and sustenance of the Committee.

SA 5817. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AMENDMENTS TO THE ARCTIC RESEARCH AND POLICY ACT OF 1984.

(a) FINDINGS AND PURPOSES.—Section 102(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4101(a)) is amended—

(1) in paragraph (2), by inserting “and homeland” after “national”;

(2) by redesignating paragraphs (5) through (17) as paragraphs (6) through (18), respectively;

(3) by striking paragraph (4) and inserting the following:

“(4) Changing Arctic conditions directly affect global weather and climate patterns and must be better understood—

“(A) to promote better agricultural management throughout the United States; and

“(B) to address the myriad of impacts, challenges, and opportunities brought about by such change.

“(5) Since a rapidly changing climate will reshape the economic, social, cultural, political, environmental, and security landscape of the Arctic region, sustained, robust, coordinated, reliable, appropriately funded, and dependable Arctic research is required to inform and influence sound domestic and international Arctic policy.”; and

(4) in paragraph (6), as redesignated, by inserting “and climate” after “weather”.

(b) ARCTIC RESEARCH COMMISSION.—Section 103 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4102) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(B)—

(i) by striking “who are” and inserting “who is a”; and

(ii) by striking “who live in areas” and inserting “who live in an area”;

(B) in paragraph (2), by striking “chairperson” and inserting “Chair”; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting “or her” after “his”; and

(ii) by inserting “, or in the case of the Chair, not to exceed 120 days of service each year” after “year”; and

(B) in paragraph (2), by striking “Chairman” and inserting “Chair”.

(c) ADMINISTRATION OF THE COMMISSION.—Section 106(4) of the Arctic Research and

Policy Act of 1984 (15 U.S.C. 4105(4)) is amended—

(1) by inserting “, and other Federal Government entities, as appropriate,” after “with the General Services Administration”; and

(2) by inserting “, or the heads of other Federal Government entities, as appropriate,” before the semicolon.

(d) INTERAGENCY ARCTIC RESEARCH POLICY COMMITTEE.—Section 107(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4106(b)(2)) is amended—

(1) by redesignating subparagraph (L) as subparagraph (O); and

(2) in subparagraph (K), by striking “and” at the end; and

(3) by inserting after subparagraph (K) the following:

“(L) the Department of Agriculture;

“(M) the Marine Mammal Commission;

“(N) the Denali Commission; and”.

(e) 5-YEAR ARCTIC RESEARCH PLAN.—Section 109(a) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4108(a)) is amended by striking “The Plan” and inserting “Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (Public Law 104-66), the Plan”.

SA 5818. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ESTABLISHING PRESENCE OF NAVY OR COAST GUARD IN THE UNITED STATES ARCTIC.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard and the Chief of Naval Operations shall jointly submit a report to the appropriate committees of Congress that—

(1) describes the requirements necessary to establish, and the feasibility of establishing, a year-round presence of the Navy and the Coast Guard in the Arctic region at—

(A) the Port of Nome;

(B) the natural deepwater port of Unalaska;

(C) the former Coast Guard Station at Port Clarence;

(D) Point Spencer (as defined in section 532 of the Pribilof Island Transition Completion Act of 2015 (subtitle B of title V of Public Law 114-120));

(E) the port on Saint George Island in the Bering Sea;

(F) the Port of Adak;

(G) Cape Blossom;

(H) Southeast Alaska;

(I) ports in the Northeastern United States including Eastport, Searsport, and Portland; and

(J) any other deepwater port that the Commandant determines would facilitate such a presence in the places described in subparagraphs (A) through (I); and

(2) provides an estimate of the costs of implementing the requirements described in paragraph (1), after taking into account the costs of constructing the onshore infrastructure that will be required to support year-

round maritime operations in the vicinity of the Bering Sea and the Arctic region.

(b) **PORT DEVELOPMENT REQUIREMENTS.**—The port development requirements described in the report submitted under subsection (a) shall include a range of options, including—

- (1) scalable and non-scalable;
 - (2) austere facilities such as moorings with austere port facilities,
 - (3) pier space without services such as refuel and resupply (to include water, sewage removal, and food); and
 - (4) pier space that includes services such as the ability to refuel and resupply (to include water, sewage removal, and food).
- (c) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—
- (1) the congressional defense committees;
 - (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
 - (3) the Committee on Foreign Relations of the Senate;
 - (4) the Committee on Energy and Natural Resources of the Senate;
 - (5) the Committee on Commerce, Science, and Transportation of the Senate
 - (6) the Committee on Homeland Security of the House of Representatives;
 - (7) the Committee on Foreign Affairs of the House of Representatives;
 - (8) the Committee on Energy and Commerce of the House of Representatives; and
 - (9) the Committee on Transportation and Infrastructure of the House of Representatives.

SA 5819. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. EXPANSION OF COMMISSARY STORE DOORSTOP DELIVERY PILOT PROGRAM.

The Director of the Defense Commissary Agency shall expand the doorstep delivery pilot program for grocery delivery from commissary stores to include States outside the continental United States, giving priority to locations that—

- (1) are in remote locations; and
- (2) face long winters and periods of darkness.

SA 5820. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ELIMINATING THE RUSSIAN MONOPOLY ON ARCTIC SHIPPING.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Committee on the Maritime Transportation System, in coordination with the Arctic Shipping Federal Advisory Committee, shall submit a report to the appropriate committees of Congress that—

- (1) describes the control and influence of the Russian Federation on shipping in the Arctic region;
 - (2) analyzes the effect of such control and influence on ongoing efforts to increase the presence, capacity, and volume of United States shipping in the Arctic region; and
 - (3) includes a plan for eliminating the Russian monopoly on shipping in the Arctic region to enable an increase United States’ presence in the Arctic shipping domain.
- (b) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—
- (1) the Committee on Armed Services of the Senate;
 - (2) the Committee on Homeland Security and Governmental Affairs of the Senate;
 - (3) the Committee on Foreign Relations of the Senate;
 - (4) the Committee on Energy and Natural Resources of the Senate;
 - (5) the Committee on Armed Services of the House of Representatives;
 - (6) the Committee on Homeland Security of the House of Representatives;
 - (7) the Committee on Foreign Affairs of the House of Representatives; and
 - (8) the Committee on Energy and Commerce of the House of Representatives.

SA 5821. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. CROSSCUT REPORT ON ARCTIC RESEARCH PROGRAMS.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Director of the Office of Management and Budget shall submit a detailed report to Congress regarding all existing Federal programs relating to Arctic research, including—

- (1) the goals of each such program;
- (2) the funding levels for each such program for each of the 5 immediately preceding fiscal years;
- (3) the anticipated funding levels for each such program for each of the 5 following fiscal years; and
- (4) the total funding appropriated for the current fiscal year for such programs.

(b) **DISTRIBUTION.**—Not later than 3 days after submitting the report to Congress pursuant to subsection (a), the Director of the Office of Management and Budget shall submit a copy of the report to the National Science Foundation, the United States Arctic Research Commission, and the Office of Science and Technology Policy.

SA 5822. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amend-

ment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. AMBASSADOR-AT-LARGE FOR THE ARCTIC REGION.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

“SEC. 64. UNITED STATES AMBASSADOR-AT-LARGE FOR THE ARCTIC REGION.

“(a) **ESTABLISHMENT.**—There is authorized within the Department of State an Ambassador-at-Large for the Arctic Region, appointed under subsection (b).

“(b) **APPOINTMENT.**—The Ambassador shall be appointed by the President, by, and with the advice and consent of the Senate.

“(c) **DUTIES.**—The Ambassador is authorized to represent the United States in matters and cases relevant to Arctic affairs and shall be responsible to the Secretary of State for all matters, programs, and related activities pertaining to the Arctic region in the conduct of foreign policy by the Department, including, as appropriate, leading the coordination of programs carried out by United States Government agencies abroad, and such other related duties as the Secretary may from time to time designate.

“(d) **AREAS OF RESPONSIBILITY.**—The Ambassador-at-Large for the Arctic Region is authorized to maintain continuous observation and coordination of all matters indicated by the Secretary of State, including those pertaining to energy, environment, trade, and infrastructure development and maintenance, and, in consultation with the heads of other relevant departments and agencies, those pertaining to law enforcement and political-military affairs in the conduct of foreign policy in the Arctic, including programs carried out by other United States Government agencies when such programs pertain to the following matters, to the extent directed by the Secretary of State:

- “(1) National security.
- “(2) Strengthening cooperation among Arctic countries.
- “(3) The promotion of responsible natural resource management and economic development.
- “(4) Protecting the Arctic environment and conserving its biological resources.
- “(5) Arctic indigenous peoples, including by involving them in decisions that affect them.
- “(6) Scientific monitoring and research.

“(e) **ADDITIONAL DUTIES.**—In addition to the duties and responsibilities specified in subsections (c) and (d), the Ambassador-at-Large for the Arctic Region shall also carry out such other relevant duties as the Secretary may assign.

“(f) **DEFINITIONS.**—In this section:

“(1) **ARCTIC REGION.**—The term ‘Arctic region’ means—

“(A) the geographic region north of the 66.56083 parallel latitude north of the equator;

“(B) all the United States territory north and west of the boundary formed by the Porcupine, Yukon, and Kuskokwim Rivers;

“(C) all contiguous seas, including the Arctic Ocean and the Beaufort, Bering, and Chukchi Seas; and

“(D) the Aleutian Chain.

“(2) ARCTIC COUNTRIES.—The term ‘Arctic countries’ means the permanent members of the Arctic Council, namely the United States, Canada, Denmark, Iceland, Norway, Sweden, Finland, and Russia.”

SA 5823. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

Subtitle E—Don Young Arctic Warrior Act

SEC. 641. SHORT TITLE.

This subtitle may be cited as the “Don Young Arctic Warrior Act”.

SEC. 642. SPECIAL PAY AND ALLOWANCES FOR CERTAIN MEMBERS OF THE ARMED FORCES ASSIGNED TO COLD WEATHER OPERATIONS.

(a) SPECIAL PAY.—

(1) ESTABLISHMENT.—Subchapter II of chapter 5 of title 37, United States Code, is amended by inserting after section 336 the following new section:

“§ 337. Special pay: members of the armed forces assigned to cold weather operations

“(a) SPECIAL PAY AUTHORIZED.—The Secretary concerned shall pay monthly special pay (to be known as ‘arctic pay’) to a member of the armed forces—

“(1) assigned to perform cold weather operations; or

“(2) required to maintain proficiency through frequent operations in cold weather.

“(b) AMOUNT OF PAY.—Special pay under this section shall equal \$300 per month.

“(c) RELATIONSHIP TO OTHER PAY OR ALLOWANCES.—Special pay under this section is in addition to any other pay or allowance to which a member is entitled.

“(d) SUNSET.—No special pay may be paid under this section after December 31, 2023.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 336 the following:

“337. Special pay: members of the armed forces assigned to cold weather operations.”

(3) REGULATIONS.—The Secretary of Defense shall prescribe regulations for the payment of arctic pay under section 337 of such title, as added by paragraph (1).

(b) ALLOWANCE FOR BROADBAND.—

(1) ESTABLISHMENT.—Chapter 7 of title 37, United States Code, is amended by inserting after section 425 the following new section:

“§ 426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska

“(a) ALLOWANCE AUTHORIZED.—The Secretary concerned shall pay, to a member of the armed forces in the grade of E-5 or below who is assigned to a permanent duty station in Alaska, a monthly allowance for broadband.

“(b) AMOUNT.—The monthly allowance to a member under this section shall be—

“(1) \$125 during calendar year 2023; and

“(2) in subsequent calendar years, an amount determined by the Secretary of De-

fense based on the difference between the average costs of unlimited broadband plans in Alaska and in the continental United States.

“(c) SUNSET.—No allowance may be paid under this section after December 31, 2023.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 425 the following:

“426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska.”

(3) EFFECTIVE DATE.—Section 426 of such title, as added by paragraph (1), shall take effect on the day the Secretary of Defense prescribes regulations under paragraph (4).

(4) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out section 426 of such title, as added by paragraph (1).

(5) REPORT.—Not later than December 31, 2027, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the evaluation of the Secretary of the allowance under section 426 of such title, as added by paragraph (1); and

(B) any recommendation of the Secretary regarding whether such allowance should be amended, extended, or made permanent.

(c) TRAVEL AND TRANSPORTATION ALLOWANCE.—

(1) ENTITLEMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations and guidance to provide a member of the Armed Forces in the grade of E-5 or below who is assigned to a permanent duty station in Alaska to a one-time allowance for air travel for the member and dependents of such member.

(2) AMOUNTS.—

(A) TRAVEL TO PERMANENT RESIDENCE.—If the air travel for which an allowance under paragraph (1) is paid to a member is to the permanent residence of the member, the amount of the allowance shall equal the total costs of such air travel.

(B) TRAVEL TO OTHER DESTINATIONS.—If the air travel for which an allowance under paragraph (1) is paid to a member is to a destination in the United States other than the permanent residence of the member, the amount of the allowance shall be equal to the lesser of the following:

(i) The rate for such air travel under the City Pair Program of the General Services Administration (or successor program) in effect at the time of such air travel.

(ii) The actual costs of such air travel.

(3) TIMING.—Air travel for which an allowance under paragraph (1) is paid to a member may not commence later than 30 months after the member is assigned to a permanent duty station in Alaska.

(4) ADDITIONAL AUTHORIZATION.—The Secretary concerned (as defined in section 101 of title 37, United States Code) may authorize an additional allowance for a member who has used the allowance to which such member is entitled under paragraph (1).

SEC. 643. PILOT PROGRAM ON CAR SHARING ON REMOTE MILITARY INSTALLATIONS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to allow car sharing at military installations in Alaska.

(b) PROGRAM ELEMENTS.—To carry out the pilot program under this section, the Secretary shall take steps including the following:

(1) Seek to enter into an agreement with an entity that—

(A) provides car sharing services; and

(B) is capable of serving all military installations in Alaska.

(2) Provide to members assigned to such installations the resources the Secretary determines necessary to participate in such pilot program.

(3) Promote such pilot program to such members.

(c) IMPLEMENTATION PLAN.—Not later than 90 days after the date the Secretary enters into an agreement under subsection (b)(1), the Secretary shall submit to the congressional defense committees an implementation plan established to carry out the pilot program.

(d) DURATION.—the pilot program under this section shall terminate two years after the Secretary commences such pilot program.

(e) REPORT.—Upon the termination of the pilot program under this section, the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number of individuals who used car sharing services offered pursuant to the pilot program.

(2) The cost to the Department of Defense of the pilot program.

(3) An analysis of the effect of the pilot program on mental health and community connectedness of members described in subsection (b)(2).

(4) Other information the Secretary determines appropriate.

(f) DEFINITIONS.—In this section:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term “congressional defense committees” has the meaning given that term in section 101(a) of title 10, United States Code.

(2) MILITARY INSTALLATION.—The term “military installation” has the meaning given that term in section 2801 of title 10, United States Code.

SEC. 644. CLARIFICATION REGARDING LICENSURE REQUIREMENTS FOR PROVISION OF NON-MEDICAL COUNSELING SERVICES BY CERTAIN HEALTH-CARE PROFESSIONALS.

Section 1094 of title 10, United States Code is amended—

(1) in subsection (d)(1), by inserting “, including by providing non-medical counseling services in connection with such practice,” after “the health profession or professions of the health-care professional”; and

(2) in subsection (e), by adding at the end the following new paragraph:

“(3) The term ‘non-medical counseling’—

“(A) means short-term, non-therapeutic counseling that is not an appropriate substitute for individuals in need of clinical therapy; and

“(B) includes counseling that is supportive in nature and addresses issues such as general conditions of living, life skills, improving relationships at home and at work, stress management, adjustment issues (such as those related to returning from a deployment), marital problems, parenting, and grief and loss.”

SEC. 645. IMPROVEMENTS RELATING TO BEHAVIORAL HEALTH CARE AVAILABLE UNDER MILITARY HEALTH SYSTEM.

(a) EXPANSION OF CERTAIN BEHAVIORAL HEALTH PROGRAMS AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—

(1) ESTABLISHMENT OF GRADUATE PROGRAMS.—The Secretary of Defense shall establish graduate degree-granting programs in counseling and social work at the Uniformed Services University of the Health Sciences.

(2) EXPANSION OF CLINICAL PSYCHOLOGY GRADUATE PROGRAM.—The Secretary of Defense shall take such steps as may be necessary to expand the clinical psychology

graduate program of the Uniformed Services University of the Health Sciences.

(3) POST-AWARD EMPLOYMENT OBLIGATION.—

(A) AGREEMENT WITH SECRETARY.—Subject to subparagraph (B), as a condition of enrolling in a degree-granting program in clinical psychology, social work, or counseling at the Uniformed Services University of the Health Sciences, a civilian student shall enter into an agreement with the Secretary of Defense pursuant to which the student agrees that, if the student does not become a member of a uniformed service upon graduating such program, the student shall work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period during which the student was enrolled in such program.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the employment obligation specified in such subparagraph.

(C) REPAYMENT.—

(i) IN GENERAL.—A civilian graduate who does not complete the employment obligation required under the agreement entered into pursuant to subparagraph (A) shall repay to the Secretary of Defense a prorated portion of the cost of attendance in the program described in such subparagraph that are paid by the Secretary on behalf of the civilian graduate.

(ii) DETERMINATION OF AMOUNT.—The amount of any repayment required under clause (i) shall be determined by the Secretary.

(D) APPLICABILITY.—This paragraph shall apply to civilian students who enroll in the first year of a degree-granting program in clinical psychology, social work, or counseling at the Uniformed Services University of the Health Sciences on or after the date of the enactment of this Act.

(4) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan for the implementation of this subsection.

(B) ELEMENTS.—The plan required by subparagraph (A) shall include—

(i) a determination as to the resources for personnel and facilities required for the implementation of this subsection;

(ii) estimated timelines for such implementation; and

(iii) a projection of the number of graduates from the programs specified in paragraph (1) upon the completion of such implementation.

(b) SCHOLARSHIP-FOR-SERVICE PROGRAM FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.—

(1) IN GENERAL.—Beginning not later than two years after the date of the enactment of this Act, the Secretary of Defense shall carry out a program under which—

(A) the Secretary may provide—

(i) direct grants to cover tuition, fees, living expenses, and any other cost of attendance at an institution of higher education to an individual enrolled in a program of study leading to a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(ii) student loan repayment assistance to a credentialed behavioral health provider who has a graduate degree in clinical psychology, social work, counseling, or a related field (as determined by the Secretary); and

(B) in exchange for such assistance, the recipient shall commit to work as a covered ci-

vilian behavioral health provider in accordance with paragraph (2).

(2) POST-AWARD EMPLOYMENT OBLIGATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), as a condition of receiving assistance under paragraph (1), the recipient of such assistance shall enter into an agreement with the Secretary of Defense pursuant to which the recipient agrees to work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period during which the recipient received assistance under such paragraph.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the post-award employment obligation specified in such subparagraph.

(3) REPAYMENT.—

(A) IN GENERAL.—An individual who receives assistance under paragraph (1) and does not complete the employment obligation required under the agreement entered into pursuant to paragraph (2) shall repay to the Secretary of Defense a prorated portion of the financial assistance received by the individual under paragraph (1).

(B) DETERMINATION OF AMOUNT.—The amount of any repayment required under subparagraph (A) shall be determined by the Secretary.

(4) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of this subsection.

(c) INTERNSHIP PROGRAMS FOR CIVILIAN BEHAVIORAL HEALTH.—

(1) ESTABLISHMENT OF PROGRAMS.—The Secretary of Defense shall establish paid pre-doctoral and post-doctoral internship programs for the purpose of training clinical psychologists to work as covered civilian behavioral health providers.

(2) EMPLOYMENT OBLIGATION.—

(A) IN GENERAL.—Subject to subparagraph (B), as a condition of participating in an internship program under paragraph (1), an individual shall enter into an agreement with the Secretary of Defense pursuant to which the individual agrees to work on a full-time basis as a covered civilian behavioral health provider for a period that is at least equivalent to the period of participation by the individual in such internship program.

(B) OTHER TERMS AND CONDITIONS.—An agreement entered into pursuant to subparagraph (A) may include such other terms and conditions as the Secretary of Defense may determine necessary to protect the interests of the United States or otherwise appropriate for purposes of this section, including terms and conditions providing for limited exceptions from the employment obligation specified in such subparagraph.

(3) REPAYMENT.—

(A) IN GENERAL.—An individual who participates in an internship program under paragraph (1) and does not complete the employment obligation required under the agreement entered into pursuant to paragraph (2) shall repay to the Secretary of Defense a prorated portion of the cost of administering such program with respect to such individual and of any payment received by the individual under such program.

(B) DETERMINATION OF AMOUNT.—The amount of any repayment required under subparagraph (A) shall be determined by the Secretary.

(4) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of this subsection.

(d) RETENTION BONUSES FOR CERTAIN BEHAVIORAL HEALTH PROVIDERS.—

(1) RETENTION BONUS.—From amounts available in the Department of Defense Civilian Workforce Incentive Fund established under section 9902(a)(3) of title 5, United States Code, the Secretary of Defense may pay an incentive payment of not more than \$50,000 annually per employee to employees described in paragraph (2) for the purposes of retaining such employees.

(2) ELIGIBLE RECIPIENTS OF BONUS.—Employees described in this paragraph are covered civilian behavioral health providers in the following professions:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(e) REPORT ON BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall conduct an analysis of the behavioral health workforce under the direct care component of the TRICARE program and submit to the congressional defense committees a report containing the results of such analysis.

(2) ELEMENTS.—The report required under paragraph (1) shall include, with respect to the workforce specified in such paragraph, the following:

(A) The number of positions authorized for military behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(B) The number of positions authorized for civilian behavioral health providers within such workforce, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(C) For each military department, the ratio of military behavioral health providers assigned to military medical treatment facilities compared to civilian behavioral health providers so assigned, disaggregated by the professions described in paragraph (3).

(D) For each military department, the number of military behavioral health providers authorized to be embedded within an operational unit, and the number of such positions filled, disaggregated by the professions described in paragraph (3).

(E) Data on the historical demand for behavioral health services by members of the Armed Forces.

(F) An estimate of the number of health care providers necessary to meet the demand by such members for behavioral health services under the direct care component of the TRICARE program, disaggregated by provider type.

(G) An identification of any shortfall between the estimated number under subparagraph (F) and the total number of positions for behavioral health providers filled within such workforce.

(H) Such other information as the Secretary may determine appropriate.

(3) PROVIDER TYPES.—The professions described in this paragraph are as follows:

(A) Clinical psychologists.

(B) Social workers.

(C) Counselors.

(D) Such other professions as the Secretary may determine appropriate.

(f) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL HEALTH WORKFORCE.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the

congressional defense committees a plan to address any shortfall of the behavioral health workforce identified under subsection (e)(2)(G).

(2) **ELEMENTS.**—The plan required by paragraph (1) shall—

(A) address, with respect to any shortfall of military behavioral health providers (addressed separately with respect to such providers assigned to military medical treatment facilities and such providers assigned to be embedded within operational units)—

(i) recruitment;

(ii) accession;

(iii) retention;

(iv) special pay and other aspects of compensation;

(v) workload;

(vi) the role of the Uniformed Services University of the Health Sciences and the Armed Forces Health Professions Scholarship Program under chapter 105 of title 10, United States Code;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may consider appropriate;

(B) address, with respect to any shortfall of civilian behavioral health providers—

(i) recruitment;

(ii) hiring;

(iii) retention;

(iv) pay and benefits;

(v) workload;

(vi) educational scholarship programs;

(vii) any additional authorities or resources necessary for the Secretary to increase the number of such providers; and

(viii) such other considerations as the Secretary may consider appropriate;

(C) recommend whether the number of military behavioral health providers in each military department should be increased, and if so, by how many;

(D) include a plan to expand access to behavioral health services under the military health system through the use of telehealth;

(E) include a plan by each military department to allocate additional uniformed mental health providers in military medical treatment facilities at remote installations; and

(F) assess the feasibility of hiring civilian mental health providers at remote installations to augment the provision of mental health care services by uniformed mental health providers.

(g) **DEFINITIONS.**—In this section:

(1) **ARMED FORCES; CONGRESSIONAL DEFENSE COMMITTEES.**—The terms “Armed Forces” and “congressional defense committees” have the meanings given those terms in section 101 of title 10, United States Code.

(2) **BEHAVIORAL HEALTH.**—The term “behavioral health” includes psychiatry, clinical psychology, social work, counseling, and related fields.

(3) **CIVILIAN BEHAVIORAL HEALTH PROVIDER.**—The term “civilian behavioral health provider” means a behavioral health provider who is a civilian employee of the Department of Defense.

(4) **COST OF ATTENDANCE.**—The term “cost of attendance” has the meaning given that term in section 472 of the Higher Education Act of 1965 (20 U.S.C. 10871).

(5) **COVERED CIVILIAN BEHAVIORAL HEALTH PROVIDER.**—The term “covered civilian behavioral health provider” means a civilian behavioral health provider whose employment by the Secretary of Defense involves the provision of behavioral health services at a military medical treatment facility.

(6) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of

the Higher Education Act of 1965 (20 U.S.C. 1001).

(7) **MILITARY BEHAVIORAL HEALTH PROVIDER.**—The term “military behavioral health provider” means a behavioral health provider who is a member of the Armed Forces.

(8) **TRICARE PROGRAM.**—The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

(9) **UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**—The term “Uniformed Services University of the Health Sciences” means the university established under section 2112 of title 10, United States Code.

SEC. 646. PILOT PROGRAM ON SAFE STORAGE OF PERSONALLY OWNED FIREARMS.

(a) **ESTABLISHMENT.**—The Secretary of Defense shall establish a pilot program to promote the safe storage of personally owned firearms.

(b) **VOLUNTARY PARTICIPATION.**—Participation by members of the Armed Forces in the pilot program under subsection (a) shall be on a voluntary basis.

(c) **ELEMENTS.**—Under the pilot program under subsection (a), the Secretary of Defense shall furnish to members of the Armed Forces who are participating in the pilot program at military installations selected under subsection (e) locking devices and firearm safes for the purpose of securing personally owned firearms when not in use (including by directly providing, subsidizing, or otherwise making available such devices or safes).

(d) **PLAN.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the implementation of the pilot program under subsection (a).

(e) **SELECTION OF INSTALLATIONS.**—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall select not fewer than five military installations at which to carry out the pilot program under subsection (a).

(f) **DURATION.**—The duration of the pilot program under subsection (a) shall be for a period of six years.

(g) **REPORT.**—Upon the termination of the pilot program under subsection (a), the Secretary of Defense shall submit to the congressional defense committees a report containing the following information:

(1) The number and type of locking devices and firearm safes furnished to members of the Armed Forces under the pilot program.

(2) The cost of carrying out the pilot program.

(3) An analysis of the effect of the pilot program on suicide prevention.

(4) Such other information as the Secretary may determine appropriate, which shall exclude any personally identifiable information about participants in the pilot program.

(h) **DEFINITIONS.**—In this section, the terms “Armed Forces” and “congressional defense committees” have the meanings given those terms in section 101 of title 10, United States Code.

SA 5824. Ms. MURKOWSKI (for herself and Mr. KING) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. PARTNERSHIP WITH ICELAND.

(a) **SENSE OF CONGRESS REGARDING A FREE TRADE AGREEMENT WITH ICELAND.**—It is the sense of Congress that the United States should enter into negotiations with the Government of Iceland to develop and enter into a comprehensive free trade agreement between the United States and Iceland.

(b) **NONIMMIGRANT TRADERS AND INVESTORS.**—For purposes of clauses (i) and (ii) of section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), Iceland shall be considered to be a foreign state under such section if the Government of Iceland offers similar nonimmigrant status to nationals of the United States.

SA 5825. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 12. MECHANISMS TO AVOID UNITED STATES' CONTRIBUTIONS TO TERRORISM, HUMAN RIGHTS ABUSES, OR DRUG TRAFFICKING.

(a) **STRATEGY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a strategy to the appropriate congressional committees that seeks to minimize direct benefits to the Taliban through United States' humanitarian and development assistance in Afghanistan.

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

(1) describe in detail the mechanisms used to monitor and prevent the diversion of United States' assistance to terrorism and drug trafficking, including through currency manipulation;

(2) describe in detail any mechanisms for ensuring that—

(A) the Taliban is not—

(i) the intended primary beneficiary or end user of United States' assistance; or

(ii) the direct recipient of such assistance; and

(B) such assistance is not used for payments to Taliban creditors;

(3) describe the extent of ownership or control exerted by the Taliban over entities and individuals that are the primary beneficiaries or end users of United States' assistance;

(4) indicate whether United States' assistance or direct services replace assistance or services previously provided by the Taliban; and

(5) define “direct benefit” for purposes of governing Department of State and United States Agency for International Development assistance operations in Afghanistan.

(c) **FORM.**—The strategy required under subsection (a) shall be unclassified, but may include a classified annex.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit a report to the appropriate congressional committees that describes the efforts undertaken to implement the strategy required under subsection (a).

(2) ELEMENTS.—Each report submitted pursuant to paragraph (1) shall include a detailed certification that transactions and activities authorized under a General License issued by the Office of Foreign Assets Control is not being used—

(A) to provide any direct benefit to the Taliban; or

(B) to fund terrorism, human rights abuses, or drug trafficking.

SA 5826. Mr. RISCH (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. STOP IRANIAN DRONES ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Stop Iranian Drones Act”.

(b) **FINDINGS.**—Congress finds the following:

(1) A July 15, 2013, United Nations General Assembly Report on the continuing operation of the United Nations Register of Conventional Arms and its further development (document A/68/140) states in paragraph 45, “The Group noted the discussion of the 2006 Group that category IV already covered armed unmanned aerial vehicles and of the 2009 Group on a proposal to include a new category for such vehicles. The Group reviewed proposals for providing greater clarity to category IV.”

(2) Section 107 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9406), enacted August 2, 2017, requires the President to impose sanctions on any person that the President determines “knowingly engages in any activity that materially contributes to the supply, sale, or transfer directly or indirectly to or from Iran, or for the use in or benefit of Iran, of any battle tanks, armored combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts”.

(3) In 2019, the United Nations formally changed the heading of category IV of the United Nations Register of Conventional Arms to “combat aircraft and unmanned combat aerial vehicles”.

(c) **STATEMENT OF POLICY.**—It shall be the policy of the United States to prevent Iran and Iranian-aligned terrorist and militia groups from acquiring unmanned aerial vehicles, including commercially available component parts, that can be used in attacks against United States persons and partner nations.

(d) **AMENDMENT TO COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT RELATING TO SANCTIONS WITH RESPECT TO IRAN.**—

(1) IN GENERAL.—Section 107 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9406) is amended—

(A) in the section heading, by striking “**ENFORCEMENT OF ARMS EMBARGOS**” and inserting “**SANCTIONS WITH RESPECT TO MAJOR CONVENTIONAL ARMS**”; and

(B) in subsection (a)(1), by inserting “or unmanned combat aerial vehicles” after “combat aircraft”.

(2) **CLERICAL AMENDMENT.**—The table of contents for the Countering America's Adversaries Through Sanctions Act is amended by striking the item relating to section 107 and inserting the following:

“Sec. 107. Sanctions with respect to major conventional arms.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection take effect on the date of the enactment of this Act and apply with respect to any person that knowingly engages in any activity that materially contributes to the supply, sale, or transfer directly or indirectly to or from Iran, or for the use in or benefit of Iran, of any unmanned combat aerial vehicles, as defined for the purpose of the United Nations Register of Conventional Arms, before, on, or after such date of enactment.

(e) **REPORT TO IDENTIFY IRANIAN PERSONS THAT HAVE ATTACKED UNITED STATES CITIZENS USING UNMANNED COMBAT AERIAL VEHICLES.**—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, 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 that identifies, for the period specified in paragraph (2), any Iranian person that has attacked a United States citizen using an unmanned combat aerial vehicle, as defined for the purpose of the United Nations Register of Conventional Arms.

(2) **PERIOD SPECIFIED.**—The period specified in this paragraph is—

(A) for the initial report, the period—

(i) beginning on the date that is 10 years before the date such report is submitted; and

(ii) ending on the date such report is submitted; and

(B) for the second or a subsequent report, the period—

(i) beginning on the date the preceding report was submitted; and

(ii) ending on the date such second or subsequent report is submitted.

(3) **DESIGNATION OF PERSONS AS FOREIGN TERRORIST ORGANIZATIONS.**—

(A) IN GENERAL.—The President shall designate any person identified in a report submitted under subsection (a) as a foreign terrorist organization under section 219 of the Immigration and Naturalization Act (8 U.S.C. 1189).

(B) **REVOCATION.**—The President may not revoke a designation made under subparagraph (A) until the date that is 10 years after the date of such designation.

(4) **IRANIAN PERSON DEFINED.**—In this subsection, the term “Iranian person”—

(A) means an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran; and

(B) includes the Islamic Revolutionary Guard Corps.

(f) **DETERMINATION OF BUDGETARY EFFECTS.**—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget

Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5827. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Imposition of Sanctions With Respect to the Taliban

SEC. 1281. DEFINITIONS.

In this subtitle:

(1) **ADMISSION; ADMITTED; ALIEN.**—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(4) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(5) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(6) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(7) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such entity.

SEC. 1282. IMPOSITION OF SANCTIONS WITH RESPECT TO TERRORISM, HUMAN RIGHTS ABUSES, AND NARCOTICS TRAFFICKING COMMITTED BY THE TALIBAN AND OTHERS IN AFGHANISTAN.

(a) **SANCTIONS RELATING TO SUPPORT FOR TERRORISM.**—In addition to authorities under Executive Order 13224 (50 U.S.C. 1701 note; relating to blocking property and prohibiting transactions with persons who commit, threaten to commit, or support terrorism) under which the President has designating the Taliban and the Haqqani Network as specially designated global terrorist groups and section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) under which the President has designated the Haqqani Network as a foreign terrorist organization, the President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act,

is knowingly responsible for, complicit in, or has directly or indirectly provided financial, material, or technological support for, or financial or other services in support of, a terrorist group operating in Afghanistan.

(b) **SANCTIONS RELATING TO HUMAN RIGHTS ABUSES.**—The President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act, is responsible for, complicit in, or has directly or indirectly engaged in, serious human rights abuses in Afghanistan.

(c) **SANCTIONS RELATING TO DRUG TRAFFICKING.**—The President shall impose the sanctions described in subsection (d) with respect to a foreign person, including a member of the Taliban, if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act, knowingly—

(1) plays a significant role in international narcotics trafficking centered in Afghanistan; or

(2) provides significant financial, material, or technological support for, or significant financial or other services to or in support of, any person described in paragraph (1).

(d) **SANCTIONS DESCRIBED.**—The sanctions described in this subsection are the following:

(1) **PROPERTY BLOCKING.**—The exercise of all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in property and interests in property of a foreign person described in subsection (a), (b), or (c) if such property and interests in property are in the United States, come within the United States, or come within the possession or control of a United States person.

(2) **INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE.**—

(A) **VISAS, ADMISSION, OR PAROLE.**—An alien described in subsection (a), (b), or (c) shall be—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) **CURRENT VISAS REVOKED.**—

(i) **IN GENERAL.**—The visa or other entry documentation of any alien described in subsection (a), (b), or (c) is subject to revocation regardless of the issue date of the visa or other entry documentation.

(ii) **IMMEDIATE EFFECT.**—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) cancel any other valid visa or entry documentation that is in the possession of the alien.

SEC. 1283. SUPPORT FOR MULTILATERAL SANCTIONS WITH RESPECT TO THE TALIBAN.

(a) **VOICE AND VOTE AT UNITED NATIONS.**—The Secretary of State shall use the voice and vote of the United States at the United Nations to maintain the sanctions with respect to the Taliban described in and imposed pursuant to United Nations Security Council Resolution 1988 (2011) and United Nations Security Council Resolution 2255 (2015).

(b) **ENGAGEMENT WITH ALLIES AND PARTNERS.**—The Secretary of State shall, acting through the Office of Sanctions Coordination established under section 1(h) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(h)), engage with the governments of allies and partners of the United

States to promote their use of sanctions with respect to the Taliban, particularly for any support for terrorism, serious human rights abuses, or international narcotics trafficking.

SEC. 1284. IMPLEMENTATION; PENALTIES.

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or any regulation, license, or order issued to carry out this subtitle shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) **BRIEFING ON IMPLEMENTATION OF SANCTIONS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter through December 31, 2026, the Secretary of State and the Secretary of the Treasury shall jointly brief the appropriate congressional committees on the implementation of sanctions under this subtitle.

(2) **ELEMENTS.**—Each briefing required under paragraph (1) shall include the following:

(A) A description of the number and identity of foreign persons with respect to which sanctions were imposed under section 1282 during the 90-day period preceding submission of the report.

(B) A description of the efforts of the United States Government to maintain sanctions with respect to the Taliban at the United Nations pursuant to section 1283(a) during that period.

(C) A description of the impact of sanctions imposed under section 1282 on the behavior of the Taliban, other groups, and other foreign governments during that period.

(D) A description of—

(i) the impact of sanctions imposed under section 1282 on Afghan civilians, particularly women and girls; and

(ii) the extent to which those sanctions affect the delivery of humanitarian, peacebuilding, education, and other development assistance to the Afghan people.

SEC. 1285. WAIVERS; EXCEPTIONS; SUSPENSION.

(a) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the application of sanctions under this subtitle with respect to a foreign person if the President, not later than 10 days before the waiver is to take effect, determines and certifies to the appropriate congressional committees that such waiver is in the national security interest of the United States.

(2) **DETAILED JUSTIFICATION.**—The President shall submit with each certification in connection with a waiver under paragraph (1) a detailed justification explaining the reasons for the waiver.

(b) **EXCEPTIONS.**—

(1) **EXCEPTION FOR INTELLIGENCE ACTIVITIES.**—Sanctions under this subtitle shall not apply to any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) or any authorized intelligence activities of the United States.

(2) **EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS AND FOR LAW ENFORCEMENT ACTIVITIES.**—Sanctions under section 1282(d)(2) shall not apply with respect to an alien if admitting or paroling the alien into the United States is necessary—

(A) to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations; or

(B) to carry out or assist law enforcement activity in the United States.

(3) **EXCEPTION RELATING TO IMPORTATION OF GOODS.**—

(A) **IN GENERAL.**—The authorities and requirements to impose sanctions under this subtitle shall not include the authority or a requirement to impose sanctions on the importation of goods.

(B) **GOOD DEFINED.**—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply, or manufactured product, including inspection and test equipment, and excluding technical data.

(c) **SUSPENSION OF SANCTIONS.**—

(1) **SUSPENSION.**—The Secretary of State, in consultation with the Director of National Intelligence and the Secretary of the Treasury, may suspend the imposition of sanctions under this subtitle if the Secretary of State certifies in writing to the appropriate congressional committees that the Taliban has—

(A) publicly and privately broken all ties with other terrorist groups, including al Qaeda;

(B) taken verifiable measures to prevent the use of Afghanistan as a platform for terrorist attacks against the United States or partners or allies of the United States, including by denying sanctuary space, transit of Afghan territory, and use of Afghanistan for terrorist training, planning, or equipping;

(C) provided humanitarian actors with full, unimpeded access to vulnerable populations throughout Afghanistan without interference or diversion;

(D) respected freedom of movement, including by facilitating the departure of foreign nationals, applicants for the special immigrant visa program, and other at-risk Afghans by air or land routes, and the safe, voluntary, and dignified return of displaced persons; and

(E) supported the establishment of an inclusive government of Afghanistan that respects the rule of law, press freedom, and human rights, including the rights of women and girls.

(2) **REPORT REQUIRED.**—

(A) **IN GENERAL.**—The Secretary of State shall submit to the appropriate congressional committees with any certification under paragraph (1) a report addressing in detail each of the criteria for the suspension of sanctions under paragraph (1).

(B) **FORM OF REPORT.**—Each report submitted under subparagraph (A) shall be submitted in unclassified form.

SA 5828. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DISADVANTAGED BUSINESS ENTERPRISES.

Section 1101(e)(2)(A) of the Infrastructure Investment and Jobs Act (Public Law 117-58; 135 Stat. 449) is amended to read as follows:

“(A) **SMALL BUSINESS CONCERN.**—The term ‘small business concern’ means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).”.

SA 5829. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2811. MODIFICATION OF AUTHORITY TO REPLACE DAMAGED OR DESTROYED FACILITIES TO INCLUDE FACILITIES IN FAILING CONDITION.

(a) **IN GENERAL.**—Section 2854 of title 10, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) Subject to subsection (b), the Secretary concerned may—

“(1) replace a facility under the jurisdiction of the Secretary concerned, including a family housing facility, that has been damaged or destroyed; or

“(2) subject to subsection (c)(3), replace a facility under the jurisdiction of the Secretary concerned, including a family housing facility, that is in failing condition, if—

“(A) replacement is more cost-effective than repair;

“(B) the replacement facility supports an existing mission of the Department of Defense; and

“(C) the replacement facility does not exceed the total square footage of the replaced facility.”;

(2) in subsection (b), by striking “repair, restoration, or”;

(3) in subsection (c)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “subsection (a)(1)”; and

(B) in paragraph (2)—

(i) by striking “this subsection” and inserting “paragraph (1)”; and

(ii) by striking “described in paragraph (1)” and inserting “described in paragraph (1)(B)”; and

(4) by redesignating paragraph (3) as paragraph (4);

(5) by inserting after paragraph (2) the following new paragraph (3):

“(3) In using the authority described in subsection (a)(2) to carry out a military construction project to replace a facility, including a family housing facility, that is in failing condition, the Secretary concerned may use appropriations available for operation and maintenance.”; and

(6) in paragraph (4), as redesignated by paragraph (4) of this subsection, by inserting “per armed force” before “in any fiscal year”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of section 2854 of such title is amended to read as follows:

“§ 2854. Replacement of damaged, destroyed, or failing facilities”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by striking the item relating to section 2854 and inserting the following new item:

“2854. Replacement of damaged, destroyed, or failing facilities.”.

SA 5830. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2825. REQUIREMENTS FOR MILITARY TENANT ADVOCATES FOR PRIVATIZED MILITARY HOUSING.

(a) **IN GENERAL.**—Subchapter V of chapter 169 of title 10, United States Code, is amended by inserting after section 2890 the following new section:

“§ 2890a. Military tenant advocates

“(a) **IN GENERAL.**—The Secretary of Defense shall ensure that each installation of the Department of Defense at which military housing under subchapter IV of this chapter is offered has a military tenant advocate employed by the military department concerned.

“(b) **TRAINING AND CERTIFICATION.**—(1) The Secretary shall implement a uniform training and certification program for all individuals serving or selected to serve as a military tenant advocate under subsection (a).

“(2) The training and certification program implemented under paragraph (1) shall include, at a minimum, instruction on the following:

“(A) The authority of the Secretary to provide military housing under subchapter IV of this chapter.

“(B) The role, authority, and responsibility of housing management offices.

“(C) The Military Housing Privatization Initiative Tenant Bill of Rights developed under section 2890 of this title.

“(D) The dispute resolution process under section 2894 of this title.

“(E) The resources available to tenants of military housing under subchapter IV of this chapter to ensure that all such tenants are living in housing that meets the standards described in the Military Housing Privatization Initiative Tenant Bill of Rights.

“(F) Relevant national, State, and local housing, disability, and environmental laws.

“(c) **OUTREACH.**—The Secretary shall conduct public outreach and education at each installation of the Department with a military tenant advocate under subsection (a) to provide members of the armed forces and their families with information on the identity, role, and authority of the military tenant advocate.

“(d) **HIRING.**—When hiring or selecting individuals to serve in the role of military tenant advocate under subsection (a), no preferential consideration shall be given to individuals currently or previously employed by—

“(1) a housing management office;

“(2) a garrison command; or

“(3) a housing provider or manager owning or operating military housing under subchapter IV of this chapter.”.

(b) **CLERICAL AND CONFORMING AMENDMENTS.**—

(1) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2890 the following new item:

“2890a. Military tenant advocates.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **RIGHTS AND RESPONSIBILITIES OF TENANTS.**—Section 2890(b) of title 10, United States Code, is amended—

(i) in paragraph (5), by inserting “under section 2890a of this title” after “advocate”; and

(ii) in paragraph (8), by striking “, as provided in section 2894(b)(4) of this title,” and inserting “under section 2890a of this title”.

(B) **DISPUTE RESOLUTION PROCESS.**—Section 2894(b)(4) of such title is amended by striking “military housing advocate employed by the military department concerned” and inserting “military tenant advocate under section 2890a of this title”.

SA 5831. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 334. REPORT ON BLOOD TESTING OF FIREFIGHTERS OF DEPARTMENT OF DEFENSE FOR EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report detailing—

(1) the implementation by the Secretary at each installation of the Department of Defense of blood testing of firefighters of the Department to determine and document potential exposure to perfluoroalkyl and polyfluoroalkyl substances, as required under section 707 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1441); and

(2) the status and results of the efforts of the Department to develop a plan to track, trend, and analyze the results of such blood testing throughout the Department in accordance with Department of Defense Instruction 6055.05, entitled “Occupational Medical Examinations: Medical Surveillance and Medical Qualification”.

SA 5832. Mr. OSSOFF submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 357. STUDY AND REPORT ON HEXAVALENT CHROMIUM AND OTHER HAZARDS AT DEPARTMENT OF DEFENSE INSTALLATIONS.

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study—

(1) to evaluate the nature and prevalence of hexavalent chromium, isocyanic acid, hexamethylene ester, and similar hazards at installations of the Department of Defense, particularly those installations associated with equipment and weapons system maintenance and sustainment activities; and

(2) to assess the efficacy of relevant mitigation measures being undertaken by the Department with respect to such hazards.

(b) **ELEMENTS.**—The study conducted under subsection (a) shall include an assessment of what and how unmet requirements related to military construction or facilities sustainment, restoration, and modernization impact the nature, prevalence, and mitigation of chemical hazards in activities of the Department.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

SA 5833. Mr. CASEY (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1214. GLOBAL FOOD SECURITY.

(a) **SHORT TITLE.**—The section may be cited as the “Global Food Security Reauthorization Act of 2022”.

(b) **FINDINGS.**—Section 2 of the Global Food Security Act of 2016 (22 U.S.C. 9301) is amended by striking “Congress makes” and all that follows through “(3) A comprehensive” and inserting “Congress finds that a comprehensive”.

(c) **STATEMENT OF POLICY OBJECTIVES; SENSE OF CONGRESS.**—Section 3(a) of such Act (22 U.S.C. 9302(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “programs, activities, and initiatives that” and inserting “comprehensive, multi-sectoral programs, activities, and initiatives that consider agriculture and food systems in their totality and that”.

(2) in paragraph (1), by striking “and economic freedom through the coordination” and inserting “, economic freedom, and security through the phasing, sequencing, and coordination”;

(3) by striking paragraphs (3) and (4) and inserting the following:

“(3) increase the productivity, incomes, and livelihoods of small-scale producers and artisanal fishing communities, especially women in these communities, by working across terrestrial and aquatic food systems and agricultural value chains, including by—

“(A) enhancing local capacity to manage agricultural resources and food systems effectively and expanding producer access to, and participation in, local, regional, and international markets;

“(B) increasing the availability and affordability of high quality nutritious and safe foods and clean water;

“(C) creating entrepreneurship opportunities and improving access to business development related to agriculture and food systems, including among youth populations, linked to local, regional, and international markets; and

“(D) enabling partnerships to facilitate the development of and investment in new agricultural technologies to support more resilient and productive agricultural practices;

“(4) build resilience to agriculture and food systems shocks and stresses, including global food catastrophes in which conventional methods of agriculture are unable to provide sufficient food and nutrition to sustain the global population, among vulnerable populations and households through inclusive growth, while reducing reliance upon emergency food and economic assistance”;

(4) by amending paragraph (6) to read as follows:

“(6) improve the nutritional status of women, adolescent girls, and children, with a focus on reducing child stunting and incidence of wasting, including through the promotion of highly nutritious foods, diet diversification, large-scale food fortification, and nutritional behaviors that improve maternal and child health and nutrition, especially during the first 1,000-day window until a child reaches 2 years of age”;

(5) in paragraph (7)—

(A) by striking “science and technology,” and inserting “combating fragility, resilience, science and technology, natural resource management”;

(B) by inserting “, including deworming,” after “nutrition.”.

(d) **DEFINITIONS.**—Section 4 of the Global Food Security Act of 2016 (22 U.S.C. 9303) is amended—

(1) in paragraph (2), by inserting “, including in response to shocks and stresses to food and nutrition security” before the period at the end;

(2) by redesignating paragraphs (4) through (12) as paragraphs (5) through (13), respectively;

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

“(4) **FOOD SYSTEM.**—The term ‘food system’ means the intact or whole unit made up of interrelated components of people, behaviors, relationships, and material goods that interact in the production, processing, packaging, transporting, trade, marketing, consumption, and use of food, feed, and fiber through aquaculture, farming, wild fisheries, forestry, and pastoralism that operates within and is influenced by social, political, economic, and environmental contexts.”;

(4) in paragraph (6), as redesignated, by amending subparagraph (H) to read as follows:

“(H) local agricultural producers, including farmer and fisher organizations, cooperatives, small-scale producers, youth, and women; and”;

(5) in paragraph (7), as redesignated, by inserting “the Inter-American Foundation,” after “United States African Development Foundation.”;

(6) in paragraph (9), as redesignated—

(A) by inserting “agriculture and food” before “systems”; and

(B) by inserting “, including global food catastrophes,” after “food security”;

(7) in paragraph (10), as redesignated, by striking “fishers” and inserting “artisanal fishing communities”;

(8) in paragraph (11), as redesignated, by amending subparagraphs (D) and (E) to read as follows:

“(D) is a marker of an environment deficient in the various needs that allow for a

child’s healthy growth, including nutrition; and

“(E) is associated with long-term poor health, delayed motor development, impaired cognitive function, and decreased immunity”;

(9) in paragraph (13), as redesignated, by striking “agriculture and nutrition security” and inserting “food and nutrition security and agriculture-led economic growth”; and

(10) by adding at the end the following:

“(14) **WASTING.**—The term ‘wasting’ means—

“(A) a life-threatening condition attributable to poor nutrient intake or disease that is characterized by a rapid deterioration in nutritional status over a short period of time; and

“(B) in the case of children, is characterized by low weight for height and weakened immunity, increasing their risk of death due to greater frequency and severity of common infection, particularly when severe.”.

(e) **COMPREHENSIVE GLOBAL FOOD SECURITY STRATEGY.**—Section 5(a) of the Global Food Security Act of 2016 (22 U.S.C. 9304) is amended—

(1) in paragraph (4), by striking “country-owned agriculture, nutrition, and food security policy and investment plans” and inserting “partner country-led agriculture, nutrition, regulatory, food security, and water resources management policy and investment plans and governance systems”;

(2) by amending paragraph (5) to read as follows:

“(5) support the locally-led and inclusive development of agriculture and food systems, including by enhancing the extent to which small-scale food producers, especially women, have access to and control over the inputs, skills, resource management capacity, networking, bargaining power, financing, market linkages, technology, and information needed to sustainably increase productivity and incomes, reduce poverty and malnutrition, and promote long-term economic prosperity”;

(3) in paragraph (6)—

(A) by inserting “, adolescent girls,” after “women”; and

(B) by inserting “and preventing incidence of wasting” after “reducing child stunting”;

(4) in paragraph (7), by inserting “poor water resource management and” after “including”;

(5) in paragraph (8)—

(A) by striking “the long term success of programs” and inserting “long-term impact”; and

(B) by inserting “, including agricultural research capacity,” after “institutions”;

(6) in paragraph (9), by striking “integrate resilience and nutrition strategies into food security programs, such that chronically vulnerable populations are better able to” and inserting “coordinate with and complement relevant strategies to ensure that chronically vulnerable populations are better able to adapt.”;

(7) by redesignating paragraph (17) as paragraph (22);

(8) by redesignating paragraphs (12) through (16) as paragraphs (14) through (18), respectively;

(9) by striking paragraphs (10) and (11) and inserting the following:

“(10) develop community and producer resilience and adaptation strategies to disasters, emergencies, and other shocks and stresses to food and nutrition security, including conflicts, droughts, flooding, pests, and diseases, that adversely impact agricultural yield and livelihoods;

“(11) harness science, technology, and innovation, including the research and extension activities supported by the private sector, relevant Federal departments and agencies, Feed the Future Innovation Labs or any successor entities, and international and local researchers and innovators, recognizing that significant investments in research and technological advances will be necessary to reduce global poverty, hunger, and malnutrition;

“(12) use evidenced-based best practices, including scientific and forecasting data, and improved planning and coordination by, with, and among key partners and relevant Federal departments and agencies to identify, analyze, measure, and mitigate risks, and strengthen resilience capacities;

“(13) ensure scientific and forecasting data is accessible and usable by affected communities and facilitate communication and collaboration among local stakeholders in support of adaptation planning and implementation, including scenario planning and preparedness using seasonal forecasting and scientific and local knowledge;”

(10) in paragraph (15), as redesignated, by inserting “nongovernmental organizations, including” after “civil society;”

(11) in paragraph (16), as redesignated, by inserting “and coordination, as appropriate,” after “collaboration;”

(12) in paragraph (18), as redesignated, by striking “section 8(b)(4); and” and inserting “section 8(a)(4);” and

(13) by inserting after paragraph (18), as redesignated, the following:

“(19) improve the efficiency and resilience of agricultural production, including management of crops, rangelands, pastures, livestock, fisheries, and aquacultures;

“(20) ensure investments in food and nutrition security consider and integrate best practices in the management and governance of natural resources and conservation, especially among food insecure populations living in or near biodiverse ecosystems;

“(21) be periodically updated in a manner that reflects learning and best practices; and”

(f) PERIODIC UPDATES.—Section 5 of the Global Food Security Act of 2016 (22 U.S.C. 9304), as amended by subsection (e), is further amended by adding at the end the following:

“(d) PERIODIC UPDATES.—Not less frequently than quinquennially through fiscal year 2030, the President, in consultation with the head of each relevant Federal department and agency, shall submit to the appropriate congressional committees updates to the Global Food Security Strategy required under subsection (a) and the agency-specific plans described in subsection (c)(2).”

(g) AUTHORIZATION OF APPROPRIATIONS TO IMPLEMENT THE GLOBAL FOOD SECURITY STRATEGY.—Section 6(b) of such Act (22 U.S.C. 9305(b)) is amended—

(1) by striking “\$1,000,600,000 for each of fiscal years 2017 through 2023” and inserting “\$1,200,000,000 for each of the fiscal years 2024 through 2028”; and

(2) by adding at the end the following: “Amounts authorized to appropriated under this subsection should be prioritized to carry out programs and activities in target countries.”

(h) EMERGENCY FOOD SECURITY PROGRAM.—

(1) IN GENERAL.—Section 7 of the Global Food Security Act of 2016 (22 U.S.C. 9306) is amended by striking “(a) SENSE OF CONGRESS.—” and all that follows through “It shall be” and inserting “It shall be”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 492(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2292a(a)) is amended by striking “\$2,794,184,000 for each of fiscal years 2017 through 2023, of which up to

\$1,257,382,000” and inserting “\$3,905,460,000 for each of the fiscal years 2024 through 2028, of which up to \$1,757,457,000”.

(i) REPORTS.—Section 8(a) of the Global Food Security Act of 2016 (22 U.S.C. 9307) is amended—

(1) in the matter preceding paragraph (1)—
(A) by striking “During each of the first 7 years after the date of the submission of the strategy required under section 5(c),” and inserting “For each of the fiscal years 2024 through 2028,”;

(B) by striking “reports that describe” and inserting “a report that describes”; and

(C) by striking “at the end of the reporting period” and inserting “during the preceding year”;

(2) in paragraph (2), by inserting “, including any changes to the target countries selected pursuant to the selection criteria described in section 5(a)(2) and justifications for any such changes” before the semicolon at the end;

(3) in paragraph (3), by inserting “identify and” before “describe”; and

(4) by redesignating paragraphs (12) through (14) as paragraphs (15) through (17), respectively;

(5) by redesignating paragraphs (5) through (11) as paragraphs (7) through (13), respectively;

(6) by striking paragraph (4) and inserting the following:

“(4) identify and describe the priority quantitative metrics used to establish baselines and performance targets at the initiative, country, and zone of influence levels;

“(5) identify such established baselines and performance targets at the country and zone of influence levels;

“(6) identify the output and outcome benchmarks and indicators used to measure results annually, and report the annual measurement of results for each of the priority metrics identified pursuant to paragraph (4), disaggregated by age, gender, and disability, to the extent practicable and appropriate, in an open and transparent manner that is accessible to the people of the United States;”

(7) in paragraph (7), as redesignated, by striking “agriculture” and inserting “food”; and

(8) in paragraph (8), as redesignated—

(A) by inserting “quantitative and qualitative” after “how”; and

(B) by inserting “at the initiative, country, and zone of influence levels, including longitudinal data and key uncertainties” before the semicolon at the end;

(9) in paragraph (9), as redesignated, by inserting “within target countries, amounts and justification for any spending outside of target countries” after “amounts spent”; and

(10) in paragraph (13), as redesignated, by striking “and the impact of private sector investment” and inserting “and efforts to encourage financial donor burden sharing and the impact of such investment and efforts”;

(11) by inserting after paragraph (13), as redesignated, the following:

“(14) describe how agriculture research is prioritized within the Global Food Security Strategy to support agriculture-led growth and eventual self-sufficiency and assess efforts to coordinate research programs within the Global Food Security Strategy with key stakeholders;”

(12) in paragraph (16), as redesignated, by striking “and” at the end;

(13) in paragraph (17), as redesignated—

(A) by inserting “, including key challenges or missteps,” after “lessons learned”; and

(B) by striking the period at the end and inserting “; and”; and

(14) by adding at the end the following:

“(18) during the final year of each strategy required under section 5, complete country graduation reports to determine whether a country should remain a target country based on quantitative and qualitative analysis.”

SA 5834. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 848. ACTIONS TO INCREASE AND STABILIZE THE SUPPLY OF MICROELECTRONICS FOR UNITED STATES COMPUTER NUMERICALLY CONTROLLED (CNC) MANUFACTURING BASE.

The Secretary of Defense and the Secretary of Commerce shall—

(1) take immediate action to increase and stabilize the supply of microelectronics available to the United States computer numerically controlled (CNC) manufacturing base in order to sustain critical defense programs and the defense industrial base; and

(2) not later than 30 days after the date of the enactment of this Act, jointly provide a briefing to the Committees on Armed Services of the Senate and the House of Representatives on efforts to carry out paragraph (1).

SA 5835. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. None of the funds made available under section 10301(1)(A) of Public Law 117-169 may be obligated during the period beginning on the date of the enactment of this section and ending on September 30, 2023.

SA 5836. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division A, insert the following:

SEC. _____. None of the funds made available under clauses (ii) or (iii) of section 10301(1)(A) of Public Law 117-169 may be obligated during the period beginning on the date of the enactment of this section and ending on September 30, 2023.

SA 5837. Mr. CARPER (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **FAIRNESS FOR FEDERAL FIRE-FIGHTERS.**

(a) CERTAIN ILLNESSES AND DISEASES PRE-
SUMED TO BE WORK-RELATED CAUSE OF DIS-
ABILITY OR DEATH FOR FEDERAL EMPLOYEES
IN FIRE PROTECTION ACTIVITIES.—

(1) PRESUMPTION RELATING TO EMPLOYEES IN
FIRE PROTECTION ACTIVITIES.—

(A) IN GENERAL.—Subchapter I of chapter
81 of title 5, United States Code, is amended
by inserting after section 8143a the fol-
lowing:

**“§ 8143b. Employees in fire protection activi-
ties**

“(a) DEFINITIONS.—In this section:

“(1) EMPLOYEE IN FIRE PROTECTION ACTI-
VITIES.—The term ‘employee in fire protection
activities’ means an employee employed as a
firefighter, paramedic, emergency medical
technician, rescue worker, ambulance per-
sonnel, or hazardous material worker who—

“(A) is trained in fire suppression;

“(B) has the legal authority and responsi-
bility to engage in fire suppression;

“(C) is engaged in the prevention, control,
and extinguishment of fires or response to
emergency situations in which life, property,
or the environment is at risk, including the
prevention, control, suppression, or manage-
ment of wildland fires; and

“(D) performs the activities described in
subparagraph (C) as a primary responsibility
of the job of the employee.

“(2) RULE.—The term ‘rule’ has the mean-
ing given the term in section 804.

“(3) SECRETARY.—The term ‘Secretary’
means the Secretary of Labor.

“(b) CERTAIN ILLNESSES AND DISEASES
DEEMED TO BE PROXIMATELY CAUSED BY EM-
PLOYMENT IN FIRE PROTECTION ACTIVITIES.—

“(1) IN GENERAL.—For a claim under this
subchapter of disability or death of an em-
ployee who has been employed for not less
than 5 years in aggregate as an employee in
fire protection activities, an illness or dis-
ease specified on the list established under
paragraph (2) shall be deemed to be prox-
imately caused by the employment of that
employee, if the employee is diagnosed with
that illness or disease not later than 10 years
after the last active date of employment as
an employee in fire protection activities.

“(2) ESTABLISHMENT OF INITIAL LIST.—
There is established under this section the
following list of illnesses and diseases:

“(A) Bladder cancer.

“(B) Brain cancer.

“(C) Chronic obstructive pulmonary dis-
ease.

“(D) Colorectal cancer.

“(E) Esophageal cancer.

“(F) Kidney cancer.

“(G) Leukemias.

“(H) Lung cancer.

“(I) Mesothelioma.

“(J) Multiple myeloma.

“(K) Non-Hodgkin lymphoma.

“(L) Prostate cancer.

“(M) Skin cancer (melanoma).

“(N) A sudden cardiac event or stroke suf-
fered while, or not later than 24 hours after,
engaging in the activities described in sub-
section (a)(1)(C).

“(O) Testicular cancer.

“(P) Thyroid cancer.

“(3) ADDITIONS TO THE LIST.—

“(A) IN GENERAL.—

“(i) PERIODIC REVIEW.—The Secretary
shall—

“(I) in consultation with the Director of
the National Institute for Occupational Safe-
ty and Health and any advisory committee
determined appropriate by the Secretary, pe-
riodically review the list established under
paragraph (2); and

“(II) if the Secretary determines that the
weight of the best available scientific evi-
dence warrants adding an illness or disease
to the list established under paragraph (2), as
described in subparagraph (B) of this para-
graph, make such an addition through a rule
that clearly identifies that scientific evi-
dence.

“(ii) CLASSIFICATION.—A rule issued by the
Secretary under clause (i) shall be consid-
ered to be a major rule for the purposes of
chapter 8.

“(B) BASIS FOR DETERMINATION.—The Sec-
retary shall add an illness or disease to the
list established under paragraph (2) based on
the weight of the best available scientific
evidence that there is a significant risk to
employees in fire protection activities of de-
veloping that illness or disease.

“(C) AVAILABLE EXPERTISE.—In deter-
mining significant risk for purposes of sub-
paragraph (B), the Secretary may accept as
authoritative, and may rely upon, recom-
mendations, risk assessments, and sci-
entific studies (including analyses of Na-
tional Firefighter Registry data pertaining
to Federal firefighters) by the National In-
stitute for Occupational Safety and Health,
the National Toxicology Program, the Na-
tional Academies of Sciences, Engineering,
and Medicine, and the International Agency
for Research on Cancer.”.

(B) TECHNICAL AND CONFORMING AMEND-
MENT.—The table of sections for subchapter I
of chapter 81 of title 5, United States Code,
is amended by inserting after the item relat-
ing to section 8143a the following:

“8143b. Employees in fire protection activi-
ties.”.

(C) APPLICATION.—The amendments made
by this paragraph shall apply to claims for
compensation filed on or after the date of en-
actment of this Act.

(2) RESEARCH COOPERATION.—Not later than
120 days after the date of enactment of this
Act, the Secretary of Labor (referred to in
this subsection as the “Secretary”) shall es-
tablish a process by which an employee in
fire protection activities, as defined in sub-
section (a) of section 8143b of title 5, United
States Code, as added by paragraph (1) of
this subsection (referred to in this sub-
section as an “employee in fire protection
activities”), filing a claim under chapter 81
of title 5, United States Code, as amended by
this subsection, relating to an illness or dis-
ease on the list established under subsection
(b)(2) of such section 8143b (referred to in this
subsection as “the list”), as the list may be
updated under such section 8143b, shall be in-
formed about, and offered the opportunity to
contribute to science by voluntarily enroll-
ing in, the National Firefighter Registry or a
similar research or public health initiative
conducted by the Centers for Disease Control
and Prevention.

(3) AGENDA FOR FURTHER REVIEW.—Not
later than 3 years after the date of enact-
ment of this Act, the Secretary shall—

(A) evaluate the best available scientific
evidence of the risk to an employee in fire

protection activities of developing breast
cancer, gynecological cancers, and
rhabdomyolysis;

(B) add breast cancer, gynecological can-
cers, and rhabdomyolysis to the list, by rule
in accordance with subsection (b)(3) of sec-
tion 8143b of title 5, United States Code, as
added by paragraph (1) of this subsection, if
the Secretary determines that such evidence
supports that addition; and

(C) submit to the Committee on Homeland
Security and Governmental Affairs of the
Senate and the Committee on Education and
Labor of the House of Representatives a re-
port containing—

(i) the findings of the Secretary after mak-
ing the evaluation required under subpara-
graph (A); and

(ii) the determination of the Secretary
under subparagraph (B).

(4) REPORT ON FEDERAL WILDLAND FIRE-
FIGHTERS.—

(A) DEFINITION.—In this paragraph, the
term “Federal wildland firefighter” means
an individual occupying a position in the oc-
cupational series developed pursuant to sec-
tion 40803(d)(1) of the Infrastructure Invest-
ment and Jobs Act (16 U.S.C. 6592(d)(1)).

(B) STUDY.—The Secretary of the Interior
and the Secretary of Agriculture, in con-
sultation with the Director of the National
Institute for Occupational Safety and
Health, shall conduct a comprehensive study
on long-term health effects that Federal
wildland firefighters who are eligible to re-
ceive compensation for work injuries under
chapter 81 of title 5, United States Code, as
amended by this subsection, experience after
being exposed to fires, smoke, and toxic
fumes when in service.

(C) REQUIREMENTS.—The study required
under subparagraph (B) shall include—

(i) the race, ethnicity, age, gender, and
time of service of the Federal wildland fire-
fighters participating in the study; and

(ii) recommendations to Congress regard-
ing what legislative actions are needed to
support the Federal wildland firefighters de-
scribed in clause (i) in preventing health
issues from the toxic exposure described in
subparagraph (B), similar to veterans who
are exposed to burn pits.

(D) SUBMISSION AND PUBLICATION.—The Sec-
retary of the Interior and the Secretary of
Agriculture shall submit the results of the
study conducted under this paragraph to the
Committee on Homeland Security and Gov-
ernmental Affairs of the Senate and the
Committee on Education and Labor of the
House of Representatives and make those re-
sults publicly available.

(5) REPORT ON AFFECTED EMPLOYEES.—Be-
ginning on the date that is 1 year after the
date of enactment of this Act, with respect
to each annual report required under section
8152 of title 5, United States Code, the Sec-
retary—

(A) shall include in the report the total
number of, and demographics regarding, em-
ployees in fire protection activities with ill-
nesses and diseases described in the list (as
the list may be updated under this sub-
section and the amendments made by this
subsection), as of the date on which that an-
nual report is submitted, which shall be
disaggregated by the specific illness or dis-
ease for the purposes of understanding the
scope of the problem facing those employees;
and

(B) may—

(i) include in the report any information
with respect to employees in fire protection
activities that the Secretary determines to
be necessary; and

(ii) as appropriate, make recommendations
in the report for additional actions that

could be taken to minimize the risk of adverse health impacts for employees in fire protection activities.

(b) INCREASE IN TIME-PERIOD FOR FECA CLAIMANT TO SUPPLY SUPPORTING DOCUMENTATION TO OFFICE OF WORKER'S COMPENSATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Labor shall—

(1) amend section 10.121 of title 20, Code of Federal Regulations, or any successor regulation, by striking “30 days” and inserting “60 days”; and

(2) modify the Federal Employees' Compensation Act manual to reflect the changes made by the Secretary pursuant to paragraph (1).

SA 5838. Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —21ST CENTURY ASSISTIVE TECHNOLOGY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the “21st Century Assistive Technology Act”.

SEC. 02. REAUTHORIZATION.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Assistive Technology Act of 1998’.

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

“Sec. 1. Short title; table of contents.

“Sec. 2. Purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants for State assistive technology programs.

“Sec. 5. Grants for protection and advocacy services related to assistive technology.

“Sec. 6. Technical assistance and data collection support.

“Sec. 7. Projects of national significance.

“Sec. 8. Administrative provisions.

“Sec. 9. Authorization of appropriations; reservations and distribution of funds.

“SEC. 2. PURPOSES.

“The purposes of this Act are—

“(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—

“(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;

“(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by educational or human service agencies or between settings of daily living (for example, between home and work);

“(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

“(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

“(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

“(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures that facilitate the availability or provision of assistive technology devices and assistive technology services; and

“(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and entities and the general population; and

“(2) to provide States and protection and advocacy systems with financial assistance that supports programs designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADULT SERVICE PROGRAM.—The term ‘adult service program’ means a program that provides services to, or is otherwise substantially involved with the major life functions of, individuals with disabilities. Such term includes—

“(A) a program providing residential, supportive, or employment services, or employment-related services, to individuals with disabilities;

“(B) a program carried out by a center for independent living, such as a center described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.);

“(C) a program carried out by an employment support agency connected to adult vocational rehabilitation, such as a one-stop partner, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); and

“(D) a program carried out by another organization or vender licensed or registered by the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705).

“(2) AMERICAN INDIAN CONSORTIUM.—The term ‘American Indian consortium’ means an entity that is an American Indian Consortium (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)), and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act (42 U.S.C. 15041 et seq.).

“(3) ASSISTIVE TECHNOLOGY.—The term ‘assistive technology’ means technology designed to be utilized in an assistive technology device or assistive technology service.

“(4) ASSISTIVE TECHNOLOGY DEVICE.—The term ‘assistive technology device’ means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

“(5) ASSISTIVE TECHNOLOGY SERVICE.—The term ‘assistive technology service’ means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

“(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

“(B) a service consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

“(C) a service consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, replacing, or donating assistive technology devices;

“(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

“(E) training or technical assistance for an individual with a disability or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual;

“(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services and entities that manufacture or sell assistive technology devices), employers, providers of employment and training services, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities; and

“(G) a service consisting of expanding the availability of access to technology, including electronic and information technology, to individuals with disabilities.

“(6) CAPACITY BUILDING AND ADVOCACY ACTIVITIES.—The term ‘capacity building and advocacy activities’ means efforts that—

“(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

“(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, productivity, and integration and inclusion within the community and the workforce.

“(7) COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.—The term ‘comprehensive statewide program of technology-related assistance’ means a consumer-responsive program of technology-related assistance for individuals with disabilities that—

“(A) is implemented by a State;

“(B) is equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required; and

“(C) incorporates all the activities described in section 4(e) (unless excluded pursuant to section 4(e)(6)).

“(8) CONSUMER-RESPONSIVE.—The term ‘consumer-responsive’—

“(A) with regard to policies, means that the policies are consistent with the principles of—

“(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

“(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

“(iii) inclusion, integration, and full participation of such individuals in society;

“(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

“(v) support for individual and systems advocacy and community involvement; and

“(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

“(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

“(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

“(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

“(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

“(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

“(9) **DISABILITY.**—The term ‘disability’ has the meaning given the term under section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(10) **INDIVIDUAL WITH A DISABILITY.**—The term ‘individual with a disability’ means any individual of any age, race, or ethnicity—

“(A) who has a disability; and

“(B) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

“(11) **INSTITUTION OF HIGHER EDUCATION.**—The term ‘institution of higher education’ has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), and includes a community college receiving funding under the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

“(12) **PROTECTION AND ADVOCACY SERVICES.**—The term ‘protection and advocacy services’ means services that—

“(A) are described in subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.), the Protection and Advocacy for Individuals with Mental Illness Act (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); and

“(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

“(13) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Health and Human Services, acting through the Administrator of the Administration for Community Living.

“(14) **STATE.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term ‘State’ means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(B) **OUTLYING AREAS.**—In section 4(b):

“(i) **OUTLYING AREA.**—The term ‘outlying area’ means the United States Virgin Is-

lands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(ii) **STATE.**—The term ‘State’ does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(15) **STATE ASSISTIVE TECHNOLOGY PROGRAM.**—The term ‘State assistive technology program’ means a program authorized under section 4.

“(16) **TARGETED INDIVIDUALS AND ENTITIES.**—The term ‘targeted individuals and entities’ means—

“(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

“(B) underrepresented populations, including the aging workforce;

“(C) individuals who work for public or private entities (including centers for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.), insurers, or managed care providers) that have contact with, or provide services to, individuals with disabilities;

“(D) educators at all levels (including providers of early intervention services, elementary schools, secondary schools, community colleges, and vocational and other institutions of higher education) and related services personnel;

“(E) technology experts (including web designers and procurement officials);

“(F) health, allied health, and rehabilitation professionals and hospital employees (including discharge planners);

“(G) employers, especially small business employers, and providers of employment and training services;

“(H) entities that manufacture or sell assistive technology devices;

“(I) entities that carry out community programs designed to develop essential community services in rural and urban areas; and

“(J) other appropriate individuals and entities, as determined for a State by the State.

“(17) **UNDERREPRESENTED POPULATION.**—The term ‘underrepresented population’ means a population that is typically underrepresented in service provision, and includes populations such as individuals who have low-incidence disabilities, racial and ethnic minorities, low income individuals, homeless individuals (including children and youth), children in foster care, individuals with limited English proficiency, older individuals, or individuals living in rural areas.

“(18) **UNIVERSAL DESIGN.**—The term ‘universal design’ means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly accessible (without requiring assistive technologies) and products and services that are interoperable with assistive technologies.

“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PROGRAMS.

“(a) **GRANTS TO STATES.**—The Secretary shall award grants under subsection (b) to States to maintain a comprehensive statewide continuum of integrated assistive technology activities described in subsection (e) through State assistive technology programs that are designed—

“(1) to maximize the ability of individuals with disabilities across the human lifespan and across the wide array of disabilities, and their family members, guardians, advocates, and authorized representatives, to obtain assistive technology; and

“(2) to increase access to assistive technology.

“(b) **AMOUNT OF FINANCIAL ASSISTANCE.**—

“(1) **IN GENERAL.**—From funds made available to carry out this section, the Secretary shall award a grant to each eligible State and eligible outlying area from an allotment determined in accordance with paragraph (2).

“(2) **CALCULATION OF STATE GRANTS.**—

“(A) **BASE YEAR.**—Except as provided in subparagraphs (B) and (C), the Secretary shall allot to each State and outlying area for a fiscal year an amount that is not less than the amount the State or outlying area received under the grants provided under section 4 of this Act (as in effect on the day before the effective date of the 21st Century Assistive Technology Act) for fiscal year 2022.

“(B) **RATABLE REDUCTION.**—

“(i) **IN GENERAL.**—If funds made available to carry out this section for any fiscal year are insufficient to make the allotments required for each State and outlying area under subparagraph (A) for such fiscal year, the Secretary shall ratably reduce the allotments for such fiscal year.

“(ii) **ADDITIONAL FUNDS.**—If, after the Secretary makes the reductions described in clause (i), additional funds become available to carry out this section for the fiscal year, the Secretary shall ratably increase the allotments, until the Secretary has allotted the entire base year amount under subparagraph (A).

“(C) **APPROPRIATION HIGHER THAN BASE YEAR AMOUNT.**—For a fiscal year for which the amount of funds made available to carry out this section is greater than the base year amount under subparagraph (A) and no greater than \$40,000,000, the Secretary shall—

“(i) make the allotments described in subparagraph (A);

“(ii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clause (i), the Secretary shall—

“(I) from 50 percent of the portion, allot to each State an equal amount; and

“(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States;

until each State has received an allotment of not less than \$410,000 under clause (i) and this clause; and

“(iii) from the remainder of the funds after the Secretary makes the allotments described in clause (ii), the Secretary shall—

“(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

“(II) from 20 percent of the remainder, allot to each State an equal amount.

“(D) **APPROPRIATION HIGHER THAN THRESHOLD AMOUNT.**—For a fiscal year for which the amount of funds made available to carry out this section is \$40,000,000 or greater, the Secretary shall—

“(i) make the allotments described in subparagraph (A);

“(ii) from the funds remaining after the allotment described in clause (i), allot to each outlying area an amount of such funds until each outlying area has received an allotment of exactly \$150,000 under clause (i) and this clause;

“(iii) from a portion of the remainder of the funds after the Secretary makes the allotments described in clauses (i) and (ii), the Secretary shall—

“(I) from 50 percent of the portion, allot to each State an equal amount; and

“(II) from 50 percent of the portion, allot to each State an amount that bears the same relationship to such 50 percent as the population of the State bears to the population of all States;

until each State has received an allotment of not less than \$450,000 under clause (i) and this clause; and

“(iv) from the remainder of the funds after the Secretary makes the allotments described in clause (iii), the Secretary shall—

“(I) from 80 percent of the remainder, allot to each State an amount that bears the same relationship to such 80 percent as the population of the State bears to the population of all States; and

“(II) from 20 percent of the remainder, allot to each State an equal amount.

“(3) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year under this section shall be available for the fiscal year and the year following the fiscal year.

“(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND ADVISORY COUNCIL.—

“(1) LEAD AGENCY AND IMPLEMENTING ENTITY.—

“(A) LEAD AGENCY.—

“(i) IN GENERAL.—The Governor of a State shall designate a public agency as a lead agency—

“(I) to control and administer the funds made available through the grant awarded to the State under this section; and

“(II) to submit the application described in subsection (d) on behalf of the State, to ensure conformance with Federal and State accounting requirements.

“(ii) DUTIES.—The duties of the lead agency shall include—

“(I) preparing the application described in subsection (d) and carrying out State activities described in that application, including making programmatic and resource allocation decisions necessary to implement the comprehensive statewide program of technology-related assistance;

“(II) coordinating the activities of the comprehensive statewide program of technology-related assistance among public and private entities, including coordinating efforts related to entering into interagency agreements, and maintaining and evaluating the program; and

“(III) coordinating culturally competent efforts related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out through the grant.

“(B) IMPLEMENTING ENTITY.—The Governor may designate an agency, office, or other entity to carry out State activities under this section (referred to in this section as the ‘implementing entity’), if such implementing entity is different from the lead agency. The implementing entity shall carry out responsibilities under this Act through a subcontract or another administrative agreement with the lead agency.

“(C) CHANGE IN AGENCY OR ENTITY.—

“(i) IN GENERAL.—On obtaining the approval of the Secretary—

“(I) the Governor may redesignate the lead agency of a State, if the Governor shows to the Secretary good cause why the agency designated as the lead agency should not serve as that agency; and

“(II) the Governor may redesignate the implementing entity of a State, if the Governor shows to the Secretary in accordance with subsection (d)(2)(B), good cause why the entity designated as the implementing entity should not serve as that entity.

“(ii) CONSTRUCTION.—Nothing in this paragraph shall be construed to require the Governor of a State to change the lead agency or implementing entity of the State to an agency other than the lead agency or implementing entity of such State as of the date of enactment of the Assistive Technology

Act of 2004 (Public Law 108-364; 118 Stat. 1707).

“(2) ADVISORY COUNCIL.—

“(A) IN GENERAL.—There shall be established an advisory council to provide consumer-responsive, consumer-driven advice to the State for planning of, implementation of, and evaluation of the activities carried out through the grant, including setting the measurable goals described in subsection (d)(3)(C).

“(B) COMPOSITION AND REPRESENTATION.—

“(i) COMPOSITION.—The advisory council shall be composed of—

“(I) individuals with disabilities who use assistive technology, including older individuals, or the family members or guardians of the individuals;

“(II) a representative of the designated State agency, as defined in section 7 of the Rehabilitation Act of 1973 (29 U.S.C. 705) and the State agency for individuals who are blind (within the meaning of section 101 of that Act (29 U.S.C. 721)), if such agency is separate;

“(III) a representative of a State center for independent living described in part C of title VII of the Rehabilitation Act of 1973 (29 U.S.C. 796f et seq.) or the Statewide Independent Living Council established under section 705 of such Act (29 U.S.C. 796d);

“(IV) a representative of the State workforce development board established under section 101 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3111);

“(V) a representative of the State educational agency, as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801);

“(VI) a representative of an alternative financing program for assistive technology if—

“(aa) there is an alternative financing program for assistive technology in the State;

“(bb) such program is separate from the State assistive technology program supported under subsection (e)(2); and

“(cc) the program described in item (aa) is operated by a nonprofit entity;

“(VII) representatives of other State agencies, public agencies, or private organizations, as determined by the State; and

“(VIII) a representative of 1 or more of the following:

“(aa) The agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

“(bb) The designated State agency for purposes of section 124 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15024).

“(cc) The State agency designated under section 305(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3025(a)(1)) or an organization that receives assistance under such Act (42 U.S.C. 3001 et seq.).

“(dd) An organization representing disabled veterans.

“(ee) A University Center for Excellence in Developmental Disabilities Education, Research, and Service designated under section 151(a) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15061(a)).

“(ff) The State protection and advocacy system established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043).

“(gg) The State Council on Developmental Disabilities established under section 125 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15025).

“(ii) MAJORITY.—

“(I) IN GENERAL.—Not less than 51 percent of the members of the advisory council shall

be members appointed under clause (i)(I), a majority of whom shall be individuals with disabilities.

“(II) REPRESENTATIVES OF AGENCIES.—Members appointed under subclauses (II) through (VIII) of clause (i) shall not count toward the majority membership requirement established in subclause (I).

“(iii) REPRESENTATION.—The advisory council shall be geographically representative of the State and reflect the diversity of the State with respect to race, ethnicity, types of disabilities across the age span, and users of types of services that an individual with a disability may receive.

“(C) EXPENSES.—The members of the advisory council shall receive no compensation for their service on the advisory council, but shall be reimbursed for reasonable and necessary expenses actually incurred in the performance of official duties for the advisory council.

“(D) IMPACT ON EXISTING STATUTES, RULES, OR POLICIES.—Nothing in this paragraph shall be construed to affect State statutes, rules, or official policies relating to advisory bodies for State assistive technology programs or require changes to governing bodies of incorporated agencies that carry out State assistive technology programs.

“(d) APPLICATION.—

“(1) IN GENERAL.—Any State that desires to receive a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.

“(2) LEAD AGENCY AND IMPLEMENTING ENTITY.—

“(A) IN GENERAL.—The application shall contain—

“(i) information identifying and describing the lead agency referred to in subsection (c)(1)(A);

“(ii) information identifying and describing the implementing entity referred to in subsection (c)(1)(B), if the Governor of the State designates such an entity; and

“(iii) a description of how individuals with disabilities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant and through the advisory council established in accordance with subsection (c)(2).

“(B) CHANGE IN LEAD AGENCY OR IMPLEMENTING ENTITY.—In any case where—

“(i) the Governor requests to redesignate a lead agency, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the agency designated as the lead agency should not serve as that agency; or

“(ii) the Governor requests to redesignate an implementing entity, the Governor shall include in, or amend, the application to request the redesignation and provide a written description of the rationale for why the entity designated as the implementing entity should not serve as that entity.

“(3) STATE PLAN.—The application under this subsection shall include a State plan for assistive technology consisting of—

“(A) a description of how the State will carry out a statewide continuum of integrated assistive technology activities described in subsection (e) (unless excluded by the State pursuant to subsection (e)(6));

“(B) a description of how the State will allocate and utilize grant funds to implement the activities, including describing proposed budget allocations and planned procedures for tracking expenditures for the activities;

“(C) measurable goals, and a timeline for meeting the goals, that the State has set for addressing the assistive technology needs of

individuals with disabilities in the State related to—

“(i) education, including goals involving the provision of assistive technology to individuals with disabilities who receive services under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

“(ii) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

“(iii) access to tele-assistive technology to aid in the access of health care services, including mental health and substance use disorder;

“(iv) accessible information and communication technology training; and

“(v) community living;

“(D) information describing how the State will quantifiably measure the goals to determine whether the goals have been achieved in a manner consistent with the data submitted through the progress reports under subsection (f); and

“(E) a description of any activities described in subsection (e) that the State will support with State or non-Federal funds.

“(4) INVOLVEMENT OF PUBLIC AND PRIVATE ENTITIES.—The application shall describe how various public and private entities were involved in the development of the application and will be involved in the implementation of the activities to be carried out through the grant, including—

“(A) in cases determined to be appropriate by the State, a description of the nature and extent of resources that will be committed by public and private collaborators to assist in accomplishing identified goals; and

“(B) a description of the mechanisms established to ensure coordination of activities and collaboration between the implementing entity, if any, and the State.

“(5) ASSURANCES.—The application shall include assurances that—

“(A) the State will annually collect data related to the required activities implemented by the State under this section in order to prepare the progress reports required under subsection (f);

“(B) funds received through the grant—

“(i) will be expended in accordance with this section; and

“(ii) will be used to supplement, and not supplant, funds available from other sources for technology-related assistance, including the provision of assistive technology devices and assistive technology services;

“(C) the lead agency will control and administer the funds received through the grant;

“(D) the State will adopt such fiscal control and accounting procedures as may be necessary to ensure proper disbursement of and accounting for the funds received through the grant;

“(E) the physical facility of the lead agency and implementing entity, if any, meets the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding accessibility for individuals with disabilities;

“(F) a public agency or an individual with a disability holds title to any property purchased with funds received under the grant and administers that property;

“(G) activities carried out in the State that are authorized under this Act, and supported by Federal funds received under this Act, will comply with the standards established by the Architectural and Transportation Barriers Compliance Board under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d); and

“(H) the State will—

“(i) prepare reports to the Secretary in such form and containing such information

as the Secretary may require to carry out the Secretary's functions under this Act; and

“(ii) keep such records and allow access to such records as the Secretary may require to ensure the correctness and verification of information provided to the Secretary under this subparagraph.

“(e) USE OF FUNDS.—

“(1) REQUIRED ACTIVITIES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (6), any State that receives a grant under this section shall—

“(i) use a portion of not more than 40 percent of the funds made available through the grant to carry out all activities described in paragraph (3), of which not less than 5 percent of such portion shall be available for activities described in paragraph (3)(A)(iii); and

“(ii) use a portion of the funds made available through the grant to carry out all of the activities described in paragraph (2).

“(B) STATE OR NON-FEDERAL FINANCIAL SUPPORT.—A State receiving a grant under this section shall not be required to use grant funds to carry out the category of activities described in subparagraph (A), (B), (C), or (D) of paragraph (2) if, in that State—

“(i) financial support is provided from State or other non-Federal resources or entities for that category of activities; and

“(ii) the amount of the financial support is comparable to, or greater than, the amount of the portion of the funds made available through the grant that the State would have expended for that category of activities, in the absence of this subparagraph.

“(2) STATE-LEVEL ACTIVITIES.—

“(A) STATE FINANCING ACTIVITIES.—The State shall support State financing activities to increase access to, and funding for, assistive technology devices and assistive technology services (which shall not include direct payment for such a device or service for an individual with a disability but may include support and administration of a program to provide such payment), including development of systems to provide and pay for such devices and services, for targeted individuals and entities described in section 3(16)(A), including—

“(i) support for the development of systems for the purchase, lease, or other acquisition of, or payment for, assistive technology devices and assistive technology services;

“(ii) another mechanism that is approved by the Secretary; or

“(iii) support for the development of a State-financed or privately financed alternative financing program engaged in the provision of assistive technology devices, such as—

“(I) a low-interest loan fund;

“(II) an interest buy-down program;

“(III) a revolving loan fund; or

“(IV) a loan guarantee or insurance program.

“(B) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, repair, recycling, or other reutilization of assistive technology devices, which may include redistribution through device sales, loans, rentals, or donations.

“(C) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that provide short-term loans of assistive technology devices to individuals, employers, public agencies, or others seeking to meet the needs of targeted individuals and entities, including others seeking to comply with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C.

12101 et seq.), and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

“(D) DEVICE DEMONSTRATIONS.—

“(i) IN GENERAL.—The State shall directly, or in collaboration with public and private entities, such as one-stop partners, as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102), demonstrate a variety of assistive technology devices and assistive technology services (including assisting individuals in making informed choices regarding, and providing experiences with, the devices and services), using personnel who are familiar with such devices and services and their applications.

“(ii) COMPREHENSIVE INFORMATION.—The State shall directly, or through referrals, provide to individuals, to the extent practicable, comprehensive information about State and local assistive technology vendors, providers, and repair services.

“(3) STATE LEADERSHIP ACTIVITIES.—

“(A) TRAINING AND TECHNICAL ASSISTANCE.—

“(i) IN GENERAL.—The State shall (directly or through the provision of support to public or private entities with demonstrated expertise in collaborating with public or private agencies that serve individuals with disabilities) develop and disseminate training materials, conduct training, and provide technical assistance, for individuals from local settings statewide, including representatives of State and local educational agencies, State vocational rehabilitation programs, other State and local agencies, early intervention programs, adult service programs, hospitals and other health care facilities, institutions of higher education, and businesses.

“(ii) AUTHORIZED ACTIVITIES.—In carrying out activities under clause (i), the State shall carry out activities that enhance the knowledge, skills, and competencies of individuals from local settings described in such clause, which may include—

“(I) general awareness training on the benefits of assistive technology and the Federal, State, and private funding sources available to assist targeted individuals, especially older individuals and transition-age youth with disabilities, and entities in acquiring assistive technology;

“(II) skills-development training in assessing the need for assistive technology devices and assistive technology services;

“(III) training to ensure the appropriate application and use of assistive technology devices, assistive technology services, and accessible information and communication technology for e-government functions;

“(IV) training in the importance of multiple approaches to assessment and implementation necessary to meet the individualized needs of individuals with disabilities and older individuals; and

“(V) technical training on integrating assistive technology into the development and implementation of service plans, including any education, health, discharge, Olmstead, employment, or other plan required under Federal or State law.

“(iii) TRANSITION ASSISTANCE TO INDIVIDUALS WITH DISABILITIES.—The State shall (directly or through the provision of support to public or private entities) develop and disseminate training materials, conduct training, facilitate access to assistive technology, and provide technical assistance, to assist—

“(I) students with disabilities, within the meaning of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), that receive transition services; and

“(II) adults who are individuals with disabilities maintaining or transitioning to community living.

“(B) PUBLIC-AWARENESS ACTIVITIES.—

“(i) IN GENERAL.—The State shall conduct public-awareness activities designed to provide information to targeted individuals, including older individuals and transition-age youth with disabilities, and entities relating to the availability, benefits, appropriateness, and costs of assistive technology devices and assistive technology services, including—

“(I) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals and entities, which may include partnerships with entities in the statewide and local workforce development systems established under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.), State vocational rehabilitation programs, public and private employers, or elementary and secondary public schools;

“(II) the development and dissemination to targeted individuals, including older individuals and transition-age youth with disabilities, and entities, of information about State efforts related to assistive technology; and

“(III) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

“(ii) STATEWIDE INFORMATION AND REFERRAL SYSTEM.—

“(I) IN GENERAL.—The State shall directly, or in collaboration with public or private (such as nonprofit) entities, provide for the continuation and enhancement of a statewide information and referral system designed to meet the needs of targeted individuals and entities.

“(II) CONTENT.—The system shall deliver information on assistive technology devices, assistive technology services (with specific data regarding provider availability within the State), and the availability of resources, including funding through public and private sources, to obtain assistive technology devices and assistive technology services. The system shall also deliver information on the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living.

“(C) COORDINATION AND COLLABORATION.—The State shall coordinate activities described in paragraph (2) and this paragraph, among public and private entities that are responsible for policies, procedures, or funding for the provision of assistive technology devices and assistive technology services to individuals with disabilities, service providers, and others to improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State.

“(4) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

“(5) FUNDING RULES.—

“(A) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

“(B) FEDERAL PARTNER COLLABORATION.—In order to provide the maximum availability of funding to access and acquire assistive technology through device demonstration, loan, reuse, and State financing activities, a State receiving a grant under this section shall ensure that the lead agency or implementing entity is conducting outreach to and, as appropriate, collaborating with, other State agencies that receive Federal funding for assistive technology, including—

“(i) the State educational agency receiving assistance under the Individuals with Dis-

abilities Education Act (20 U.S.C. 1400 et seq.);

“(ii) the State vocational rehabilitation agency receiving assistance under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.);

“(iii) the agency responsible for administering the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

“(iv) the State agency receiving assistance under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); and

“(v) any other agency in a State that funds assistive technology.

“(6) STATE FLEXIBILITY.—

“(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that the State receives under a grant awarded under this section to carry out any 2 or more of the activities described in paragraph (2).

“(B) SPECIAL RULE.—Notwithstanding paragraph (1)(A), any State that exercises its authority under subparagraph (A)—

“(i) shall carry out each of the required activities described in paragraph (3); and

“(ii) shall use not more than 30 percent of the funds made available through the grant to carry out such activities.

“(7) ASSISTIVE TECHNOLOGY DEVICE DISPOSITION.—Notwithstanding other equipment disposition policy under Federal law, an assistive technology device purchased to be used in activities authorized under this section may be reutilized to the maximum extent possible and then donated to a public agency, private nonprofit agency, or individual with a disability in need of such device.

“(f) ANNUAL PROGRESS REPORTS.—

“(1) DATA COLLECTION.—Each State receiving a grant under this section shall participate in data collection as required by law, including data collection required for preparation of the reports described in paragraph (2).

“(2) REPORTS.—

“(A) IN GENERAL.—Each State shall prepare and submit to the Secretary an annual progress report on the activities carried out by the State in accordance with subsection (e), including activities funded by State or non-Federal sources under subsection (e)(1)(B) at such time, and in such manner, as the Secretary may require.

“(B) CONTENTS.—The report shall include data collected pursuant to this section. The report shall document, with respect to activities carried out under this section in the State—

“(i) the type of State financing activities described in subsection (e)(2)(A) used by the State;

“(ii) the amount and type of assistance given to consumers of the State financing activities described in subsection (e)(2)(A) (which shall be classified by type of assistive technology device or assistive technology service financed through the State financing activities, and geographic distribution within the State), including—

“(I) the number of applications for assistance received;

“(II) the number of applications—

“(aa) approved;

“(bb) denied; or

“(cc) withdrawn;

“(III) the number, percentage, and dollar amount of defaults for the financing activities;

“(IV) the range and average interest rate for the financing activities;

“(V) the range and average income of approved applicants for the financing activities; and

“(VI) the types and dollar amounts of assistive technology financed;

“(iii) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations through the device loan program described in subsection (e)(2)(C), and an analysis of the individuals with disabilities who have benefited from the device loan program;

“(iv) the number, type, estimated value, and scope of assistive technology devices exchanged, repaired, recycled, or reutilized (including redistributed through device sales, loans, rentals, or donations) through the device reutilization program described in subsection (e)(2)(B), and an analysis of the individuals with disabilities that have benefited from the device reutilization program;

“(v) the number and type of device demonstrations and referrals provided under subsection (e)(2)(D), and an analysis of individuals with disabilities who have benefited from the demonstrations and referrals;

“(vi) (I) the number and general characteristics of individuals who participated in training under subsection (e)(3)(A) (such as individuals with disabilities, parents, educators, employers, providers of employment services, health care workers, counselors, other service providers, or vendors) and the topics of such training; and

“(II) to the extent practicable, the geographic distribution of individuals who participated in the training;

“(vii) the frequency of provision and nature of technical assistance provided to State and local agencies and other entities;

“(viii) the number of individuals assisted through the statewide information and referral system described in subsection (e)(3)(B)(ii) and descriptions of the public awareness activities under subsection (e)(3)(B) with high impact;

“(ix) the outcomes of any improvement initiatives carried out by the State as a result of activities funded under this section, including a description of any written policies, practices, and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices, and assistive technology services, in the contexts of education, health care, employment, community living, and accessible information and communication technology, including e-government;

“(x) the source of leveraged funding or other contributed resources, including resources provided through subcontracts or other collaborative resource-sharing agreements, from and with public and private entities to carry out State activities described in subsection (e)(3)(C), the number of individuals served with the contributed resources for which information is not reported under clauses (i) through (ix) or clause (xi), and other outcomes accomplished as a result of such activities carried out with the contributed resources; and

“(xi) the level of customer satisfaction with the services provided.

“SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERVICES RELATED TO ASSISTIVE TECHNOLOGY.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary shall make grants under subsection (b) to protection and advocacy systems in each State for the purpose of enabling such systems to assist in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services for individuals with disabilities.

“(2) GENERAL AUTHORITIES.—In providing such assistance, protection and advocacy systems shall have the same general authorities as the systems are afforded under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of

2000 (42 U.S.C. 15041 et seq.), as determined by the Secretary.

“(b) RESERVATION; DISTRIBUTION.—

“(1) RESERVATION.—For each fiscal year, the Secretary shall reserve, from the amounts made available to carry out this section under section 9(b)(2)(B), such sums as may be necessary to carry out paragraph (4).

“(2) POPULATION BASIS.—From the funds appropriated for this section for a fiscal year and remaining after the reservation required by paragraph (1) has been made, the Secretary shall make a grant to a protection and advocacy system within each State in an amount bearing the same ratio to the remaining funds as the population of the State bears to the population of all States.

“(3) MINIMUMS.—Subject to the availability of appropriations and paragraph (5), the amount of a grant to a protection and advocacy system under paragraph (2) for a fiscal year shall—

“(A) in the case of a protection and advocacy system located in American Samoa, Guam, the United States Virgin Islands, or the Commonwealth of the Northern Mariana Islands, not be less than \$30,000; and

“(B) in the case of a protection and advocacy system located in a State not described in subparagraph (A), not be less than \$50,000.

“(4) PAYMENT TO THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM.—

“(A) IN GENERAL.—The Secretary shall make grants to the protection and advocacy system serving the American Indian Consortium to provide services in accordance with this section.

“(B) AMOUNT OF GRANTS.—The amount of such grants shall be the same as the amount provided under paragraph (3)(A).

“(5) ADJUSTMENTS.—For each fiscal year in which the total amount appropriated under section 9(b)(2)(B) to carry out this section is \$8,000,000 or more and such appropriated amount exceeds the total amount appropriated to carry out this section in the preceding fiscal year, the Secretary shall increase each of the minimum grant amounts described in subparagraphs (A) and (B) of paragraph (3) by a percentage equal to the percentage increase in the total amount appropriated under section 9 to carry out this section for the preceding fiscal year and such total amount for the fiscal year for which the determination is being made.

“(c) DIRECT PAYMENT.—Notwithstanding any other provision of law, the Secretary shall pay directly to any protection and advocacy system that complies with this section, the total amount of the grant made for such system under this section, unless the system provides otherwise for payment of the grant amount.

“(d) CARRYOVER; PROGRAM INCOME.—

“(1) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year.

“(2) PROGRAM INCOME.—Program income generated from any amount paid to an eligible system for a fiscal year shall—

“(A) remain available to the eligible system until expended and be considered an addition to the grant; and

“(B) only be used to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

“(e) REPORT TO SECRETARY.—An entity that receives a grant under this section shall annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including

documentation of the progress of the entity in—

“(1) conducting consumer-responsive activities, including activities that will lead to increased access for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

“(2) engaging in informal advocacy to assist in securing assistive technology devices and assistive technology services for individuals with disabilities;

“(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology devices and assistive technology services for individuals with disabilities;

“(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

“(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

“(6) effectively allocating funds made available under this section to improve the awareness of individuals with disabilities about the accessibility of assistive technology and assist such individuals in the acquisition, utilization, or maintenance of assistive technology devices or assistive technology services.

“(f) REPORTS AND UPDATES TO STATE AGENCIES.—An entity that receives a grant under this section shall prepare and submit to the lead agency of the State designated under section 4(c)(1) the report described in subsection (e) and quarterly updates concerning the activities described in such subsection.

“(g) COORDINATION.—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State with respect to efforts at coordination of activities, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT.

“(a) DEFINITIONS.—In this section:

“(1) QUALIFIED DATA COLLECTION AND REPORTING ENTITY.—The term ‘qualified data collection and reporting entity’ means an entity with demonstrated expertise in data collection and reporting as described in section 4(f)(2)(B), in order to—

“(A) provide recipients of grants under this Act with training and technical assistance; and

“(B) assist such recipients with data collection and data requirements.

“(2) QUALIFIED PROTECTION AND ADVOCACY SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The term ‘qualified protection and advocacy system technical assistance provider’ means an entity that has experience in—

“(A) working with protection and advocacy systems established in accordance with section 143 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15043); and

“(B) providing technical assistance to protection and advocacy agencies.

“(3) QUALIFIED TRAINING AND TECHNICAL ASSISTANCE PROVIDER.—The term ‘qualified training and technical assistance provider’ means an entity with demonstrated expertise in assistive technology and that has (directly or through grant or contract)—

“(A) experience and expertise in administering programs, including developing, implementing, and administering all of the activities described in section 4(e); and

“(B) documented experience in and knowledge about—

“(i) assistive technology device loan and demonstration;

“(ii) assistive technology device reuse;

“(iii) financial loans and microlending, including the activities of alternative financing programs for assistive technology; and

“(iv) State leadership activities.

“(b) TECHNICAL ASSISTANCE AND DATA COLLECTION SUPPORT AUTHORIZED.—

“(1) SUPPORT FOR ASSISTIVE TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

“(A) 1 grant, contract, or cooperative agreement to a qualified training and technical assistance provider to support activities described in subsection (d)(1) for States receiving grants under section 4; and

“(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider to support activities described in subsection (d)(1) for protection and advocacy systems receiving grants under section 5.

“(2) SUPPORT FOR DATA COLLECTION AND REPORTING ASSISTANCE.—From amounts made available under section 9(b)(1), the Secretary shall award, on a competitive basis—

“(A) 1 grant, contract, or cooperative agreement to a qualified data collection and reporting entity, to enable the qualified data collection and reporting entity to carry out the activities described in subsection (d)(2) for States receiving grants under section 4; and

“(B) 1 grant, contract, or cooperative agreement to a qualified protection and advocacy system technical assistance provider, to enable the eligible protection and advocacy system to carry out the activities described in subsection (d)(2) for protection and advocacy systems receiving grants under section 5.

“(c) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(2) INPUT.—In awarding grants, contracts, or cooperative agreements under this section and in reviewing the activities proposed under the applications described in paragraph (1), the Secretary shall consider the input of the recipients of grants under sections 4 and 5 and other individuals the Secretary determines to be appropriate, especially—

“(A) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

“(B) family members, guardians, advocates, and authorized representatives of such individuals;

“(C) relevant employees from Federal departments and agencies, other than the Department of Health and Human Services;

“(D) representatives of businesses; and

“(E) vendors and public and private researchers and developers.

“(d) AUTHORIZED ACTIVITIES.—

“(1) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY TRAINING AND TECHNICAL ASSISTANCE.—

“(A) TRAINING AND TECHNICAL ASSISTANCE EFFORTS.—A qualified training and technical assistance provider or qualified protection and advocacy system technical assistance

provider receiving a grant, contract, or cooperative agreement under subsection (b)(1) shall support a training and technical assistance program for States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, that—

“(i) addresses State-specific information requests concerning assistive technology from entities funded under this Act and public entities not funded under this Act, including—

“(I) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

“(II) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

“(III) requests for information on effective approaches to developing, implementing, evaluating, and sustaining activities described in section 4 or 5, as the case may be, and related to improving acquisition and access to assistive technology devices and assistive technology services for individuals with disabilities of all ages, and requests for assistance in developing corrective action plans;

“(IV) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to and acquisition of assistive technology devices and assistive technology services for individuals with disabilities;

“(V) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services; and

“(VI) other requests for training and technical assistance from entities funded under this Act;

“(ii) in the case of a program that will serve States receiving grants under section 4—

“(I) assists targeted individuals and entities by disseminating information and responding to requests relating to assistive technology by providing referrals to recipients of grants under section 4 or other public or private resources; and

“(II) provides State-specific, regional, and national training and technical assistance concerning assistive technology to entities funded under this Act, other entities funded under this Act, and public and private entities not funded under this Act, including—

“(aa) annually providing a forum for exchanging information concerning, and promoting program and policy improvements in, required activities of the State assistive technology programs;

“(bb) facilitating onsite and electronic information sharing using state-of-the-art Internet technologies such as real-time online discussions, multipoint video conferencing, and web-based audio or video broadcasts, on emerging topics that affect State assistive technology programs;

“(cc) convening experts from State assistive technology programs to discuss and make recommendations with regard to national emerging issues of importance to individuals with assistive technology needs;

“(dd) sharing best practice and evidence-based practices among State assistive technology programs;

“(ee) maintaining an accessible website that includes links to State assistive technology programs, appropriate Federal de-

partments and agencies, and private associations;

“(ff) developing a resource that connects individuals from a State with the State assistive technology program in their State;

“(gg) providing access to experts in the areas of assistive technology device loan and demonstration, assistive technology device reuse, State financing, banking, micro-lending, and finance, for entities funded under this Act, through site visits, teleconferences, and other means, to ensure access to information for entities that are carrying out new programs or programs that are not making progress in achieving the objectives of the programs; and

“(hh) supporting and coordinating activities designed to reduce the financial costs of purchasing assistive technology for the activities described in section 4(e), and reducing duplication of activities among State assistive technology programs; and

“(iii) includes such other activities as the Secretary may require.

“(B) COLLABORATION.—In developing and providing training and technical assistance under this paragraph, a qualified training and technical assistance provider or qualified protection and advocacy system technical assistance provider shall—

“(i) collaborate with—

“(I) organizations representing individuals with disabilities;

“(II) national organizations representing State assistive technology programs;

“(III) organizations representing State officials and agencies engaged in the delivery of assistive technology;

“(IV) other qualified data collection and reporting entities and technical assistance providers;

“(V) providers of State financing activities, including alternative financing programs for assistive technology;

“(VI) providers of device loans, device demonstrations, and device reutilization; and

“(VII) any other organizations determined appropriate by the provider or the Secretary; and

“(ii) in the case of a qualified training and technical assistance provider, include activities identified as priorities by State advisory councils and lead agencies and implementing entities for grants under section 4.

“(2) USE OF FUNDS FOR ASSISTIVE TECHNOLOGY DATA COLLECTION AND REPORTING ASSISTANCE.—A qualified data collection and reporting entity or a qualified protection and advocacy system technical assistance provider receiving a grant, contract, or cooperative agreement under subsection (b)(2) shall assist States or protection and advocacy systems receiving a grant under section 4 or 5, respectively, to develop and implement effective and accessible data collection and reporting systems that—

“(A) focus on quantitative and qualitative data elements;

“(B) help measure the accrued benefits of the activities to individuals who need assistive technology; and

“(C) in the case of systems that will serve States receiving grants under section 4—

“(i) measure the outcomes of all activities described in section 4(e) and the progress of the States toward achieving the measurable goals described in section 4(d)(3)(C); and

“(ii) provide States with the necessary information required under this Act or by the Secretary for reports described in section 4(f)(2).

“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.

“(a) DEFINITION OF PROJECT OF NATIONAL SIGNIFICANCE.—In this section, the term ‘project of national significance’—

“(1) means a project that—

“(A) increases access to, and acquisition of, assistive technology; and

“(B) creates opportunities for individuals with disabilities to directly and fully contribute to, and participate in, all facets of education, employment, community living, and recreational activities; and

“(2) may—

“(A) develop and expand partnerships between State Medicaid agencies and recipients of grants under section 4 to reutilize durable medical equipment;

“(B) increase collaboration between the recipients of grants under section 4 and States receiving grants under the Money Follows the Person Rebalancing Demonstration under section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note);

“(C) increase collaboration between recipients of grants under section 4 and area agencies on aging, as such term is defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002), which may include collaboration on emergency preparedness, safety equipment, or assistive technology toolkits;

“(D) provide aid to assist youth with disabilities (including youth with intellectual and developmental disabilities) to transition from school to adult life, especially in—

“(i) finding employment and postsecondary education opportunities; and

“(ii) upgrading and changing any assistive technology devices that may be needed as a youth matures;

“(E) increase access to and acquisition of assistive technology addressing the needs of aging individuals and aging caregivers in the community;

“(F) increase effective and efficient use of assistive technology as part of early intervention for infants and toddlers with disabilities from birth to age 3;

“(G) increase awareness of and access to the Disability Funds-Financial Assistance funding provided by the Community Development Financial Institutions Fund that supports acquisition of assistive technology; and

“(H) increase awareness of and access to other federally funded disability programs or increase knowledge of assistive technology, as determined appropriate by the Secretary.

“(b) PROJECTS AUTHORIZED.—If funds are available pursuant to section 9(c) to carry out this section for a fiscal year, the Secretary may award, on a competitive basis, grants, contracts, and cooperative agreements to public or private nonprofit entities to enable the entities to carry out projects of national significance.

“(c) APPLICATION.—A public or private nonprofit entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

“(d) AWARD BASIS.—

“(1) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to a public or private nonprofit entity funded under section 4 or 5 for the most recent award period.

“(2) PREFERENCE.—For each grant award period, the Secretary may give preference for 1 or more categories of projects of national significance described in subparagraphs (A) through (H) of subsection (a)(2) or another category identified by the Secretary, if the Secretary determines that there is a reason to prioritize that category of project.

“(e) MINIMUM FUNDING LEVEL REQUIRED.—The Secretary may only award grants, contracts, or cooperative agreements under this section if the amount made available under section 9 to carry out sections 4, 5, and 6 is equal to or greater than \$49,000,000.

“SEC. 8. ADMINISTRATIVE PROVISIONS.

“(a) GENERAL ADMINISTRATION.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Administration for Community Living shall be responsible for the administration of this Act.

“(2) COLLABORATION.—The Administrator of the Administration for Community Living shall consult with the Office of Special Education Programs of the Department of Education, the Rehabilitation Services Administration of the Department of Education, the Office of Disability Employment Policy of the Department of Labor, the National Institute on Disability, Independent Living, and Rehabilitation Research, and other appropriate Federal entities in the administration of this Act.

“(3) ADMINISTRATION.—

“(A) IN GENERAL.—In administering this Act, the Administrator of the Administration for Community Living shall ensure that programs funded under this Act will address—

“(i) the needs of individuals with all types of disabilities and across the lifespan; and

“(ii) the use of assistive technology in all potential environments, including employment, education, and community living, or for other reasons.

“(B) FUNDING LIMITATIONS.—For each fiscal year, not more than $\frac{1}{2}$ of 1 percent of the total funding appropriated for this Act shall be used by the Administrator of the Administration for Community Living to support the administration of this Act.

“(b) REVIEW OF PARTICIPATING ENTITIES.—

“(1) IN GENERAL.—The Secretary shall assess the extent to which entities that receive grants under this Act are complying with the applicable requirements of this Act and achieving measurable goals that are consistent with the requirements of the grant programs under which the entities received the grants.

“(2) PROVISION OF INFORMATION.—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

“(c) CORRECTIVE ACTION AND SANCTIONS.—

“(1) CORRECTIVE ACTION.—If the Secretary determines that an entity that receives a grant under this Act fails to substantially comply with the applicable requirements of this Act, or to make substantial progress toward achieving the measurable goals described in subsection (b)(1) with respect to the grant program, the Secretary shall assist the entity, through technical assistance funded under section 6 or other means, within 90 days after such determination, to develop a corrective action plan.

“(2) SANCTIONS.—If the entity fails to develop and comply with a corrective action plan described in paragraph (1) during a fiscal year, the entity shall be subject to 1 of the following corrective actions selected by the Secretary:

“(A) Partial or complete termination of funding under the grant program, until the entity develops and complies with such a plan.

“(B) Ineligibility to participate in the grant program in the following year.

“(C) Reduction in the amount of funding that may be used for indirect costs under section 4 for the following year.

“(D) Required redesignation of the lead agency designated under section 4(c)(1) or an entity responsible for administering the grant program.

“(3) APPEALS PROCEDURES.—The Secretary shall establish appeals procedures for entities that are determined to be in noncompliance with the applicable requirements of this Act, or have not made substantial

progress toward achieving the measurable goals described in subsection (b)(1).

“(4) SECRETARIAL ACTION.—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(5) PUBLIC NOTIFICATION.—The Secretary shall notify the public, by posting on the internet website of the Department of Health and Human Services, of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(d) ANNUAL REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives, a report on the activities funded under this Act to improve the access of assistive technology devices and assistive technology services to individuals with disabilities.

“(2) CONTENTS.—Such report shall include—

“(A) a compilation and summary of the information provided by the States in annual progress reports submitted under section 4(f); and

“(B) a summary of the State applications described in section 4(d) and an analysis of the progress of the States in meeting the measurable goals established in State applications under section 4(d)(3)(C).

“(e) CONSTRUCTION.—Nothing in this section shall be construed to affect the enforcement authority of the Secretary, another Federal officer, or a court under part D of the General Education Provisions Act (20 U.S.C. 1234 et seq.) or other applicable law.

“(f) EFFECT ON OTHER ASSISTANCE.—This Act may not be construed as authorizing a Federal or State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS AND DISTRIBUTION OF FUNDS.

“(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

“(1) \$60,000,000 for fiscal year 2023; and

“(2) such sums as may be necessary for each of fiscal years 2024 through 2027.

“(b) RESERVATIONS AND DISTRIBUTION OF FUNDS.—Of the funds made available under subsection (a) to carry out this Act and subject to subsection (c), the Secretary shall—

“(1) reserve an amount equal to 3 percent of such available funds to carry out section 6(b)(1) and section 6(b)(2); and

“(2) of the amounts remaining after the reservation under paragraph (1)—

“(A) use 85.5 percent of such amounts to carry out section 4; and

“(B) use 14.5 percent of such amounts to carry out section 5.

“(c) LIMIT FOR PROJECTS OF NATIONAL SIGNIFICANCE.—In any fiscal year for which the amount made available under subsection (a) exceeds \$49,000,000 the Secretary may reserve an amount, which shall not exceed the lesser of the excess amount made available or \$2,000,000, for section 7 before carrying out subsection (b).”.

SEC. 03. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the day that is 6 months after the date of enactment of this Act.

SA 5839. Ms. STABENOW submitted an amendment intended to be proposed

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

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

SEC. 1064. STUDY ON FEASIBILITY OF GATHERING DEMOGRAPHIC INFORMATION ON MIDDLE EASTERN AND NORTH AFRICAN (MENA) PERSONNEL.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Personnel and Readiness shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report including the findings of a study on the feasibility of gathering more demographic information on Middle Eastern and North African (MENA) members of the Armed Forces and Department of Defense civilian employees.

(b) ELEMENTS.—The study required under subsection (a) shall cover the following topics:

(1) How non-MENA White and MENA members of the Armed Forces and Department of Defense civilian employees perceive the racial status of MENA traits, and how MENA members of the Armed Forces and Department of Defense civilian employees identify themselves (self-identification).

(2) Whether, if given the option, MENA individuals self-identify as MENA or as MENA and White, including by disaggregating the data by first-generation, second-generation, and later generation individuals, and by Muslim population.

(3) Whether inclusion of MENA as a standalone racial category would allow the Armed Forces to gather data more accurately on MENA members of the Armed Forces and Department of Defense civilian employees.

SA 5840. 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. ____ . ADDITIONAL AMOUNT FOR F-35 C2D2.

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

(1) the F-35 Joint Strike Fighter Program Office is investigating the expanded use of commercial digital microelectronics engineering practices to enable affordably sustainable and agilely modernizable systems;

(2) the effort of the recent Joint Strike Fighter Digital Microelectronics Engineering pilot project which showed a significant reduction in risk to flight test while providing 100 percent coverage and requirements traceability within the verification test plan is to be commended;

(3) the move from manual data collection and analysis to 21st century commercial, advanced verification methodologies is long overdue; and

(4) the Joint Strike Fighter Program Office and the Service Joint Strike Fighter Transition Program Offices should apply commercial digital microelectronics engineering best practices, to be executed exclusively by companies accredited by the Department of Defense as trusted suppliers, to all future Joint Strike Fighter acquisition, sustainment, modernization, and diminishing manufacturing sources and materials shortages (DMSMS) efforts to achieve improved life-cycle-costs and capability delivery.

(b) **ADDITIONAL AMOUNT.**—The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by \$20,000,000, with the amount of the increase to be available for F-35 C2D2 (PE 0604840F).

SA 5841. Mr. GRAHAM (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. CONDEMNATION OF RUSSIA'S ATTEMPTS TO CLAIM SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) **FINDINGS.**—Congress finds the following:

(1) The Russian Federation violated the sovereignty of Ukraine beginning with the illegal annexation of Crimea and its invasion into eastern Ukraine.

(2) Beginning in February 2022, the Russian Federation sought to further violate Ukraine's sovereignty by launching unprovoked military action against Ukraine.

(3) On September 22, 2022, the North Atlantic Treaty Organization condemned the then upcoming referendum stating that the “[s]ham referenda in the Donetsk, Luhansk, Zaporizhzhia, and Kherson regions of Ukraine have no legitimacy and will be a blatant violation of the UN Charter. NATO Allies will not recognize their illegal and illegitimate annexation. These lands are Ukraine. We call on all states to reject Russia's blatant attempts at territorial conquest”.

(4) On September 23, 2022, President Joseph R. Biden stated, “The United States will never recognize Ukrainian territory as anything other than part of Ukraine.”.

(5) Beginning on September 23, 2022, Russia conducted sham referenda in 4 Ukrainian regions (Donetsk, Luhansk, Kherson, and Zaporizhzhia) in an attempt to validate Moscow's illegal annexation of the territory.

(6) Published reports indicate that—

(A) Ukrainians have been forced to vote in the sham referenda “under a gun barrel”; and

(B) Russian officials have visited schools, hospitals, and other workplaces to force Ukrainians to vote in favor of annexation.

(7) The Kremlin has stated that once the sham referenda are concluded, the process of absorbing the annexed areas into Russia will be completed “promptly”.

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

(1) the United States should refuse to recognize any claim of sovereignty by the Russian Federation over any portion of Ukraine;

(2) the recent sham referenda beginning on September 23, 2022, directed by the Government of the Russian Federation, violates international law; and

(3) President Biden should restrict all economic and military aid and assistance to any nation that recognizes Russian sovereignty over any portion of Ukraine.

SA 5842. 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 IX, add the following:

SEC. 906. ESTABLISHMENT OF OFFICE OF STRATEGIC CAPITAL.

(a) **IN GENERAL.**—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 148. Office of Strategic Capital

“(a) **ESTABLISHMENT.**—There is in the Office of the Secretary of Defense an office to be known as the Office of Strategic Capital (in this section referred to as the ‘Office’).

“(b) **DIRECTOR.**—The Office shall be headed by a Director (in this section referred to as the ‘Director’), who shall be appointed by the Secretary of Defense from among employees of the Department of Defense in Senior Executive Service positions (as defined in section 3132 of title 5).

“(c) **DUTIES.**—The Office shall—

“(1) identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, alteration, improvement, or repair of tangible and intangible assets vital to national security;

“(2) protect vital tangible and intangible assets from theft, acquisition, and transfer by the People's Republic of China, the Russian Federation, and other countries that are adversaries of the United States; and

“(3) provide capital assistance to eligible entities engaged in eligible investments.

“(d) **APPLICATIONS.**—

“(1) **IN GENERAL.**—An eligible entity seeking capital assistance for an eligible investment shall submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

“(2) **PRELIMINARY RATING OPINION LETTER.**—

“(A) **IN GENERAL.**—Except as provided by subparagraph (B), an application submitted under paragraph (1) seeking capital assistance for an eligible investment shall include a preliminary rating opinion letter from at least one rating agency indicating that the senior obligations of the investment have the potential to achieve an investment-grade rating.

“(B) **EXCEPTIONS.**—The Director may waive the requirement under subparagraph (A) with respect to an investment if it is not possible to obtain a preliminary rating opinion letter with respect to the investment.

“(e) **SELECTION OF INVESTMENTS.**—The Director shall establish criteria for selecting

among eligible investments for which applications are submitted under subsection (d). Such criteria shall include—

“(1) the extent to which an investment is significant to the national security of the United States;

“(2) the creditworthiness of an investment; and

“(3) the likelihood that capital assistance provided for an investment would enable the investment to proceed sooner than the investment would otherwise be able to proceed.

“(f) **CAPITAL ASSISTANCE.**—

“(1) **LOANS AND LOAN GUARANTEES.**—

“(A) **IN GENERAL.**—The Office may provide loans or loan guarantees to finance or refinance the costs of an eligible investment selected pursuant to subsection (e).

“(B) **INVESTMENT-GRADE RATING REQUIRED.**—

“(i) **IN GENERAL.**—Except as provided by clause (ii), a loan or loan guarantee may be provided under subparagraph (A) only with respect to an investment that receives an investment-grade rating from a rating agency.

“(ii) **EXCEPTION.**—The Director may waive the requirement under clause (i) with respect to an investment if—

“(I) it is not possible to obtain a preliminary rating opinion letter with respect to the investment; and

“(II) the investment is determined by the Secretary of Defense to be vital to the national security of the United States.

“(C) **SECURITY.**—A loan provided under subparagraph (A) is required—

“(i) to be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources; and

“(ii) to include a rate covenant, coverage requirement, or similar security feature supporting investment obligations.

“(D) **ADMINISTRATION OF LOANS.**—

“(i) **INTEREST RATE.**—

“(I) **IN GENERAL.**—Except as provided by subclause (II), the interest rate on a loan provided under subparagraph (A) shall be not less than the yield on marketable United States Treasury securities of a similar maturity to the maturity of the loan on the date of execution of the loan agreement.

“(II) **EXCEPTION.**—The Director may waive the requirement under subclause (I) with respect to an investment if the investment is determined by the Secretary of Defense to be vital to the national security of the United States.

“(ii) **FINAL MATURITY DATE.**—The final maturity date of a loan provided under subparagraph (A) shall be not later than 35 years after the date of substantial completion of the investment for which the loan was provided.

“(iii) **PREPAYMENT.**—A loan provided under subparagraph (A) may be paid earlier than is provided for under the loan agreement without a penalty.

“(iv) **CAPITAL RESERVE SUBSIDY AMOUNT.**—The Director of the Office of Management and Budget and the rating agencies shall determine the appropriate capital reserve subsidy amount for each loan provided under subparagraph (A).

“(v) **NONSUBORDINATION.**—A loan provided under subparagraph (A) shall not be subordinated to the claims of any holder of investment obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(vi) **SALE OF LOANS.**—After substantial completion of an investment for which a loan is provided under subparagraph (A) and after notifying the obligor, the Director may sell to another entity or reoffer into the capital markets a loan for the investment if the Director determines that the sale or reoffering can be made on favorable terms.

“(vii) LOAN GUARANTEES.—If the Director determines that the holder of a loan guaranteed by the Office defaults on the loan, the Director shall pay the holder as specified in the loan guarantee agreement.

“(viii) TERMS AND CONDITIONS.—Loans and loan guarantees provided under subparagraph (A) shall be subject to such other terms and conditions and contain such other covenants, representations, warranties, and requirements (including requirements for audits) as the Director determines appropriate.

“(ix) APPLICABILITY OF FEDERAL CREDIT REFORM ACT OF 1990.—Loans and loan guarantees provided under subparagraph (A) shall be subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(2) EQUITY INVESTMENTS.—

“(A) IN GENERAL.—The Director may, as a minority investor, support an eligible investment selected pursuant to subsection (e) with funds or use other mechanisms for the purpose of purchasing, and may make and fund commitments to purchase, invest in, make pledges in respect of, or otherwise acquire, equity or quasi-equity securities or shares or financial interests of the eligible entity receiving support for the eligible investment, including as a limited partner or other investor in investment funds, upon such terms and conditions as the Director may determine.

“(B) SALES AND LIQUIDATION OF POSITION.—The Office shall seek to sell and liquidate any support for an investment provided under subparagraph (A) as soon as commercially feasible, commensurate with other similar investors in the investment and taking into consideration the national security interests of the United States.

“(3) INSURANCE AND REINSURANCE.—The Director may issue insurance or reinsurance, upon such terms and conditions as the Director may determine, to an eligible entity for an eligible investment selected pursuant to subsection (e) assuring protection of the investments of the entity in whole or in part against any or all political risks such as currency inconvertibility and transfer restrictions, expropriation, war, terrorism, civil disturbance, breach of contract, or nonhonoring of financial obligations.

“(4) TECHNICAL ASSISTANCE.—The Director shall provide technical assistance with respect to developing and financing investments to eligible entities seeking capital assistance for eligible investments and eligible entities receiving capital assistance under this subsection.

“(5) TERMS AND CONDITIONS.—

“(A) FEES.—The Director may charge fees for the provision of capital assistance under this subsection to cover the costs to the Office of providing such assistance.

“(B) AMOUNT OF CAPITAL ASSISTANCE.—The Director shall provide to an eligible investment selected pursuant to subsection (e) the minimum amount of assistance necessary to carry out the investment.

“(C) USE OF UNITED STATES DOLLAR.—All financial transactions conducted under this subsection shall be conducted in United States dollars, unless the Director approves of the use of another currency.

“(g) CORPORATE FUNDS.—

“(1) CORPORATE CAPITAL ACCOUNT.—There is established in the Treasury of the United States a fund to be known as the ‘Office of Strategic Capital Capital Account’ (in this subsection referred to as the ‘Capital Account’) to carry out the purposes of the Office.

“(2) FUNDING.—The Capital Account shall consist of—

“(A) fees charged and collected pursuant to paragraph (3);

“(B) any amounts received pursuant to paragraph (6);

“(C) investments and returns on such investments pursuant to paragraph (7);

“(D) amounts appropriated pursuant to the authorization of appropriations under paragraph (8);

“(E) payments received in connection with settlements of all insurance and reinsurance claims of the Office; and

“(F) all other collections transferred to or earned by the Office, excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties.

“(3) FEE AUTHORITY.—Fees may be charged and collected for providing capital assistance in amounts to be determined by the Director. The Director shall establish the amount of such fees at an amount sufficient to cover all or a portion of the costs to the Office of providing capital assistance.

“(4) USE OF FUNDS.—

“(A) IN GENERAL.—Subject to appropriations Acts, the Director is authorized to pay, from amounts in the Capital Account—

“(i) the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties and other capital assistance; and

“(ii) administrative expenses of the Office.

“(B) INCOME AND REVENUE.—In order to carry out the purposes of the Office, all collections transferred to or earned by the Office (excluding the cost, as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a), of loans and loan guaranties) shall be deposited into the Capital Account and shall be available to carry out its purpose, including—

“(i) payment of all insurance and reinsurance claims of the Office;

“(ii) repayments to the Treasury of amounts borrowed under paragraph (5); and

“(iii) dividend payments to the Treasury under paragraph (6).

“(5) FULL FAITH AND CREDIT.—

“(A) IN GENERAL.—All capital assistance provided by the Office shall constitute obligations of the United States, and the full faith and credit of the United States is hereby pledged for the full payment and performance of such obligations.

“(B) AUTHORITY TO BORROW.—The Director is authorized to borrow from the Treasury such sums as may be necessary to fulfill such obligations of the United States and any such borrowing shall be at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yields on outstanding marketable obligations of the United States of comparable maturities, for a period jointly determined by the Director and the Secretary of Defense, and subject to such terms and conditions as the Secretary may require.

“(6) DIVIDENDS.—The Director, in consultation with the Director of the Office of Management and Budget, shall annually assess a dividend payment to the Treasury if the Office’s insurance portfolio is more than 100 percent reserved.

“(7) INVESTMENT AUTHORITY.—

“(A) IN GENERAL.—The Director may request the Secretary of the Treasury to invest such portion of the Capital Account as is not, in the Director’s judgment, required to meet the current needs of the Capital Account.

“(B) FORM OF INVESTMENTS.—Investments described in subparagraph (A) shall be made by the Secretary of the Treasury in public debt obligations, with maturities suitable to the needs of the Capital Account, as determined by the Director, and bearing interest at rates determined by the Secretary, taking into consideration current market yields on

outstanding marketable obligations of the United States of comparable maturities.

“(8) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—There are authorized to be appropriated to the Capital Account—

“(i) for fiscal year 2023, \$20,000,000;

“(ii) for fiscal year 2024, \$30,000,000;

“(iii) for fiscal year 2025, \$40,000,000; and

“(iv) for fiscal year 2026 and each fiscal year thereafter, \$50,000,000.

“(B) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to the authorization of appropriations under subparagraph (A) shall remain available until expended.

“(9) COLLECTIONS SUBJECT TO APPROPRIATIONS ACTS.—Interest earnings made pursuant to paragraph (6), earnings collected related to equity investments, and other amounts (excluding fees related to insurance or reinsurance) collected, may not be collected for any fiscal year except to the extent provided in advance in appropriations Acts.

“(h) REGULATIONS.—The Secretary of Defense shall prescribe such regulations as are necessary to carry out this section.

“(i) ANNUAL REPORT.—Not later than December 31 of each year, the Secretary of Defense shall submit to the congressional defense committees an annual report describing the activities of the Office in the preceding fiscal year and the goals of the Office for the next fiscal year.

“(j) DEFINITIONS.—In this section:

“(1) CAPITAL ASSISTANCE.—The term ‘capital assistance’ means loans, loan guaranties, equity investments, insurance and reinsurance, or technical assistance provided under subsection (f).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) an individual;

“(B) a corporation;

“(C) a partnership, including a public-private partnership;

“(D) a joint venture;

“(E) a trust;

“(F) a State, including a political subdivision or any other instrumentality of a State;

“(G) a Tribal government or consortium of Tribal governments;

“(H) any other governmental entity or public agency in the United States, including a special purpose district or public authority, including a port authority; or

“(I) a multi-State or multi-jurisdictional group of public entities.

“(3) ELIGIBLE INVESTMENT.—The term ‘eligible investment’ means an investment that facilitates the efforts of the Office—

“(A) to identify, accelerate, and sustain the establishment, research, development, construction, procurement, leasing, consolidation, alteration, improvement, or repair of tangible and intangible assets vital to national security; or

“(B) to protect vital tangible and intangible assets from theft, acquisition, and transfer by the People’s Republic of China, the Russian Federation, and other countries that are adversaries of the United States.

“(4) INVESTMENT-GRADE RATING.—The term ‘investment-grade rating’ means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to investment obligations.

“(5) OBLIGOR.—The term ‘obligor’ means a party that is primarily liable for payment of the principal of or interest on a loan.

“(6) RATING AGENCY.—The term ‘rating agency’ means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

“(7) **SUBSIDY AMOUNT.**—The term ‘subsidy amount’ means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a loan—

“(A) calculated on a net present value basis; and

“(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by adding at the end the following new item:

“148. Office of Strategic Capital.”.

SA 5843. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. PASSPORT AGENCY LOCATION STUDY AND REPORT.

(a) **STUDY.**—The Secretary of State, in consultation with key government officials, to the extent necessary, shall conduct a study to determine the feasibility of establishing a new physical passport agency to facilitate and process in-person passport appointments in South Carolina.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that contains—

(1) the comprehensive results and conclusions of the study conducted pursuant to subsection (a);

(2) a recommendation regarding whether a physical passport agency should be established in South Carolina;

(3) if the Secretary recommends establishing a physical passport agency in South Carolina—

(A) a detailed plan for such agency;

(B) the costs associated with establishing such agency; and

(C) a timeline outlining the process for establishing such agency, including the estimated date when such agency could become fully operational; and

(4) if the Secretary recommends not establishing a physical passport agency in South Carolina—

(A) a detailed explanation of the factors behind such determination;

(B) a detailed plan addressing how in-person passport appointment backlogs will be prevented; and

(C) an estimate of the number of United States citizens who will be unable to have their passport processed before their scheduled overseas trip due to the failure to establish a physical passport agency in South Carolina.

SA 5844. Mr. GRAHAM (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and

intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1550. IRAN NUCLEAR WEAPONS CAPABILITY MONITORING ACT OF 2022.

(a) **SHORT TITLE.**—This section may be cited as the “Iran Nuclear Weapons Capability Monitoring Act of 2022”.

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

(1) In the late 1980s, the Islamic Republic of Iran established the AMAD Project with the intent to manufacture 5 nuclear weapons and prepare an underground nuclear test site.

(2) Since at least 2002, the Islamic Republic of Iran has advanced its nuclear and ballistic missile programs, posing serious threats to the security interests of the United States, Israel, and other allies and partners.

(3) In 2002, nuclear facilities in Natanz and Arak, Iran, were revealed to the public by the National Council of Resistance of Iran.

(4) On April 11, 2006, the Islamic Republic of Iran announced that it had enriched uranium for the first time to a level close to 3.5 percent at the Natanz Pilot Fuel Enrichment Plant, Natanz, Iran.

(5) On December 23, 2006, the United Nations Security Council adopted Resolution 1737 (2006), which imposed sanctions with respect to the Islamic Republic of Iran for its failure to suspend enrichment activities.

(6) The United Nations Security Council subsequently adopted Resolutions 1747 (2007), 1803 (2008), and 1929 (2010), all of which targeted the nuclear program of and imposed additional sanctions with respect to the Islamic Republic of Iran.

(7) On February 3, 2009, the Islamic Republic of Iran announced that it had launched its first satellite, which raised concern over the applicability of the satellite to the ballistic missile program.

(8) In September 2009, the United States, the United Kingdom, and France revealed the existence of the clandestine Fordow Fuel Enrichment Plant in Iran, years after construction started on the plant.

(9) In 2010, the Islamic Republic of Iran reportedly had enriched uranium to a level of 20 percent.

(10) On March 9, 2016, the Islamic Republic of Iran launched 2 variations of the Qadr medium-range ballistic missile.

(11) On January 28, 2017, the Islamic Republic of Iran conducted a test of a medium-range ballistic missile, which traveled an estimated 600 miles and provides the Islamic Republic of Iran the capability to threaten military installations of the United States in the Middle East.

(12) In 2018, Israel seized a significant portion of the nuclear archive of the Islamic Republic of Iran, which contained tens of thousands of files and compact discs relating to past efforts at nuclear weapon design, development, and manufacturing by the Islamic Republic of Iran, including such efforts occurring after 2003.

(13) On September 27, 2018, Israel revealed the existence of a secret warehouse housing radioactive material in the Turqez Abad district in Tehran, and an inspection of the warehouse by the International Atomic Energy Agency detected radioactive particles, which the Government of the Islamic Republic of Iran failed to adequately explain.

(14) On June 19, 2020, the International Atomic Energy Agency adopted Resolution GOV/2020/34 expressing “serious concern... that Iran has not provided access to the Agency under the Additional Protocol to two locations”.

(15) On January 8, 2020, an Iranian missile struck an Iraqi military base where members of the United States Armed Forces were stationed, resulting in 11 of such members being treated for injuries.

(16) On April 17, 2021, the International Atomic Energy Agency verified that the Islamic Republic of Iran had begun to enrich uranium to 60 percent purity.

(17) On August 14, 2021, President of Iran Hassan Rouhani stated that “Iran’s Atomic Energy Organization can enrich uranium by 20 percent and 60 percent and if one day our reactors need it, it can enrich uranium to 90 percent purity”.

(18) According to the International Institute for Strategic Studies, the Islamic Republic of Iran has “between six and eight liquid-fuel ballistic missiles and up to 12 solid-fuel systems” as of 2021.

(19) On November 9, 2021, the Islamic Republic of Iran completed Zolfaghar-1400, a 3-day war game that included conventional navy, army, air force, and air defense forces testing cruise missiles, torpedoes, and suicide drones in the Strait of Hormuz, the Gulf of Oman, the Red Sea, and the Indian Ocean.

(20) On December 20, 2021, the Islamic Republic of Iran commenced a 5-day drill in which it launched a number of short- and long-range ballistic missiles that it claimed could destroy Israel, constituting an escalation in the already genocidal rhetoric of the Islamic Republic of Iran toward Israel.

(21) On January 24, 2022, Houthi rebels, backed by the Islamic Republic of Iran, fired 2 missiles at Al Dhafra Air Base in the United Arab Emirates, which hosts around 2,000 members of the Armed Forces of the United States.

(22) On January 31, 2022, surface-to-air interceptors of the United Arab Emirates shot down a Houthi missile fired at the United Arab Emirates during a visit by President of Israel Isaac Herzog, the first-ever visit of an Israeli President to the United Arab Emirates.

(23) On February 9, 2022, the Islamic Republic of Iran unveiled a new surface-to-surface missile, named “Kheibar Shekan”, which has a reported range of 900 miles (1450 kilometers) and is capable of penetrating missile shields.

(24) On March 13, 2022, the Islamic Republic of Iran launched 12 missiles into Erbil, Iraq, which struck near a consulate building of the United States.

(25) On April 17, 2022, the Islamic Republic of Iran confirmed the relocation of a production facility for advanced centrifuges from an aboveground facility at Karaj, Iran, to the fortified underground Natanz Enrichment Complex.

(26) On April 19, 2022, the Department of State released a report stating that there are “serious concerns” about “possible undeclared nuclear material and activities in Iran”.

(27) On May 30, 2022, the International Atomic Energy Agency reported that the Islamic Republic of Iran had achieved a stockpile of 43.3 kilograms, equivalent to 95.5 pounds, of 60 percent highly enriched uranium, roughly enough material for a nuclear weapon.

(28) On June 8, 2022, the Islamic Republic of Iran turned off surveillance cameras installed by the International Atomic Energy Agency to monitor uranium enrichment activities at nuclear sites in the country.

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

(1) the Department of State has used evidence of the intent of the Islamic Republic of Iran to advance a nuclear program to secure the support of the international community in passing and implementing United Nations Security Council Resolutions on the Islamic Republic of Iran;

(2) intelligence agencies have compiled evidence of the intent of the Islamic Republic of Iran to advance a nuclear program, with direct evidence of an active nuclear weapons program prior to 2003;

(3) an Islamic Republic of Iran that possesses a nuclear weapons capability would be a serious threat to the national security of the United States, Israel, and other allies and partners;

(4) the Islamic Republic of Iran has been less than cooperative with international inspectors from the International Atomic Energy Agency and has obstructed their ability to inspect numerous nuclear facilities across Iran;

(5) the Islamic Republic of Iran continues to advance its nuclear weapons and missile programs, which are a threat to the national security of the United States, Israel, and other allies and partners; and

(6) all possible action should be taken by the United States—

(A) to ensure that the Islamic Republic of Iran does not develop a nuclear weapons capability; and

(B) to protect against aggression from the Islamic Republic of Iran manifested in its missiles program.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Select Committee on Intelligence of the Senate; and

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

(2) COMPREHENSIVE SAFEGUARDS AGREEMENT.—The term “Comprehensive Safeguards Agreement” means the Agreement between the Islamic Republic of Iran and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons, done at Vienna June 19, 1973.

(3) TASK FORCE.—The term “task force” means the task force established under subsection (e).

(4) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” has the meaning given the term in section 44801 of title 49, United States Code.

(e) ESTABLISHMENT OF INTERAGENCY TASK FORCE ON NUCLEAR ACTIVITY IN THE ISLAMIC REPUBLIC OF IRAN.—

(1) ESTABLISHMENT.—The Secretary of State shall establish a task force to consolidate and synthesize efforts by the United States Government to monitor and assess nuclear weapons activity being carried out by the Islamic Republic of Iran or its proxies.

(2) COMPOSITION.—

(A) CHAIRPERSON.—The Secretary of State shall be the Chairperson of the task force.

(B) MEMBERSHIP.—

(1) IN GENERAL.—The task force shall be composed of individuals, each of whom shall be an employee of and appointed to the task force by the head of one of the following agencies:

(I) The Department of State.

(II) The Office of the Director of National Intelligence.

(III) The Department of Defense.

(IV) The Department of Energy.

(V) The Central Intelligence Agency.

(ii) ADDITIONAL MEMBERS.—The Chairperson may appoint to the task force additional individuals from other Federal agencies, as the Chairperson considers necessary.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON NUCLEAR ACTIVITY.—

(A) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, and every 120 days thereafter until December 31, 2028, the Secretary of State, in consultation with the task force, shall submit to the appropriate congressional committees a report on nuclear activity in the Islamic Republic of Iran.

(B) CONTENTS.—The report required by subparagraph (A) shall include—

(i) a description and location of current fuel cycle activities for the production of fissile material being undertaken by the Islamic Republic of Iran, including—

(I) research and development activities to procure or construct additional advanced IR-2, IR-6 and other model centrifuges and enrichment cascades, including for stable isotopes;

(II) research and development of reprocessing capabilities, including—

(aa) reprocessing of spent fuel; and

(bb) extraction of medical isotopes from irradiated uranium targets;

(III) activities with respect to designing or constructing reactors, including—

(aa) the construction of heavy water reactors;

(bb) the manufacture or procurement of reactor components, including the intended application of such components; and

(cc) efforts to rebuild the original reactor at Arak;

(IV) uranium mining, concentration, conversion, and fuel fabrication, including—

(aa) estimated uranium ore production capacity and annual recovery;

(bb) recovery processes and ore concentrate production capacity and annual recovery;

(cc) research and development with respect to, and the annual rate of, conversion of uranium; and

(dd) research and development with respect to the fabrication of reactor fuels, including the use of depleted, natural, and enriched uranium; and

(V) activities with respect to—

(aa) producing or acquiring plutonium or uranium (or their alloys);

(bb) conducting research and development on plutonium or uranium (or their alloys);

(cc) uranium metal; or

(dd) casting, forming, or machining plutonium or uranium;

(ii) with respect to any activity described in clause (i), a description, as applicable, of—

(I) the number and type of centrifuges used to enrich uranium and the operating status of such centrifuges;

(II) the number and location of any enrichment or associated research and development facility used to engage in such activity;

(III) the amount of heavy water, in metric tons, produced by such activity and the acquisition or manufacture of major reactor components, including, for the second and subsequent reports, the amount produced since the last report;

(IV) the number and type of fuel assemblies produced by the Islamic Republic of Iran, including failed or rejected assemblies; and

(V) the total amount of—

(aa) uranium-235 enriched to not greater than 5 percent purity;

(bb) uranium-235 enriched to greater than 5 percent purity and not greater than 20 percent purity;

(cc) uranium-235 enriched to greater than 20 percent purity and not greater than 60 percent purity;

(dd) uranium-235 enriched to greater than 60 percent purity and not greater than 90 percent purity; and

(ee) uranium-235 enriched greater than 90 percent purity;

(iii) a description of weaponization plans and capabilities of the Islamic Republic of Iran, including—

(I) plans and capabilities with respect to—

(aa) weapon design, including fission, warhead miniaturization, and boosted and early thermonuclear weapon design;

(bb) high yield fission development;

(cc) design, development, acquisition, or use of computer models to simulate nuclear explosive devices; and

(dd) design, development, fabricating, acquisition, or use of explosively driven neutron sources or specialized materials for explosively driven neutron sources;

(II) the ability of the Islamic Republic of Iran to deploy a working or reliable delivery vehicle capable of carrying a nuclear warhead;

(III) the estimated breakout time for the Islamic Republic of Iran to develop and deploy a nuclear weapon, including a crude nuclear weapon;

(IV) the status and location of any research and development work site related to the preparation of an underground nuclear test; and

(V) any dual-use item (as defined under section 730.3 of title 15, Code of Federal Regulations or listed on the List of Nuclear-Related Dual-Use Equipment, Materials, Software, and Related Technology issued by the Nuclear Suppliers Group or any successor list) the Islamic Republic of Iran is using to further the nuclear weapon or missile program;

(iv) an identification of clandestine nuclear facilities, including nuclear facilities and activities discovered or reported by Israel or other allies or partners of the United States;

(v) an assessment of whether the Islamic Republic of Iran—

(I) is in compliance with the Comprehensive Safeguards Agreement and modified Code 3.1 of the Subsidiary Arrangements to the Comprehensive Safeguards Agreement; and

(II) has denied access to sites that the International Atomic Energy Agency has sought to inspect during the period covered by the report;

(vi) any diversion by the Islamic Republic of Iran of uranium, carbon-fiber, or other materials for use in an undeclared or clandestine facility;

(vii) an assessment of activities related to nuclear weapons conducted at facilities controlled by the Ministry of Defense and Armed Forces Logistics of Iran, the Islamic Revolutionary Guard Corps, and the Organization of Defensive Innovation and Research, including an analysis of gaps in knowledge due to the lack of inspections and nontransparency of such facilities;

(viii) a description of activities between the Islamic Republic of Iran and other countries, including the Democratic People's Republic of Korea, or persons with respect to sharing information on nuclear weapons or activities related to weaponization;

(ix) with respect to any new ballistic, cruise, or hypersonic missiles being designed and tested by the Islamic Republic of Iran or any of its proxies, a description of—

(I) the type of missile;

(II) the range of such missiles;

(III) the capability of such missiles to deliver a nuclear warhead;

(IV) the number of such missiles; and

(V) any testing of such missiles;

(x) an assessment of whether the Islamic Republic of Iran or any of its proxies possesses an unmanned aircraft system or other military equipment capable of delivering a nuclear weapon;

(xi) an assessment of whether the Islamic Republic of Iran or any of its proxies has engaged in new or evolving nuclear weapons development activities that would pose a threat to the national security of the United States, Israel, or other partners or allies; and

(xii) any other information that the task force determines is necessary to ensure a complete understanding of the nuclear or other weapons activities of the Islamic Republic of Iran.

(C) FORM; PUBLIC AVAILABILITY.—

(i) FORM.—Each report required by subparagraph (A) shall be submitted in unclassified form but may include a classified annex for information that, if released, would be detrimental to the national security of the United States.

(ii) PUBLIC AVAILABILITY.—The unclassified portion of a report required by subparagraph (A) shall be made available to the public on an internet website of the Department of State.

(2) IMMEDIATE REPORT REQUIRED.—If the task force receives credible intelligence of a significant development in the nuclear weapons capabilities or delivery systems capabilities of the Islamic Republic of Iran, which if not reported before the delivery of the next report under paragraph (1)(A) would be detrimental to the national security of the United States, Israel, or other allies or partners, the task force shall, within 72 hours of the receipt of such intelligence, submit to the appropriate congressional committees a report on such development.

(g) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED NUCLEAR AND BALLISTIC MISSILE THREATS TO THE UNITED STATES.—

(1) IN GENERAL.—Not later than 30 days after the submission of the initial report under subsection (f)(1), and annually thereafter, the Secretary of State shall submit to the appropriate congressional committees a diplomatic strategy that outlines a comprehensive plan for engaging with partners and allies of the United States regarding the nuclear weapons and missile activities of the Islamic Republic of Iran.

(2) CONTENTS.—The diplomatic strategy required by paragraph (1) shall include—

(A) a description of efforts of the United States to counter efforts of the Islamic Republic of Iran to project political and military influence into the Middle East;

(B) a response by the Secretary of State to the increased threat that new or evolving nuclear weapons or missile development activities by the Islamic Republic of Iran pose to United States citizens and the diplomatic presence of the United States in the Middle East;

(C) a description of a coordinated whole-of-government approach to use political, economic, and security related tools to address such activities; and

(D) a comprehensive plan for engaging with allies and regional partners in all relevant multilateral fora to address such activities.

(3) UPDATED STRATEGY RELATED TO IMMEDIATE REPORTS.—Not later than 15 days after the submission of report under subsection (f)(2), the Secretary of State shall submit to the appropriate congressional committees an update to the most recent diplomatic strategy submitted under paragraph (1).

SA 5845. Mr. GRAHAM (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. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ____ . EXISTING AGREEMENT LIMITS FOR OPERATION WARP SPEED.

(a) IN GENERAL.—Any project to address the COVID-19 pandemic, through vaccines and other therapeutic measures, using funds made available under a covered award that was awarded by the Department of Defense on or after March 1, 2020, under section 4022 of title 10, United States Code, using a transaction described in section 4021(a) of such title that was awarded by the Department of Defense to a consortium prior to March 1, 2020, shall not be counted toward any limit established prior to March 1, 2020, on the total estimated amount of all projects to be issued pursuant to such transaction (except that such funds shall count toward meeting any guaranteed minimum value).

(b) SUCCESSOR CONTRACTS, AGREEMENTS, AND GRANTS.—The Secretary of Defense may not award a successor contract, agreement, or grant for the same scope as any award described in subsection (a)—

(1) until 90 percent of the limit described in subsection (a) has been reached;

(2) until 6 months prior to the term of the award described in subsection (a) being reached; or

(3) unless such follow-on contract, agreement, or grant is made in accordance with the terms and conditions of the award described in subsection (a).

(c) COVERED AWARD DEFINED.—In this section, the term “covered award” means an award made by the Department of Defense in support of the Department of Health and Human Services and the Department of Defense effort known as “Operation Warp Speed”, to accelerate the development, acquisition, and distribution of vaccines and other therapies to address the COVID-19 pandemic, and any successor efforts.

SA 5846. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. TERMINATION OF ALL EFFORTS TO CLAWBACK PAYMENTS OF CERTAIN ANTIDUMPING DUTIES AND COUNTERVAILING DUTIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, neither the Secretary of Homeland Security nor any other person may—

(1) require repayment of, or attempt in any other way to recoup, any payment described in subsection (b); or

(2) offset any past, current, or future distributions of antidumping duties or countervailing duties assessed on any imports in an attempt to recoup any payment described in subsection (b).

(b) PAYMENTS DESCRIBED.—Payments described in this subsection are payments of antidumping duties or countervailing duties made pursuant to section 754 of the Tariff Act of 1930 (19 U.S.C. 1675c (repealed by subtitle F of title VII of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 154))) that were—

(1) assessed and paid with respect to imports of goods from any country; and

(2) distributed on or after January 1, 2001.

(c) PAYMENT OF FUNDS COLLECTED OR WITHHELD.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) refund any repayment or other recoupment of any payment described in subsection (b); and

(2) fully distribute any antidumping duties or countervailing duties that the Commissioner of U.S. Customs and Border Protection is withholding as an offset as described in subsection (a)(2).

(d) LIMITATION.—Nothing in this section shall be construed to prevent the Secretary of Homeland Security, or any other person, from requiring repayment of, or attempting to otherwise recoup, any payment described in subsection (b) as a result of—

(1) a finding of false statements, other misconduct, or insufficient verification of a certification by a recipient of such a payment; or

(2) the issuance of a refund to an importer or surety pursuant to a settlement, court order, or reliquidation of an entry with respect to which such a payment was made.

SA 5847. Mr. CRUZ (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. MEANINGFUL PARTICIPATION OF TAIWAN IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

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

(1) the International Civil Aviation Organization (ICAO) should allow Taiwan to meaningfully participate in the organization, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) Taiwan is a global leader and hub for international aviation, with a range of expertise, information, and resources and the fifth busiest airport in Asia (Taoyuan International Airport), and its meaningful participation in ICAO would significantly enhance the ability of ICAO to ensure the safety and security of global aviation; and

(3) coercion by the Chinese Communist Party and the People's Republic of China has ensured the systematic exclusion of Taiwan from meaningful participation in ICAO, significantly undermining the ability of ICAO

to ensure the safety and security of global aviation.

(b) **PLAN FOR TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.**—The Secretary of State, in coordination with the Secretary of Commerce, is authorized—

(1) to initiate a United States plan to secure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(2) to instruct the United States representative to the ICAO to—

(A) use the voice and vote of the United States to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(B) seek to secure a vote at the next ICAO triennial assembly session on the question of Taiwan's participation in that session.

(c) **REPORT CONCERNING TAIWAN'S MEANINGFUL PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.**—Not later than 90 days after the date of the enactment of this Act, and not later than April 1 of each year thereafter for the following 6 years, the Secretary of State, in coordination with the Secretary of Commerce, shall submit an unclassified report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes the United States plan to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms;

(2) includes an account of the efforts made by the Secretary of State and the Secretary of Commerce to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms; and

(3) identifies the steps the Secretary of State and the Secretary of Commerce will take in the next year to ensure Taiwan's meaningful participation in ICAO, including in ICAO triennial assembly sessions, conferences, technical working groups, meetings, activities, and mechanisms.

SA 5848. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____. **REPORT ON FEASIBILITY OF ESTABLISHING A TROOPS-TO-SCHOOL RESOURCE OFFICERS PILOT PROGRAM.**

(a) **IN GENERAL.**—

(1) **SUBMISSION OF REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the feasibility of establishing a Troops-to-School Resource Officers pilot program that is modeled on the Troops-to-Teachers Program authorized under section 1154 of title 10, United States Code.

(2) **CONSULTATION.**—The Secretary of Defense may consult with key officials from the Department of Justice and the Department of Education in completing the report described in paragraph (1).

(b) **CONTENT OF REPORT.**—The report required under subsection (a) shall include—

(1) the feasibility of establishing a 5-year Troops-to-School Resource Officers pilot program;

(2) an outline of the resource requirements to execute the pilot program; and

(3) an identification of possible authorities, if any, that would be needed to establish the pilot program.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

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

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

SA 5849. 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. **ADDITIONAL PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS.**

(a) **IN GENERAL.**—Section 4872 of title 10, United States Code, is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

“(1) procure any covered material melted or produced in any covered nation or by any covered company, or any end item that contains a covered material manufactured in any covered nation or by any covered company; or”;

(2) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(B) by inserting before paragraph (2), as redesignated, the following:

“(1) **COVERED COMPANY.**—The term ‘covered company’ means—

“(A) any company or joint venture registered outside the United States—

“(i) that is partially or fully owned by any state-owned entity from a covered nation; or

“(ii) 10 percent of the ownership of which is by 1 or more private investors from any covered nation;

“(B) any company or joint venture registered inside the United States that—

“(i) is partially or fully owned by a state-owned entity from a covered nation; or

“(ii) after the date of the enactment of this Act, has entered into an agreement or a condition with the Committee on Foreign Investment in the United States under subsection (1)(3)(A) of section 4565 of title 50, United States Code, that does not specifically refer to this section and provide that the company shall be eligible to supply covered products under this section; or

“(C) any other company that the President determines to be a threat to the security of supply of any covered material.”.

(b) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall promulgate such regulations as may be necessary to carry out this section.

SA 5850. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. **INCLUSION OF EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AS PART OF PERIODIC HEALTH ASSESSMENTS.**

(a) **PERIODIC HEALTH ASSESSMENT.**—The Secretary of Defense shall ensure that any periodic health assessment provided to a member of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a military installation identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

(2) exposed to such substances, including by evaluating any information in the health record of the member.

(b) **SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.**—Section 1145(a)(5) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “subparagraph (D)” and inserting “subparagraph (E)”;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

“(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

“(ii) exposed to such substances, including by assessing any information in the health record of the member.”.

(c) **DEPLOYMENT ASSESSMENTS.**—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) An assessment of whether the member was—

“(i) based or stationed at a military installation identified by the Department as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the member was based or stationed at the military installation; or

“(ii) exposed to such substances, including by assessing any information in the health record of the member.”.

SEC. 707. PROVISION OF BLOOD TESTING FOR MEMBERS OF THE ARMED FORCES, FORMER MEMBERS OF THE ARMED FORCES, AND THEIR FAMILIES TO DETERMINE EXPOSURE TO PERFLUOROALKYL SUBSTANCES OR POLYFLUOROALKYL SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—If a covered evaluation of a member of the Armed Forces results in a positive determination of potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances, the Secretary of Defense shall provide to that member, during that covered evaluation, blood testing to determine and document potential exposure to such substances.

(2) INCLUSION IN HEALTH RECORD.—The results of blood testing of a member of the Armed Forces conducted under paragraph (1) shall be included in the health record of the member.

(b) FORMER MEMBERS OF THE ARMED FORCES AND FAMILY MEMBERS.—The Secretary shall pay for blood testing to determine and document potential exposure to perfluoroalkyl substances or polyfluoroalkyl substances for any covered individual, at the election of the individual, either through the TRICARE program for individuals otherwise eligible for such program or through the use of vouchers to obtain such testing.

(c) DEFINITIONS.—In this section:

(1) COVERED EVALUATION.—The term “covered evaluation” means—

(A) a periodic health assessment conducted in accordance with section 706(a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by section 706(b); and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by section 706(c).

(2) COVERED INDIVIDUAL.—The term “covered individual” means a former member of the Armed Forces or a family member of a member or former member of the Armed Forces who lived at a location (or the surrounding area of such a location) identified by the Department of Defense as a location with a known or suspected release of perfluoroalkyl substances or polyfluoroalkyl substances during the period in which the individual lived at that location (or surrounding area).

(3) TRICARE PROGRAM.—The term “TRICARE program” means the meaning given that term in section 1072(7) of title 10, United States Code.

SA 5851. Mrs. SHAHEEN (for herself, Mrs. FISCHER, Mr. CORNYN, Mr. CRAMER, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. DEFENSE EXPORTABILITY TRANSFER ACCOUNT (DETA).

(a) ESTABLISHMENT.—There is established in the Department of Defense an account to be known as the “Defense Exportability Transfer Account” (in this section referred to as the “Account”).

(b) AMOUNTS IN ACCOUNT.—The Account shall consist of—

(1) amounts appropriated to the Account;

(2) amounts transferred to the Account under subsection (d); and

(3) amounts credited to the Account under subsection (e).

(c) USE OF FUNDS.—

(1) IN GENERAL.—Funds in the Account shall be available to develop program protection strategies for Department of Defense systems identified for possible future export, to design and incorporate exportability features into such systems during the research and development phases of such systems, and to integrate design features that enhance interoperability of such systems with those of friendly foreign countries.

(2) AMOUNTS IN ADDITION.—Amounts in the Account are in addition to any other funds available to the Department of Defense for the purposes specified in paragraph (1).

(d) TRANSFERS.—

(1) TRANSFERS FROM ACCOUNT.—The Secretary of Defense may transfer funds from the Account to appropriations of the Department of Defense available for research, development, test, and evaluation in such amounts as the Secretary determines necessary to carry out the purposes of this section. Funds so transferred shall be available for the same time period and the same purposes as the appropriation to which transferred.

(2) TRANSFERS TO ACCOUNT.—The Secretary may transfer funds from appropriations of the Department of Defense available for research, development, test, and evaluation to the Account in such amounts as the Secretary determines necessary to carry out the purposes of this section. Funds so transferred shall be available for the same time period and the same purposes as the appropriation to which transferred.

(3) NOTICE AND WAIT.—Funds may not be transferred under paragraph (1) or (2) until the expiration of 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(4) OTHER AUTHORITIES.—The authority to transfer funds under this subsection is in addition to any other transfer authority available to the Department of Defense.

(e) COSTS.—Costs incurred by the Department of Defense for designing and incorporating exportability features into Department of Defense systems shall be treated as nonrecurring costs under section 21(e)(1) of the Arms Export Control Act (22 U.S.C. 2761(e)(1)). Amounts collected as recoupments by the Department of Defense on foreign military sales, direct commercial sales, and sales of items developed under international cooperative projects that incorporate such exportability features shall be credited to the Account and shall remain available until expended to carry out the purposes of the Account.

(f) ANNUAL REPORT.—No later than January 1, 2025, and annually thereafter, the Secretary of Defense shall submit to the congressional defense committees a report detailing the utilization of this fund, including—

(1) the balance of the Fund, including inlays and outlays;

(2) a list of systems receiving funds under this section;

(3) the projected and actual cost and schedule savings for each system receiving funds under this section; and

(4) any other matters the Secretary determines appropriate.

(g) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.—Not later than five years after the date of the enactment of this Act, the Comptroller General of the United States shall

conduct an assessment of the efficacy of this section, including—

(1) an emphasis on cost and schedule savings realized by the Federal Government pertaining to the delivery of articles that receive funding under this section; and

(2) any other matters the Comptroller General deems appropriate.

(h) APPROPRIATIONS.—There is hereby appropriated to the Account \$50,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SA 5852. Mrs. SHAHEEN (for herself, Ms. KLOBUCHAR, Mr. CARPER, Mrs. GILLIBRAND, Mr. MARKEY, Mr. DURBIN, Ms. BALDWIN, Mr. MENENDEZ, Mr. SANDERS, Mr. KING, Mr. SCHATZ, Mr. BLUMENTHAL, Mr. HEINRICH, Mrs. FEINSTEIN, Ms. HIRONO, Mr. WYDEN, Ms. HASSAN, Ms. CANTWELL, Mr. MURPHY, Mr. LEAHY, Mr. HICKENLOOPER, Ms. WARREN, Mr. BOOKER, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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 VI, add the following:

SEC. 624. LEAVE RELATING TO ABORTION CARE AND SERVICES FOR MEMBERS OF ARMED FORCES.

(a) IN GENERAL.—Section 701 of title 10, United States Code, as amended by section 623(a), is further amended by adding at the end the following new subsection:

“(n)(1)(A) Under regulations prescribed by the Secretary of Defense, a member of the armed forces who seeks abortion care and services is allowed convalescent leave.

“(B) Convalescent leave under subparagraph (A) shall, not later than 5 days after receiving a request for such leave, be approved by—

“(i) the military medical health provider of the member; or

“(ii) the commander of the military medical treatment facility or a designee of that commander.

“(C) Convalescent leave of a member under subparagraph (A) shall be approved for a period of—

“(i) 10 days, in the case of a member assigned to a duty location in the continental United States; and

“(ii) 20 days, in the case of a member assigned to a duty location outside the continental United States.

“(D) Under regulations prescribed by the Secretary of Defense, a member taking convalescent leave under subparagraph (A) who is required to travel more than 50 miles from the member’s assigned duty location to seek abortion care and services—

“(i) shall be entitled to standard travel and transportation allowances in accordance with chapter 8 of title 37; and

“(ii) may not receive per diem or reimbursement of expenses, to the extent prohibited by Federal law.

“(E) The applicable approval authority under clause (i) or (ii) of subparagraph (B)—

“(i) shall notify the commanding officer of the member taking convalescent leave under subparagraph (A) with respect to—

“(I) expected absences of the member; and
“(II) changes in the physical profile of the member that would impact the member’s fitness for duty; and

“(ii) may not be required to disclose the specific medical condition from which the member is convalescing.

“(F) Convalescent leave of a member seeking abortion care and services that is in addition to the convalescent leave provided under subparagraph (A) shall be provided under the procedures established for convalescent leave under subsection (m).

“(2)(A) Under regulations prescribed by the Secretary of Defense, the Secretary concerned shall grant a member of the armed forces leave to provide care to an immediate family member who seeks abortion care and services.

“(B) Not later than 5 days after receiving a request from a member to take leave under subparagraph (A), the appropriate approval authority of the member shall approve the request, consistent with the regulations prescribed under subparagraph (A).

“(C) Leave under subparagraph (A) shall be approved for a period of 10 consecutive days.

“(3) A member taking leave under paragraph (1) or (2) shall not have the member’s leave account reduced as a result of taking such leave.

“(4) A member may elect to take fewer days of leave than is provided for under paragraph (1) or (2), as applicable.

“(5) A member taking leave under paragraph (1) or (2) may not be required to disclose specifics relating to the abortion care and services that are the basis for the leave.

“(6) In this subsection, the term ‘military medical treatment facility’ means a facility described in subsection (b), (c), or (d) of section 1073d.”

(b) CONFORMING AMENDMENTS.—Subsection (m) of section 701 of title 10, United States Code, as added by section 623(a), is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by or “or (n)(1)” after “subsection (h)(3)”;

(2) in paragraph (2)(B), by striking “in conjunction with the birth of a child” and inserting “or (n)(1)”; and

(3) in paragraph (3)(B)(ii), by inserting “or (n)(1)” after “subsection (h)(3)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2023.

SA 5853. Mrs. SHAHEEN (for herself and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. **REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS ACCORDING TO CERTAIN CRITERIA.**

(a) IN GENERAL.—Subtitle D of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 391 et seq.) is amended by adding at the end the following:

“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RELATED TO NATIONAL SECURITY INTERESTS.

“(a) DEFINITIONS.—In this section:

“(1) COVERED ITEM.—The term ‘covered item’ means any of the following:

“(A) Footwear provided as part of a uniform.

“(B) Uniforms.

“(C) Holsters and tactical pouches.

“(D) Patches, insignia, and embellishments.

“(E) Chemical, biological, radiological, and nuclear protective gear.

“(F) Body armor components intended to provide ballistic protection for an individual, consisting of 1 or more of the following:

“(i) Soft ballistic panels.

“(ii) Hard ballistic plates.

“(iii) Concealed armor carriers worn under a uniform.

“(iv) External armor carriers worn over a uniform.

“(G) Any other item as determined appropriate by the Secretary.

“(2) FRONTLINE OPERATIONAL COMPONENT.—The term ‘frontline operational component’ means any of the following organizations of the Department:

“(A) U.S. Customs and Border Protection.

“(B) U.S. Immigration and Customs Enforcement.

“(C) The United States Secret Service.

“(D) The Transportation Security Administration.

“(E) The Coast Guard.

“(F) The Federal Protective Service.

“(G) The Federal Emergency Management Agency.

“(H) The Federal Law Enforcement Training Centers.

“(I) The Cybersecurity and Infrastructure Security Agency.

“(b) REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary shall ensure that any procurement of a covered item for a frontline operational component meets the following criteria:

“(A) To the maximum extent possible, not less than one-third of funds obligated in a specific fiscal year for the procurement of such covered items shall be covered items that are manufactured or supplied in the United States by entities that qualify as small business concerns, as defined in section 3 of the Small Business Act (15 U.S.C. 632).

“(B) Each contractor with respect to the procurement of such a covered item—

“(i) is an entity registered with the System for Award Management (or successor system) administered by the General Services Administration; and

“(ii) is in compliance with ISO 9001:2015 of the International Organization for Standardization (or successor standard) or a standard determined appropriate by the Secretary to ensure the quality of products and adherence to applicable statutory and regulatory requirements.

“(C) Each supplier of such a covered item with an insignia (such as any patch, badge, or emblem) and each supplier of such an insignia, if such covered item with such insignia or such insignia, as the case may be, is not produced, applied, or assembled in the United States, shall—

“(i) store such covered item with such insignia or such insignia in a locked area;

“(ii) report any pilferage or theft of such covered item with such insignia or such insignia occurring at any stage before delivery of such covered item with such insignia or such insignia; and

“(iii) destroy any such defective or unusable covered item with insignia or insignia in a manner established by the Secretary, and maintain records, for three years after

the creation of such records, of such destruction that include the date of such destruction, a description of the covered item with insignia or insignia destroyed, the quantity of the covered item with insignia or insignia destroyed, and the method of destruction.

“(2) WAIVER.—

“(A) IN GENERAL.—In the case of a national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) or a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), the Secretary may waive a requirement in subparagraph (A), (B) or (C) of paragraph (1) if the Secretary determines there is an insufficient supply of a covered item that meets the requirement.

“(B) NOTICE.—Not later than 60 days after the date on which the Secretary determines a waiver under subparagraph (A) is necessary, the Secretary shall provide to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives notice of such determination, which shall include—

“(i) identification of the national emergency or major disaster declared by the President;

“(ii) identification of the covered item for which the Secretary intends to issue the waiver; and

“(iii) a description of the demand for the covered item and corresponding lack of supply from contractors able to meet the criteria described in subparagraph (B) or (C) of paragraph (1).

“(c) PRICING.—The Secretary shall ensure that covered items are purchased at a fair and reasonable price, consistent with the procedures and guidelines specified in the Federal Acquisition Regulation.

“(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall provide to the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate a briefing on instances in which vendors have failed to meet deadlines for delivery of covered items and corrective actions taken by the Department in response to such instances.

“(e) EFFECTIVE DATE.—This section applies with respect to a contract entered into by the Department or any frontline operational component on or after the date that is 180 days after the date of enactment of this section.”

(b) STUDY.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a study of the adequacy of uniform allowances provided to employees of frontline operational components (as defined in section 836 of the Homeland Security Act of 2002, as added by subsection (a)).

(2) REQUIREMENTS.—The study conducted under paragraph (1) shall—

(A) be informed by a Department-wide survey of employees from across the Department of Homeland Security who receive uniform allowances that seeks to ascertain what, if any, improvements could be made to the current uniform allowances and what, if

any, impacts current allowances have had on employee morale and retention;

(B) assess the adequacy of the most recent increase made to the uniform allowance for first year employees; and

(C) consider increasing by 50 percent, at minimum, the annual allowance for all other employees.

(C) ADDITIONAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall provide a report with recommendations on how the Department of Homeland Security could procure additional items from domestic sources and bolster the domestic supply chain for items related to national security to—

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

(B) the Committee on Homeland Security, the Committee on Oversight and Reform, and the Committee on Appropriations of the House of Representatives.

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

(A) a review of the compliance of the Department of Homeland Security with the requirements under section 604 of title VI of division A of the American Recovery and Reinvestment Act of 2009 (6 U.S.C. 453b) to buy certain items related to national security interests from sources in the United States; and

(B) an assessment of the capacity of the Department of Homeland Security to procure the following items from domestic sources:

(i) Personal protective equipment and other items necessary to respond to a pandemic such as that caused by COVID-19.

(ii) Helmets that provide ballistic protection and other head protection and components.

(iii) Rain gear, cold weather gear, and other environmental and flame resistant clothing.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 835 the following:

“Sec. 836. Requirements to buy certain items related to national security interests.”.

SA 5854. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. EXTENSION OF AND ADDITIONAL VISAS FOR THE AFGHAN SPECIAL IMMIGRANT VISA PROGRAM.

Section 602(b)(3)(F) of the Afghan Allies Protection Act of 2009 (Public Law 111-8; 8 U.S.C. 1101 note) is amended—

(1) in the subparagraph heading, by striking “2022” and inserting “2023”

(2) in the matter preceding clause (i), by striking “34,500” and inserting “54,500”;

(3) in clause (i), by striking “December 31, 2023” and inserting “December 31, 2024”;

(4) in clause (ii), by striking “December 31, 2023” and inserting “December 31, 2024”;

(5) in paragraph (13), in the matter preceding subparagraph (A), by striking “January 31, 2024” and inserting “January 31, 2025”.

SA 5855. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. STUDY AND REPORT ON RATE OF CANCER-RELATED MORBIDITY AND MORTALITY FOR INDIVIDUALS ASSIGNED TO PEASE AIR FORCE BASE AND PEASE AIR NATIONAL GUARD BASE.

(a) STUDY.—The Secretary of Veterans Affairs shall conduct, or enter into a contract with an appropriate federally funded research and development center to conduct, a study to assess whether individuals (including individuals on active duty in the Armed Forces or in a reserve component of the Armed Forces) assigned to Pease Air Force Base or Pease Air National Guard Base for a significant period of time during the period beginning on January 1, 1970, and ending on December 31, 2020, experience a higher-than-expected rate of cancer-related morbidity and mortality as a result of time on base or exposures associated with time on base compared to the rate of cancer-related morbidity and mortality of the general population of the United States, accounting for differences in sex, age, and race.

(b) INCLUSION IN MILITARY EXPOSURE RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary of Veterans Affairs, acting through the Office of Research and Development and the Office of Health Outcomes Military Exposures of the Veterans Health Administration, shall include Pease Air Force Base and Pease Air National Guard Base in the Military Exposure Research Program of the Veterans Health Administration and shall request from the Department of Defense and any applicable authorities of the State of New Hampshire access to any necessary data, personnel, and assistance necessary to navigate policies related to conducting research at an installation of the National Guard in New Hampshire.

(2) SATISFACTION OF STUDY REQUIREMENT.—If the Secretary of Veterans Affairs successfully includes Pease Air Force Base and Pease Air National Guard Base in the Military Exposure Research Program under paragraph (1), the inclusion of those installations in that program shall satisfy the requirement to conduct the study under subsection (a).

(c) COMPLETION OF STUDY; REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) complete the study required under subsection (a); and

(2) submit to the appropriate committees of Congress a report on the results of the study.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Veterans’ Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans’ Affairs and the Committee on Armed Services of the House of Representatives.

(2) SIGNIFICANT PERIOD OF TIME.—The term “significant period of time” has the meaning given that term by the Secretary of Veterans Affairs or the entity conducting the study under subsection (a), as the Secretary determines appropriate.

SA 5856. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 552. REVIEW AND REPORT ON THE DEFINITION OF CONSENT FOR PURPOSES OF THE OFFENSES OF RAPE AND SEXUAL ASSAULT UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) EVALUATION AND REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Joint Service Committee on Military Justice shall commission a comprehensive evaluation and review of the definition of consent, as set forth in section 920(g)(7) of title 10, United States Code (article 120(g)(7) of the Uniform Code of Military Justice).

(b) ELEMENTS.—The review and evaluation conducted under subsection (a) shall assess how the definition of consent set forth in section 920(g)(7) of title 10, United States Code (article 120(g)(7) of the Uniform Code of Military Justice) can be—

(1) expanded to require knowledgeable and informed agreement, freely entered into, without any malicious factors or influences such as force, coercion, fear, fraud or false identity, or exploitation of a person’s incapacity;

(2) enhanced through consultation with other recognized standards for the definition of such term; and

(3) clarified to state clearly that—

(A) the circumstances surrounding an incident of sexual contact are irrelevant when malicious factors induced compliance;

(B) consent for a sexual act does not constitute consent for all sexual acts; and

(C) consent is revocable by either party during sexual conduct.

(c) REPORT.—Not later than 180 days after the commencement of the evaluation and review under subsection (a), the Joint Service Committee on Military Justice shall submit to the congressional defense committees a report on the results of the evaluation and review.

SA 5857. Mrs. SHAHEEN (for herself, Mr. TILLIS, Mr. CORNYN, Mr. BLUMENTHAL, Mr. WICKER, Mr. KAINE, Mrs. FISCHER, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. SINEMA, and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year

2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. CRITICAL MUNITIONS ACQUISITION FUND.

(a) **ESTABLISHMENT.**—There shall be established in the Treasury of the United States a revolving fund to be known as the “Critical Munitions Acquisition Fund” (in this section referred to as the “Fund”).

(b) **PURPOSE.**—Amounts in the Fund shall be made available by the Secretary of Defense—

(1) to ensure that adequate stocks of munitions that the Secretary deems critical due to a reduction in stocks or identification as having a high use rate are available for allies and partners of the United States during the war in Ukraine and future conflicts; and

(2) to finance the acquisition of critical munitions in advance of the transfer of such munitions to foreign countries during the war in Ukraine and future conflicts.

(c) **ADDITIONAL AUTHORITY.**—The Secretary may also use amounts made available to the Fund to keep on continuous order munitions that the Secretary deems as critical due to a reduction in current stocks or identification as having a high-use rate during the war in Ukraine or a potential high-use rate during a future conflict.

(d) **DEPOSITS.**—

(1) **IN GENERAL.**—The Fund shall consist of each of the following:

(A) Collections from sales made under letters of offer (or transfers made under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)) of munitions acquired using amounts made available from the Fund pursuant to this section, representing the value of such items calculated, as applicable, in accordance with—

(i) subparagraph (B) or (C) of section 21(a)(1) of the Arms Export Control Act (22 U.S.C. 2761(a)(1));

(ii) section 22 of the Arms Export Control Act (22 U.S.C. 2762); or

(iii) section 644(m) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(m)).

(B) Such amounts as may be appropriated pursuant to the authorization under this section or otherwise made available for the purposes of the Fund.

(C) Not more than \$500,000,000 may be transferred to the Fund for any fiscal year, in accordance with subsection (e), from amounts authorized to be appropriated for the Department in such amounts as the Secretary determines necessary to carry out the purposes of this section, which shall remain available until expended. The transfer authority provided under this subparagraph is in addition to any other transfer authority available to the Secretary.

(2) **CONTRIBUTIONS FROM FOREIGN GOVERNMENTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary of Defense may accept contributions of amounts to the Fund from any foreign entity, foreign government, or international organization. Any amounts so accepted shall be credited to the Critical Munitions Acquisition Fund and shall be available for use as authorized under subsection (b).

(B) **LIMITATION.**—The Secretary may not accept a contribution under this paragraph if the acceptance of the contribution would compromise, or appear to compromise, the

integrity of any program of the Department of Defense.

(C) **NOTIFICATION.**—If the Secretary accepts any contribution under this paragraph, the Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives. The notice shall specify the source and amount of any contribution so accepted and the use of any amount so accepted.

(e) **NOTICE AND WAIT REQUIREMENTS.**—

(1) **IN GENERAL.**—No amount may be transferred pursuant to subsection (d)(1)(C) until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed transfer.

(2) **AMMUNITION PURCHASES.**—No amounts in the Fund may be used to purchase ammunition, as authorized by this section, until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the amount and purpose of the proposed purchase.

(3) **FOREIGN TRANSFERS.**—No munition purchased using amounts in the Fund may be transferred to a foreign country until the date that is 15 days after the date on which the Secretary notifies the congressional defense committees in writing of the proposed transfer.

(f) **LIMITATION.**—No munition acquired by the Secretary of Defense using amounts made available from the Fund pursuant to this section may be transferred to any foreign country unless such transfer is authorized by the Arms Export Control Act (22 U.S.C. 2751 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or other applicable law, except as follows:

(1) The Secretary of Defense may authorize the use by the Department of Defense of munitions acquired under this section prior to transfer to a foreign country, if such use is necessary to meet national defense requirements and the Department bear the costs of replacement and transport, maintenance, storage, and other such associated costs of such munitions.

(2) Except as required by paragraph (1), amounts made available to the Fund may be used to pay for storage, maintenance, and other costs related to the storage, preservation, and preparation for transfer of munitions acquired under this section prior to their transfer, and the administrative costs of the Department of Defense incurred in the acquisition of such items, to the extent such costs are not eligible for reimbursement pursuant to section 43(b) of the Arms Export Control Act (22 U.S.C. 2792(b)).

(g) **TERMINATION.**—The authority for the Fund under this section shall expire on December 31, 2024.

(h) **SEMIANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the use of the Fund.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include—

(A) an accounting of all inlays and outflows in the Fund;

(B) a list of munitions procured by type, make, model, and quantity, together with a justification for the procurement;

(C) an assessment of the status of munitions procured to include munitions in production, those placed in stockpile, and those set aside or transferred to a non-Federal government entity;

(D) an updated list of munitions designated consistent with subsection (b), along with a justifications for munitions designated and estimated procurement quantity objectives; and

(E) any other matters the Secretary determines appropriate.

(3) **FORM.**—The report required under paragraph (1) shall be submitted to Congress in an unclassified form without any additional dissemination controls, but may include a classified or otherwise restricted annex as necessary.

SA 5858. Mrs. SHAHEEN (for herself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT POPULATIONS IN SYRIA.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Banking, Housing, and Urban Affairs, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Financial Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) **ISIS MEMBER.**—The term “ISIS member” means a person who was part of, or substantially supported, the Islamic State in Iraq and Syria.

(3) **SENIOR COORDINATOR.**—The term “Senior Coordinator” means the coordinator for detained ISIS members and relevant displaced populations in Syria designated under subsection (a) of section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1642), as amended by subsection (d).

(b) **SENSE OF CONGRESS.**—

It is the sense of Congress that—

(A) ISIS detainees held by the Syrian Democratic Forces and ISIS-affiliated individuals located within displaced persons camps in Syria pose a significant and growing humanitarian challenge and security threat to the region;

(B) there is an urgent need to seek a sustainable solution to such camps through repatriation and reintegration of the inhabitants;

(C) the United States should work closely with international allies and partners to facilitate the repatriation and reintegration efforts required to provide a long-term solution for such camps and prevent the resurgence of ISIS; and

(D) if left unaddressed, such camps will continue to be drivers of instability that jeopardize the long-term prospects for peace and stability in the region.

(c) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) ISIS-affiliated individuals located within displacement camps in Syria, and other inhabitants of displacement camps in Syria, be repatriated or, where appropriate, prosecuted, and where possible, reintegrated into their country of origin, consistent with all applicable international laws prohibiting refoulement; and

(2) the camps will be closed as soon as is practicable.

(d) MODIFICATION OF ESTABLISHMENT OF COORDINATOR FOR DETAINED ISIS MEMBERS AND RELEVANT DISPLACED POPULATIONS IN SYRIA.—Section 1224 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 133 Stat. 1642) is amended—

(1) by striking subsection (a);

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

“(a) DESIGNATION.—

“(1) IN GENERAL.—The President, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall designate an existing official to serve within the executive branch as senior-level coordinator to coordinate, in conjunction with other relevant agencies, all matters related to ISIS members who are in the custody of the Syrian Democratic Forces and other relevant displaced populations in Syria, including—

“(A) the disposition of such individuals, including in all matters related to—

“(i) repatriation, transfer, prosecution, and intelligence gathering;

“(ii) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of such ISIS members, including such engagements with the International Criminal Police Organization; and

“(iii) the coordination of the provision of technical and evidentiary assistance to foreign countries to aid in the successful prosecution of such ISIS members, as appropriate, in accordance with international humanitarian law and other internationally recognized human rights and rule of law standards;

“(B) all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Syria that hold family members of such ISIS members;

“(C) coordination with relevant agencies on matters described in this section; and

“(D) any other matter the Secretary of State considers relevant.

“(2) RULE OF CONSTRUCTION.—If, on the date of the enactment of the the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, an individual has already been designated, consistent with the requirements and responsibilities described in paragraph (1), the requirements under that paragraph shall be considered to be satisfied with respect to such individual until the date on which such individual no longer serves as the Senior Coordinator.”;

(3) in subsection (c), by striking “subsection (b)” and inserting “subsection (a)”;

(4) in subsection (e), by striking “January 31, 2021” and inserting “January 31, 2025”;

(5) in subsection (f)—

(A) by redesignating paragraph (2) as paragraph (3);

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

“(2) SENIOR COORDINATOR.—The term ‘Senior Coordinator’ means the individual designated under subsection (a).”; and

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

“(4) RELEVANT AGENCIES.—The term ‘relevant agencies’ means—

“(A) the Department of State;

“(B) the Department of Defense;

“(C) the Department of the Treasury;

“(D) the Department of Justice;

“(E) the United States Agency for International Development;

“(F) the Office of the Director of National Intelligence; and

“(G) any other agency the President considers relevant.”; and

(6) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively.

(e) STRATEGY ON ISIS-RELATED DETAINEE AND DISPLACEMENT CAMPS IN SYRIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, the Director of National Intelligence, the Secretary of the Treasury, the Administrator of the United States Agency for International Development, and the Attorney General, shall submit to the appropriate committees of Congress an interagency strategy with respect to ISIS-affiliated individuals and ISIS-related detainee and other displaced persons camps in Syria.

(2) ELEMENTS.—The strategy required by paragraph (1) shall include—

(A) methods to address—

(i) disengagement from and prevention of recruitment into violence, violent extremism, and other illicit activity in such camps;

(ii) repatriation and, where appropriate, prosecution of foreign nationals from such camps, consistent with all applicable international laws;

(iii) the return and reintegration of displaced Syrian and Iraqi women and children into their communities of origin;

(iv) international engagement to develop processes for repatriation and reintegration of foreign nationals from such camps;

(v) contingency plans for the relocation of detained and displaced persons who are not able to be repatriated from such camps;

(vi) efforts to improve the humanitarian conditions in such camps, including through the delivery of medicine, psychosocial support, clothing, education, and improved housing; and

(vii) assessed humanitarian and security needs of all camps and detainment facilities based on prioritization of such camps and facilities most at risk of humanitarian crises, external attacks, or internal violence; and

(B) a plan to improve, in such camps—

(i) security conditions, including by training of personnel and through construction; and

(ii) humanitarian conditions;

(C) a framework for measuring progress of humanitarian, security, and repatriation efforts with the goal of closing such camps; and

(D) any other matter the Secretary of State considers appropriate.

(f) ANNUAL INTERAGENCY REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than annually thereafter through January 31, 2025, the Senior Coordinator, in coordination with the relevant agencies, shall submit to the appropriate committees of Congress a detailed report that includes the following:

(A) A detailed description of the facilities and camps where detained ISIS members,

and families with perceived ISIS affiliation, are being held and housed, including—

(i) a description of the security and management of such facilities and camps

(ii) an assessment of resources required for the security of such facilities and camps; and

(iii) an assessment of the adherence by the operators of such facilities and camps to international humanitarian law standards.

(B) A description of all efforts undertaken by the United States Government to address deficits in the humanitarian environment and security of such facilities and camps.

(C) A description of all multilateral and international engagements related to humanitarian access and provision of basic services to, and freedom of movement and security and safe return of, displaced persons at camps or facilities in Iraq, Syria, and any other area affected by ISIS activity, including a description of—

(i) support for efforts by the Syrian Democratic Forces to facilitate the return and reintegration of displaced people from Iraq and Syria;

(ii) repatriation efforts with respect to displaced women and children;

(iii) any current or future potential threat to United States national security interests posed by detained ISIS members or displaced families, including an analysis of the al-Hol camp and annexes; and

(iv) United States Government plans and strategies to respond to any threat identified under clause (iii).

(D) To the greatest extent practicable under the law and consistent with Department of Justice policy, an analysis of—

(i) United States efforts to prosecute detained or displaced ISIS members; and

(ii) the outcomes of such efforts.

(E) A detailed description of any option to expedite prosecution of any detained ISIS member, including in a court of competent jurisdiction outside of the United States.

(F) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of detained or displaced ISIS members, and an assessment of any measures available to mitigate such releases.

(G) A detailed description of efforts to coordinate the disposition and security of detained or displaced ISIS members with other countries and international organizations, including the International Criminal Police Organization, to ensure secure chains of custody and locations of such ISIS members.

(H) An analysis of the manner in which the United States Government communicates on such proposals and efforts with the families of United States citizens believed to have been victims of a criminal act by a detained or displaced ISIS member.

(I) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of ISIS members, and any legal obstacles that may hinder such efforts.

(J) Any other matter the Coordinator considers appropriate.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

SA 5859. Mr. DURBIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. PROHIBITION AGAINST UNITED STATES RECOGNITION OF THE RUSSIAN FEDERATION'S CLAIM OF SOVEREIGNTY OVER ANY PORTION OF UKRAINE.

(a) STATEMENT OF POLICY.—It is the policy of the United States not to recognize the Russian Federation's claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

(b) PROHIBITION.—In accordance with subsection (a), no Federal department or agency may take any action or extend any assistance that implies recognition of the Russian Federation's claim of sovereignty over any portion of the internationally-recognized territory of Ukraine, including its airspace and its territorial waters.

SA 5860. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 ____ . OLD PASCUA COMMUNITY LAND ACQUISITION.

(a) DEFINITIONS.—In this section:

(1) COMPACT-DESIGNATED AREA.—The term “Compact Designated Area” means the area south of West Grant Road, east of Interstate 10, north of West Calle Adelanto, and west of North 15th Avenue in the City of Tucson, Arizona, as provided specifically in the Pascua Yaqui Tribe—State of Arizona Amended and Restated Gaming Compact signed in 2021.

(2) TRIBE.—The term “Tribe” means the Pascua Yaqui Tribe of Arizona, a federally recognized Indian tribe.

(3) INDIAN TRIBE.—The term “Indian Tribe”

(A) means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) does not include any Alaska Native regional or village corporation.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) LAND TO BE HELD IN TRUST.—Upon the request of the Tribe, the Secretary shall accept and take into trust for the benefit of the Tribe, subject to all valid existing rights, any land within the Compact-Designated Area that is owned by the Tribe.

(c) APPLICATION OF CURRENT LAW.—Gaming conducted by the Tribe in the Compact-Designated Area shall be subject to—

(1) the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.); and

(2) sections 1166 through 1168 of title 18, United States Code.

(d) REAFFIRMATION OF STATUS AND ACTIONS.—

(1) ADMINISTRATION.—Land placed into trust pursuant to this section shall—

(A) be a part of the Pascua Yaqui Reservation and administered in accordance with the laws and regulations generally applicable to land held in trust by the United States for an Indian Tribe; and

(B) be deemed to have been acquired and taken into trust on September 18, 1978.

(2) RULES OF CONSTRUCTION.—Nothing in this section shall—

(A) enlarge, impair, or otherwise affect any right or claim of the Tribe to any land or interest in land in existence before the date of the enactment of this Act;

(B) affect any water right of the Tribe in existence before the date of the enactment of this Act;

(C) terminate or limit any access in any way to any right-of-way or right-of-use issued, granted, or permitted before the date of the enactment of this Act; or

(D) alter or diminish the right of the Tribe to seek to have additional land taken into trust by the United States for the benefit of the Tribe.

SA 5861. Ms. SINEMA (for herself and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10 ____ . NOGALES WASTEWATER IMPROVEMENT.

(a) AMENDMENT TO THE ACT OF JULY 27, 1953.—The first section of the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10), is amended by striking the period at the end and inserting “: *Provided further*, That the equitable portion of the Nogales sanitation project for the city of Nogales, Arizona, shall be limited to the costs directly associated with the treatment and conveyance of the wastewater of the city and, to the extent practicable, shall not include any costs directly associated with the quality or quantity of wastewater originating in Mexico.”.

(b) NOGALES SANITATION PROJECT.—

(1) DEFINITIONS.—In this subsection:

(A) CITY.—The term “City” means the City of Nogales, Arizona.

(B) COMMISSION.—The term “Commission” means the United States Section of the International Border and Water Commission.

(C) INTERNATIONAL OUTFALL INTERCEPTOR.—The term “International Outfall Interceptor” means the pipeline that conveys wastewater from the United States-Mexico border to the Nogales International Wastewater Treatment Plant.

(D) NOGALES INTERNATIONAL WASTEWATER TREATMENT PLANT.—The term “Nogales International Wastewater Treatment Plant” means the wastewater treatment plant that—

(i) is operated by the Commission;

(ii) is located in Rio Rico, Santa Cruz County, Arizona, after manhole 99; and

(iii) treats sewage and wastewater originating from—

(I) Nogales, Sonora, Mexico; and

(II) Nogales, Arizona.

(2) OWNERSHIP AND CONTROL.—

(A) IN GENERAL.—Subject to subparagraph (B) and in accordance with authority under

the Act of July 27, 1953 (67 Stat. 195, chapter 242; 22 U.S.C. 277d–10 et seq.), on transfer by donation from the City of the current stake of the City in the International Outfall Interceptor to the Commission, the Commission shall enter into such agreements as are necessary to assume full ownership and control over the International Outfall Interceptor.

(B) AGREEMENTS REQUIRED.—The Commission shall assume full ownership and control over the International Outfall Interceptor under subparagraph (A) after all applicable governing bodies in the State of Arizona, including the City, have—

(i) signed memoranda of understanding granting to the Commission access to existing easements for a right of entry to the International Outfall Interceptor for the life of the International Outfall Interceptor;

(ii) entered into an agreement with respect to the flows entering the International Outfall Interceptor that are controlled by the City; and

(iii) agreed to work in good faith to expeditiously enter into such other agreements as are necessary for the Commission to operate and maintain the International Outfall Interceptor.

(3) OPERATIONS AND MAINTENANCE.—

(A) IN GENERAL.—Beginning on the date on which the Commission assumes full ownership and control of the International Outfall Interceptor under paragraph (2)(A), but subject to paragraph (5), the Commission shall be responsible for the operations and maintenance of the International Outfall Interceptor.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission to carry out this paragraph, to remain available until expended—

(i) \$4,400,000 for fiscal year 2023; and

(ii) not less than \$2,500,000 for fiscal year 2024 and each fiscal year thereafter.

(4) DEBRIS SCREEN.—

(A) DEBRIS SCREEN REQUIRED.—

(i) IN GENERAL.—The Commission shall construct, operate, and maintain a debris screen at Manhole One of the International Outfall Interceptor for intercepting debris and drug bundles coming to the United States from Nogales, Sonora, Mexico.

(ii) REQUIREMENT.—In constructing and operating the debris screen under clause (i), the Commission and the Commissioner of U.S. Customs and Border Protection shall coordinate—

(I) the removal of drug bundles and other illicit goods caught in the debris screen; and

(II) other operations at the International Outfall Interceptor that require coordination.

(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission, to remain available until expended—

(i) \$11,900,000 for fiscal year 2023 for construction of the debris screen described in subparagraph (A)(i); and

(ii) \$2,200,000 for fiscal year 2024 and each fiscal year thereafter for the operations and maintenance of the debris screen described in subparagraph (A)(i).

(5) LIMITATION OF CLAIMS.—Chapter 171 and section 1346(b) of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), shall not apply to any claim arising from the activities of the Commission in carrying out this subsection, including any claim arising from damages that result from overflow of the International Outfall Interceptor due to excess inflow to the International Outfall Interceptor originating from Nogales, Sonora, Mexico.

SA 5862. Ms. SINEMA submitted an amendment intended to be proposed to

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

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10 . URBAN WATERS FEDERAL PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) MEMBER AGENCIES.—The term “member agencies” means each of—

(A) the Environmental Protection Agency;
(B) the Department of the Interior;
(C) the Department of Agriculture;
(D) the Corps of Engineers;
(E) the National Oceanic and Atmospheric Administration;

(F) the Economic Development Administration;

(G) the Department of Housing and Urban Development;

(H) the Department of Transportation;

(I) the Department of Energy;

(J) the Department of Education;

(K) the National Institute for Environmental Health Sciences;

(L) the Community Development Financial Institutions Fund;

(M) the Federal Emergency Management Agency;

(N) the Corporation for National and Community Service; and

(O) such other agencies, departments, and bureaus that elect to participate in the Urban Waters program as the missions, authorities, and appropriated funding of those agencies, departments, and bureaus allow.

(3) SECRETARIES.—The term “Secretaries” means the Secretary of the Interior and the Secretary of Agriculture.

(4) URBAN WATERS AMBASSADOR.—The term “Urban Waters ambassador” means a person who—

(A) is locally based near the applicable Urban Waters partnership location; and

(B) serves in a central coordinating role for the work carried out in the applicable Urban Waters partnership location with respect to the Urban Waters program.

(5) URBAN WATERS NONPARTNERSHIP LOCATION.—The term “Urban Waters nonpartnership location” means an urban or municipal site and the associated watershed or waterbody of the site—

(A) that receives Federal support for activities that advance the purpose of the Urban Waters program; but

(B)(i) that is not formally designated as an Urban Waters partnership location; and

(ii) for which is not maintained—

(I) an active partnership with an Urban Waters ambassador; or

(II) an Urban Waters partnership location workplan.

(6) URBAN WATERS PARTNERSHIP LOCATION.—The term “Urban Waters partnership location” means an urban or municipal site and the associated watershed or waterbody of the site for which—

(A) the Administrator, in collaboration with the heads of the other member agencies, has formally designated as a partnership location under the Urban Waters program; and

(B) an active partnership with an Urban Waters ambassador is maintained.

(7) URBAN WATERS PARTNERSHIP LOCATION WORKPLAN.—The term “Urban Waters partnership location workplan” means the plan for projects and actions that is coordinated across an Urban Waters partnership location.

(8) URBAN WATERS PROGRAM.—The term “Urban Waters program” means the program authorized under subsection (b).

(b) AUTHORIZATION.—There is authorized a program, to be known as the “Urban Waters Federal Partnership Program”, administered by the partnership of the member agencies—

(1) to jointly support and execute the goals of the Urban Waters program through the independent authorities and appropriated funding of the member agencies; and

(2) to advance the purpose described in subsection (c) within designated Urban Waters partnership locations and other urban and suburban communities in the United States.

(c) PROGRAM PURPOSE.—The purpose of the Urban Waters program is to reconnect urban communities, particularly urban communities that are overburdened or economically distressed, with associated waterways by improving coordination among Federal agencies.

(d) PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Administrator, in coordination with the Secretaries and, as appropriate, the heads of the other member agencies, shall maintain the Urban Waters program in accordance with this subsection.

(2) URBAN WATERS FEDERAL PARTNERSHIP STEERING COMMITTEE.—

(A) ESTABLISHMENT.—

(i) IN GENERAL.—The Administrator shall establish a steering committee for the Urban Waters program (referred to in this paragraph as the “steering committee”).

(ii) CHAIR.—The Administrator shall serve as chairperson of the steering committee.

(iii) VICE-CHAIRS.—The Secretaries shall serve as vice-chairpersons of the steering committee.

(iv) MEMBERSHIP.—In addition to the Administrator and the Secretaries, the members of the steering committee shall be the senior officials (or their designees) from such member agencies as the Administrator shall designate.

(B) DUTIES.—The steering committee shall provide general guidance to the member agencies with respect to the Urban Waters program, including guidance with respect to—

(i) the identification of annual priority issues for special emphasis within Urban Waters partnership locations; and

(ii) the identification of funding opportunities, which shall be communicated to all Urban Waters partnership locations.

(C) INTERAGENCY FINANCING.—Notwithstanding section 1346 of title 31, United States Code, section 708 of division E of the Consolidated Appropriations Act, 2022 (Public Law 117–103; 136 Stat. 295), or any other similar provision of law, member agencies may—

(i) provide interagency financing to the steering committee; and

(ii) directly transfer such amounts as are necessary to support the activities of the steering committee.

(3) AUTHORITY.—

(A) PARTNERSHIP LOCATIONS.—

(i) PARTNERSHIP LOCATIONS.—The Administrator and the Secretaries shall maintain an active partnership program under the Urban Waters program at each Urban Waters partnership location, including each Urban Waters partnership location in existence on the date of enactment of this Act, by providing—

(I) technical assistance for projects to be carried out within the Urban Waters partnership location;

(II) funding for projects to be carried out within the Urban Waters partnership location;

(III) funding for an Urban Waters ambassador for the Urban Waters partnership location; and

(IV) coordination support with other member agencies with respect to activities carried out at the Urban Waters partnership location.

(ii) NEW PARTNERSHIP LOCATIONS.—

(I) IN GENERAL.—The Administrator and the Secretaries may, in consultation with the heads of other member agencies, establish new Urban Waters partnership locations.

(II) NONPARTNERSHIP LOCATIONS.—A community with an Urban Waters nonpartnership location may, at the discretion of the community, seek to have the Urban Waters nonpartnership location designated as an Urban Waters partnership location.

(B) AUTHORIZED ACTIVITIES.—

(i) DEFINITION OF ELIGIBLE ENTITY.—In this subparagraph, the term “eligible entity” means—

(I) a State;

(II) a territory or possession of the United States;

(III) the District of Columbia;

(IV) an Indian Tribe;

(V) a unit of local government;

(VI) a public or private institution of higher education;

(VII) a public or private nonprofit institution;

(VIII) an intertribal consortium;

(IX) an interstate agency; and

(X) any other entity determined to be appropriate by the Administrator.

(ii) ACTIVITIES.—In carrying out the Urban Waters program, a member agency may—

(I) encourage, cooperate with, and render technical services to and provide financial assistance to support—

(aa) Urban Water ambassadors to conduct activities with respect to the applicable Urban Waters partnership location, including—

(AA) convening the appropriate Federal and non-Federal partners for the Urban Waters partnership location;

(BB) developing and carrying out an Urban Waters partnership location workplan;

(CC) leveraging available Federal and non-Federal resources for projects within the Urban Waters partnership location; and

(DD) sharing information and best practices with the Urban Waters Learning Network established under subparagraph (C); and

(bb) an eligible entity in carrying out—

(AA) projects at Urban Water partnership locations that provide habitat or water quality improvements, increase river recreation, enhance community resiliency, install infrastructure, strengthen community engagement with and education with respect to water resources, or support planning, coordination, and execution of projects identified in the applicable Urban Waters partnership location workplan; and

(BB) planning, research, experiments, demonstrations, surveys, studies, monitoring, training, and outreach to advance the purpose described in subsection (c) within Urban Waters partnership locations and in Urban Waters nonpartnership locations; and

(II) transfer funds to or enter into interagency agreements with other member agencies as necessary to carry out the Urban Waters program.

(C) URBAN WATERS LEARNING NETWORK.—The Administrator and the Secretaries shall maintain an Urban Waters Learning Network—

(i) to share information, resources, and tools between Urban Waters partnership locations and with other interested communities; and

(ii) to carry out community-based capacity building that advances the goals of the Urban Waters program.

(D) **WORKPLAN PROGRESS.**—Progress in addressing the goals of the Urban Waters partnership location workplan of an Urban Waters partnership location shall be shared with the Urban Waters program at regular intervals, as determined by the Administrator and the Secretaries.

(e) **REPORTS TO CONGRESS.**—The Administrator and the Secretaries shall annually submit to the appropriate committees of Congress a report describing the progress in carrying out the Urban Waters program, which shall include—

(1) a description of the use of funds under the Urban Waters program;

(2) a description of the progress made in carrying out Urban Waters partnership location workplans; and

(3) any additional information that the Administrator and the Secretaries determine to be appropriate.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated to the Administrator to carry out the Urban Waters program \$10,000,000 for each of fiscal years 2023 through 2027.

(2) **USE OF FUNDS.**—Notwithstanding any other provision of law, activities carried out using amounts made available to the Administrator under paragraph (1) may be used in conjunction with amounts made available from—

(A) other member agencies; and

(B) non-Federal entities that participate in the Urban Waters program.

SA 5863. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

In division A, after section 157, insert the following:

SEC. 158. None of the amounts made available by section 101 may be used to transport aliens who are unlawfully present in the United States to any place in the United States that is more than 100 miles from the nearest international border.

SA 5864. Mr. DAINES submitted an amendment intended to be proposed by him to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division C, add the following:

SEC. 105. INVALIDATION OF CERTAIN REGULATIONS REGARDING RESTRICTIONS FOR NONCITIZENS AT LAND PORTS OF ENTRY AND FERRIES SERVICE BETWEEN CANADA AND THE UNITED STATES.

Beginning on the date of the enactment of this Act, the “Notification of Temporary

Travel Restrictions Applicable to Land Ports of Entry and Ferries Service Between the United States and Canada” (87 Fed. Reg. 24048 (April 22, 2022)), which announced the decision of the Secretary of Homeland Security to restrict the travel of noncitizens into the United States from Canada to those who are fully vaccinated against COVID-19, shall have no force or effect.

SA 5865. Mr. MORAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

Paragraph (16) of section 1077(a) of title 10, United States Code, is amended to read as follows:

“(16) Except as provided by subsection (g), a hearing aid, but only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries, and only for the following dependents:

“(A) A dependent of a member of the uniformed services on active duty.

“(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who—

“(i) is entitled to retired or retainer pay, or equivalent pay; and

“(ii) is enrolled in family coverage under TRICARE Prime.”.

SA 5866. Mr. MORAN (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. USE OF ALTERNATIVES TO OPEN-AIR BURN PITS IN DISPOSING WASTE.

Section 317 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 10 U.S.C. 2701 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “Committees on Armed Services of the Senate and House of Representatives” each place it appears and inserting “appropriate congressional committees”; and

(B) in paragraph (4)(A), in the matter preceding clause (i), by striking “Committees on Armed Services of the Senate and the House of Representatives” and inserting “appropriate congressional committees”; and

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

“(5) **REPLACEMENT OF OPEN-AIR BURN PITS.**—Not later than 90 days after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall begin executing a plan to replace any open-air burn pits operated by partners or contracted vendors of the Department of Defense that dispose of waste and are in proximity to members of the Armed Forces with alternative disposal methods.

“(6) **DETERMINATION OF ALTERNATIVE METHODS OF DISPOSAL.**—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall—

“(A) enter into an agreement with a non-governmental research organization to determine alternative methods of deployable solid waste disposal that meet the needs of world-wide contingency operations; and

“(B) submit to the appropriate congressional committees a report on the alternative methods determined under subparagraph (A).

“(7) **NOTIFICATION OF USE OF OPEN-AIR BURN PIT.**—If members of the Armed Forces are in proximity to an open-air burn pit used by the Department of Defense or any partner or contracted vendor of the Department, the Secretary shall notify such members and the appropriate congressional committees of—

“(A) the use of an open-air burn pit in that location; and

“(B) a description of—

“(i) the material burned in the open-air burn pit; and

“(ii) the substances emitted from the open-air burn pit.”;

(2) in subsection (c), in the matter preceding paragraph (1), by striking “Committees on Armed Services of the Senate and House of Representatives” and inserting “appropriate congressional committees”; and

(3) in subsection (d)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(B) by inserting before paragraph (2), as redesignated by subparagraph (A), the following new paragraph (1):

“(1) The term ‘appropriate congressional committees’ means—

“(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

“(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.”.

SA 5867. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 517. DIVESTITURE OF TACTICAL CONTROL PARTY.

No divestiture of any Tactical Control Party specialist force structure from the Air National Guard may occur until the Chief of the National Guard Bureau, in consultation with the Chief of Staff of the Army and the Commandant of the Marine Corps, provides a

report to the congressional defense committees describing—

(1) the capability gaps caused by divestiture of Tactical Control Party force structure from the Air National Guard and its impact on the Department of Defense to execute the National Defense Strategy;

(2) the impacts of such divestiture to the operational capabilities of the Army National Guard.

SA 5868. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. EXPANSION OF ELIGIBILITY FOR HEARING AIDS TO INCLUDE CHILDREN OF CERTAIN RETIRED MEMBERS OF THE UNIFORMED SERVICES.

Paragraph (16) of section 1077(a) of title 10, United States Code, is amended to read as follows:

“(16) Except as provided by subsection (g), a hearing aid, but only if the dependent has a profound hearing loss, as determined under standards prescribed in regulations by the Secretary of Defense in consultation with the administering Secretaries, and only for the following dependents:

“(A) A dependent of a member of the uniformed services on active duty.

“(B) A dependent under subparagraph (D) or (I) of section 1072(2) of this title of a former member of the uniformed services who is entitled to retired or retainer pay, or equivalent pay.”.

SA 5869. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORT ON ARMS TRAFFICKING IN HAITI.

(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 Commerce and the Attorney General, shall submit to the appropriate congressional committees a report on arms trafficking in Haiti.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) The number and category of United States-origin weapons in Haiti, including those in possession of the Haitian National Police or other state authorities and diverted outside of their control and the number of United States-origin weapons believed to be illegally trafficked from the United States since 1991.

(2) The major routes by which illegal arms are trafficked into Haiti.

(3) The major Haitian seaports, airports, and other border crossings where illegal arms are trafficked.

(4) An accounting of the ways individuals trafficking arms to Haiti evade Haitian and United States law enforcement and customs officials.

(5) A description of networks among Haitian government officials, Haitian customs officials, and gangs and others illegally involved in arms trafficking.

(6) Whether any end-use agreements between the United States and Haiti in the issuance of United States-origin weapons have been violated.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

SA 5870. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. LIU XIAOBO FUND FOR STUDY OF THE CHINESE LANGUAGE.

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

(1) the United States Government, as an alternative to Confucius Institutes, should invest heavily into programs and institutions that contribute to a robust pipeline of United States persons learning China’s many languages; and

(2) it is in the national security interests of the United States to ensure that United States persons continue to invest in Chinese language skills and the Tibetan, Uyghur, and Mongolian languages, in an environment that is free of malign political influence from foreign state actors.

(b) DEFINITIONS.—In this section:

(1) ALASKA NATIVE-SERVING INSTITUTION.—The term “Alaska Native-serving institution” has the meaning given such term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(2) ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTION.—The term “Asian American and Native American Pacific Islander-serving institution” has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(3) HISPANIC-SERVING INSTITUTION.—The term “Hispanic-serving institution” has the meaning given such term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a).

(4) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” means a part B institution described in section 322(2) of the Higher Education Act of 1965 (22 U.S.C. 1061(2)).

(5) NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTION.—The term “Native American-serving nontribal institution” has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(6) NATIVE HAWAIIAN-SERVING INSTITUTION.—The term “Native Hawaiian-serving institution” has the meaning given such term in section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)).

(7) PREDOMINANTLY BLACK INSTITUTION.—The term “Predominantly Black institution” has the meaning given such term in section 371(c) of the Higher Education Act of 1965 (20 U.S.C. 1067q(c)).

(8) TRIBAL COLLEGE OR UNIVERSITY.—The term “Tribal College or University” has the meaning given such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)).

(c) ESTABLISHMENT OF THE LIU XIAOBO FUND FOR STUDY OF THE CHINESE LANGUAGE.—

(1) IN GENERAL.—The Secretary of State shall establish, in the Department of State, the “Liu Xiaobo Fund for Study of the Chinese Language” (referred to in this section as the “Fund”), which shall be used to fund study by United States persons of Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China. Such study may take place in the United States or outside of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Liu Xiaobo Fund for Study of the Chinese Language for fiscal year 2023, and for each subsequent fiscal year, \$10,000,000, which shall be used to carry out the activities described in subsection (d).

(3) INTERAGENCY FUNDS TRANSFERS.—The Secretary of State, after notifying the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, may transfer amounts appropriated to the Fund pursuant to paragraph (2) to carry out this section to other appropriate Federal departments and agencies for similar purposes. The heads of each Federal department or agency receiving a transfer pursuant to this subsection shall consult with the Secretary of State regarding the preparation of the report required under subsection (e).

(4) LIMITATIONS.—Amounts deposited into the Fund pursuant to paragraph (2) may only be made available for—

(A) the costs of language study programs carried out or approved by the Department of State, including related administrative costs incurred by the Department; and

(B) programs carried out by other Federal departments and agencies pursuant to a transfer authorized under paragraph (3).

(5) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for Operations and Maintenance, Defense-Wide, as specified in the corresponding funding table in section 4301, is hereby reduced by \$10,000,000.

(d) REQUIRED ACTIVITIES.—Amounts appropriated pursuant to subsection (c)(2)—

(1) shall be expended for the advancement of the national security and foreign policy interests of the United States, as determined by the Secretary of State;

(2) shall favor funding mechanisms that—

(A) maximize the total number of United States persons given the opportunity to acquire full conversational linguistic proficiency in Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China; and

(B) provide opportunities for such language study to areas traditionally under-served by such opportunities;

(3) shall be shaped by an ongoing consultative process taking into account design inputs of—

(A) civil society institutions, including Chinese diaspora community organizations;

(B) language experts in Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China;

(C) organizations representing historically disadvantaged socioeconomic groups in the United States; and

(D) human rights organizations; and

(4) shall favor opportunities to fund the study of Mandarin and Cantonese Chinese, Tibetan, Uyghur, Mongolian, and other contemporary spoken languages of China at Alaska Native-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Hispanic-serving institutions, historically Black college or universities, Native American-serving non-tribal institutions, Native Hawaiian-serving institutions, Predominantly Black institutions, and Tribal Colleges or Universities.

(e) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act and annually thereafter for the following 5 years, the Secretary of State, in consultation with the heads of appropriate Federal departments and agencies, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that details the disbursements made by the Fund and the activities carried out during the immediately preceding academic year in support of the goals of the Fund.

(2) CONTENTS.—Each report required under paragraph (1) shall contain, with respect to the reporting period—

(A) a detailed description of the institutions, programs, and entities that received funds through the Liu Xiaobo Fund for Study of the Chinese Language;

(B) the amounts that were distributed by the Fund, disaggregated by institution, program, or entity, including identification of the State or country in which such institution, program, or entity is located;

(C) the number of United States persons whose language study was subsidized by the Fund and the average amount per person disbursed from the Fund for such study;

(D) a comparative analysis of per dollar program effectiveness and efficiency in allowing United States persons to reach conversational proficiency Mandarin or Cantonese Chinese, Tibetan, Uyghur, Mongolian, or other contemporary spoken languages of China;

(E) an analysis of which of the languages referred to in subparagraph (D) were studied through the funding from the Fund; and

(F) any recommendations of the Secretary of State for improvements to the authorities, priorities, or management of the Fund.

SA 5871. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. EXTENSION AND MODIFICATION OF THE ASIA REASSURANCE INITIATIVE ACT OF 2018.

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

(1) the Indo-Pacific region is home to many of the world's most dynamic democracies, economic opportunities, as well as many challenges to United States interests and values as a result of the growth in authoritarian governance in the region and by broad challenges posed by nuclear proliferation, the changing environment, and deteriorating adherence to human rights principles and obligations;

(2) the People's Republic of China poses a particular threat as it repeatedly violates internationally recognized human rights, engages in unfair economic and trade practices, disregards international laws and norms, coerces its neighbors, engages in malign influence operations, and enables global digital authoritarianism;

(3) the Asia Reassurance Initiative Act of 2018 (Public Law 115-409; 132 Stat 5387) (referred to in this section as “ARIA”) enhances the United States’ commitment in the Indo-Pacific region by—

(A) expanding its defense cooperation with its allies and partners;

(B) investing in democracy and the protection of human rights;

(C) engaging in cybersecurity initiatives; and

(D) supporting people-to-people engagement and other shared priorities; and

(4) the 2019 Department of Defense Indo-Pacific Strategy Report concludes that ARIA “enshrines a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region”.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Asia Reassurance Initiative Act of 2018 (Public Law 115-409) is amended—

(1) in section 201(b), by striking “\$1,500,000,000 for each of the fiscal years 2019 through 2023” and inserting “\$2,000,000,000 for each of the fiscal years 2023 through 2027”;

(2) in section 215(b), by striking “2023” and inserting “2027”;

(3) in section 306(a)—

(A) in paragraph (1), by striking “5 years” and inserting “8 years”; and

(B) in paragraph (2), by striking “2023” and inserting “2027”;

(4) in section 409(a)(1), by striking “2023” and inserting “2027”;

(5) in section 410—

(A) in subsection (c), by striking “2023” and inserting “2027”; and

(B) in subsection (d), in the matter preceding paragraph (1), by striking “2023” and inserting “2027”; and

(6) in section 411, by striking “2023” and inserting “2027”.

SA 5872. Mr. MARKEY (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Cambodia Democracy and Human Rights

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Cambodia Democracy and Human Rights Act of 2022”.

SEC. 1282. FINDINGS.

Congress finds the following:

(1) On October 23, 1991, Cambodia and 18 other countries signed the Comprehensive Cambodian Peace Agreement (commonly referred to as the “Paris Peace Agreements”), which committed Cambodia to a democratic system of governance protected by a constitution and free and fair elections and stated that the people of Cambodia “shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments”.

(2) Prime Minister Hun Sen has been in power in Cambodia since 1984 and is the longest-serving leader in Southeast Asia. Despite decades of international attention and assistance to promote a pluralistic, multiparty democratic system in Cambodia, the Government of Cambodia continues to be undemocratically dominated by the ruling Cambodian People's Party.

(3) In 2015, the Cambodian People's Party-controlled National Assembly adopted the Law on Associations and Non-Governmental Organizations, which gave the Government of Cambodia sweeping powers to revoke the registration of nongovernmental organizations in the name of “national unity”, and which the government has used to restrict the legitimate work of civil society.

(4) On August 23, 2017, Cambodia's Ministry of Foreign Affairs ordered the closure of the National Democratic Institute office in Cambodia and the expulsion of its foreign staff. On September 15, 2017, Prime Minister Hun Sen called for the withdrawal of all volunteers from the United States Peace Corps, which has operated in Cambodia since 2006 with approximately 500 United States volunteers providing English language and healthcare training.

(5) The Government of Cambodia has taken several measures to restrict its media environment, especially through politicized tax investigations against independent media outlets that resulted in the closure of The Cambodia Daily and Radio Free Asia in early September 2017. Additionally, the Government of Cambodia has ordered several radio stations to stop the broadcasting of Radio Free Asia and Voice of America programming.

(6) Cambodia's small number of independent trade unions and workers have the right to strike, but many face retribution for doing so, according to Freedom House.

(7) Each of the 6 elections that have taken place in Cambodia since 1991 was conducted in circumstances that were not free and fair, and were marked, to varying degrees, by fraud, intimidation, violence, and the misuse by the Government of Cambodia of legal mechanisms to weaken opposition candidates and parties. The 2017 local elections were marked by fewer reported irregularities, however, which helped the opposition Cambodia National Rescue Party (in this section referred to as the “CNRP”). Hun Sen responded to those improvements in elections, resulting in part from international assistance and observers, by banning the CNRP, the primary opposition party, on November 16, 2017.

(8) On September 3, 2017, Kem Sokha, the President of the CNRP, was arrested on politically motivated charges, including treason and conspiring to overthrow the Government of Cambodia. While he was released on bail, he faces up to 30 years in prison.

(9) In the most recent general election in July 2018, following the dissolution of the CNRP, the Cambodian People's Party secured every parliamentary seat, an electoral victory that the White House Press Secretary stated was "neither free nor fair and failed to represent the will of the Cambodian people".

(10) The widespread crackdown by the Government of Cambodia on the political opposition and other independent voices has caused many CNRP leaders to flee abroad. On March 12, 2019, a court criminally charged and issued arrest warrants for 8 leading members of the CNRP, including former CNRP leader Sam Rainsy, who had left Cambodia ahead of the July 2018 election, as well as Mu Sochua, Ou Chanrith, Eng Chhai Eang, Men Sothavarin, Long Ry, Tob Van Chan, and Ho Vann.

(11) The Government of Cambodia has arrested many opposition party members and democracy activists who remained in Cambodia. More than 80 opposition party supporters and activists were arrested in 2019 and were released on bail with charges still pending and could face re-arrest any time.

(12) In November 2019, Sam Rainsy made a failed attempt to return to Cambodia to partake in mass pro-democracy protests. Approximately 150 CNRP activists were put on trial in 2020 and 2021 for treason for calling for his return.

(13) In March 2021, a Cambodian court convicted and sentenced Sam Rainsy in absentia to 25 years in prison and 8 other opposition figures living in exile, including Rainsy's wife Tiouleng Saumura, as well as Mu Sochua, Eng Chhay Eang, Men Sothavarin, Ou Chanrith, Ho Vann, Long Ry, and Nuth Romduol, to between 20 and 22 years.

(14) On June 14, 2022, the Government of Cambodia convicted 51 opposition politicians and activists in a mass trial, many of whom were convicted in absentia on charges of "incitement" and "conspiracy" for supporting the development of democracy in Cambodia. Sentences ranged from 5-year suspended jail terms to 8 years in prison and serve to further intimidate potential political opponents of the regime of Prime Minister Hun Sen.

(15) Prime Minister Hun Sen has used the coronavirus disease 2019 (commonly known as "COVID-19") pandemic as justification to further consolidate power and the Cambodia People's Party-controlled National Assembly passed new laws to further curtail the rights to freedom of expression, peaceful assembly, and association.

(16) According to Human Rights Watch, under the guise of the pandemic, authorities—

(A) banned protests organized by youth and environmental activists;

(B) detained and interrogated at least 30 people for Facebook posts related to the pandemic; and

(C) charged one journalist for pandemic-related reporting.

(17) According to Freedom House, Hun Sen uses the police and armed forces as instruments of repression. The military has stood firmly behind Hun Sen and his crackdown on opposition groups and Hun Sen has built a personal bodyguard unit in the armed forces that he reportedly uses to harass and abuse Cambodian People's Party opponents.

(18) In August 2020, 14 youth and environmental activists were detained by Cambodian authorities. In May 2021, 3 environmental activists were convicted on charges of "incitement to commit a felony or disturb social order", related to peaceful protests against authorities. In June 2021, a Cambodian court charged 3 environmental activists with "plotting against the government and insulting the king". The 2020 Country

Reports on Human Rights Practices of the Department of State reported "at least 40 political prisoners or detainees" in Cambodia.

(19) Beginning in December 2021, the Government of Cambodia has restricted the labor rights of workers protesting working conditions and illegal dismissals at the NagaWorld Casino, including using the COVID-19 pandemic as an excuse to limit the ability of workers to protest. In February 2022, officials of the Government of Cambodia arrested 6 workers of the casino after leaving a COVID-19 testing center, claiming that they had obstructed testing.

(20) In 2019, the Wall Street Journal reported that Cambodia had signed a deal with the Government of the People's Republic of China to allow that Government access to and use of the Ream Naval Base on the Gulf of Thailand, even though the Constitution of Cambodia prohibits the establishment of foreign military bases.

(21) In 2019, the New York Times reported that a company described by the Department of the Treasury as being a state-owned company of the People's Republic of China had secured a 99-year lease to build an airport capable of supporting military aircraft at Dara Sakor, raising concerns that Beijing intends to use this dual-use facility for its military, despite the prohibition against the establishment of foreign military bases in the Constitution of Cambodia.

(22) In section 401 of the Asia Reassurance Initiative Act of 2018 (Public Law 115-409; 132 Stat. 5407), Congress expressed serious concerns with the rule of law and civil liberties in Cambodia and made the finding that the promotion of human rights and respect for democratic values in the Indo-Pacific region is in the United States national security interest.

(23) The 2020 Country Reports on Human Rights Practices of the Department of State stated, of Cambodia, "Corruption was endemic throughout society and government. There were reports police, prosecutors, investigating judges, and presiding judges took bribes from owners of both legal and illegal businesses. Citizens frequently and publicly complained about corruption. Meager salaries contributed to 'survival corruption' among low-level public servants, while a culture of impunity enabled corruption to flourish among senior officials."

(24) Section 7043(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103; 136 Stat. 645) restricts assistance to the Government of Cambodia until "the Secretary of State certifies and reports to the Committees on Appropriations that such Government is taking effective steps to—

"(i) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea;

"(ii) assert its sovereignty against interference by the People's Republic of China, including by verifiably maintaining the neutrality of Ream Naval Base, other military installations in Cambodia, and dual use facilities such as the Dara Sakor development project;

"(iii) cease violence, threats, and harassment against civil society and the political opposition in Cambodia, and dismiss any politically motivated criminal charges against critics of the government; and

"(iv) respect the rights, freedoms, and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993."

(25) Section 201(f) of the Asia Reassurance Initiative Act of 2018 (Public Law 115-409; 132

Stat. 5392) restricts assistance to Cambodia until the Government of Cambodia takes effective steps to—

(A) strengthen regional security and stability, particularly regarding territorial disputes in the South China Sea and the enforcement of international sanctions with respect to North Korea; and

(B) respect the rights and responsibilities enshrined in the Constitution of the Kingdom of Cambodia as enacted in 1993, including through the—

(i) restoration of the civil and political rights of the opposition Cambodia National Rescue Party, media, and civil society organizations;

(ii) restoration of all elected officials to their elected offices; and

(iii) release of all political prisoners, including journalists, civil society activists, and members of the opposition political party.

(26) On December 9, 2019, the Department of the Treasury imposed sanctions under the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.) with respect to certain corrupt Cambodian actors and their networks.

(27) In February 2019, the European Union began intense scrutiny of Cambodia's eligibility to for preferential trade access in light of the deterioration of democracy, the rule of law, and the protection of human rights in Cambodia. In February 2020, the European Union, Cambodia's largest export market, partially suspended trade preferences for Cambodia under its "Everything but Arms" trade program, in response to Cambodia's violations of civil and political rights.

(28) In 2021, the Joint Vietnamese Friendship building, a facility built by the Government of Vietnam, was relocated off the Ream Naval Base, reportedly to avert conflicts with military personnel of the People's Republic of China.

(29) In 2022, the governments of the People's Republic of China and Cambodia held a groundbreaking ceremony for a new upgrade to the Ream Naval Base, which, according to the Washington Post, would allow the People's Liberation Army to have "exclusive use of the northern portion of the base, while their presence would remain concealed".

(30) On June 8, 2022, in the groundbreaking ceremony for constructing new facilities of the Ream Naval Base, the Ambassador of the People's Republic of China to Cambodia, Wang Wentian, declared that the base would be a monument to "the ironclad friendship and cooperation between the two militaries" of the People's Republic of China and Cambodia.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States is committed to promoting democracy, human rights, and the rule of law in Cambodia, as laid out in the 1991 Paris Peace Agreements;

(2) the United States Government, through diplomacy and assistance, should urge the Government of Cambodia to—

(A) release all political prisoners;

(B) drop all politically motivated charges and vacate convictions against members of the Cambodia National Rescue Party, journalists, and civil society activists; and

(C) restore full political rights to the Cambodia National Rescue Party and other political parties;

(3) the United States Government should urge the Government of Cambodia—

(A) to reverse the policies and actions that have resulted in the dismantling of democracy, the blatant disregard of fundamental human rights, and the breakdown of rule of law in Cambodia;

(B) to immediately discontinue the imprisonment and judicial harassment of journalists, political dissidents, and activists, and drop politically motivated charges;

(C) to stop arrests and intimidation of civil society members, including human rights activists, environmental defenders, and labor leaders, and promote a flourishing civil society that supports the political and economic development of Cambodia;

(D) to halt the threat of mass arrests and violence if and when Cambodia National Rescue Party members currently overseas return to Cambodia;

(E) to reinstate the political status of the Cambodia National Rescue Party and other opposition parties, restore the Cambodia National Rescue Party's elected seats in the National Assembly, and support electoral reform efforts in Cambodia with free and fair elections monitored by international observers;

(F) to ensure that media outlets are able to operate freely and without interference, including having the ability to apply for and receive licenses to operate within Cambodia;

(G) to consider how allowing the People's Liberation Army to conduct activities, gain access, or establish a presence in Cambodia would harm Cambodia's relationships with its neighbors, partners, and allies, and could violate the Constitution of Cambodia; and

(H) to cease providing support to authoritarian regimes and undermining democratic activists in the region, especially through its ties to the Burmese military that seized power in a coup d'état on February 1, 2021, and instead play a constructive role in multilateral organizations like the Association of Southeast Asian Nations to promote peace and democracy in the region;

(4) Prime Minister Hun Sen is directly responsible, and should be held accountable, for the safety, health, and welfare of exiled Cambodia National Rescue Party leaders and their supporters upon their return to Cambodia;

(5) other governments throughout the Indo-Pacific region should—

(A) urge the Government of Cambodia to allow the peaceful return of exiled Cambodia National Rescue Party leaders and their supporters;

(B) refrain from illegally restricting the rights of Cambodia National Rescue Party members to travel to and through their countries as they return; and

(C) press the Government of Cambodia not to allow the People's Liberation Army to use Cambodia's military facilities or establish a presence within Cambodia;

(6) in the absence of systemic democratic reforms on the part of the Government of Cambodia, there is need for additional measures by the United States Government, including through the enactment of legislation and executive action; and

(7) the presence of the People's Liberation Army will further enable Prime Minister Hun Sen's authoritarian crackdown, including oppression of opposition parties, independent civil society, and free media in Cambodia.

SEC. 1284. SANCTIONS RELATING TO UNDERMINING DEMOCRACY IN CAMBODIA.

(a) IDENTIFICATION OF PERSONS RESPONSIBLE FOR UNDERMINING DEMOCRACY IN CAMBODIA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) any current or former official of the Government of Cambodia or the military or security forces of Cambodian, or any other foreign person, that the President determines knowingly—

(i) directly and substantially undermines democracy in Cambodia;

(ii) engages in or is responsible for serious human rights abuses;

(iii) engages in or is responsible for significant corruption associated with undermining democracy in Cambodia; or

(iv) engages in or supports the establishment of installations or facilities that could be used by the People's Liberation Army or entities tied to the People's Liberation Army in Cambodia, which could include persons identified under paragraph (1) of section 1285(a) in the report required by that section;

(B) any person that the President determines is acting for or on behalf of a person described in subparagraph (A) related to conduct described in that subparagraph; and

(C) any person that the President determines is owned or controlled by a person described in subparagraph (A) and is involved in conduct described in that subparagraph.

(2) UPDATES.—The President shall submit to the appropriate congressional committees updated lists under paragraph (1) as new information becomes available.

(b) IMPOSITION OF SANCTIONS.—The President shall impose the following sanctions with respect to each foreign person on the list required by subsection (a):

(1) ASSET BLOCKING.—The President shall exercise all of the powers granted to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to block and prohibit all transactions in property and interests in property of the person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(A) VISAS, ADMISSION, OR PAROLE.—In the case of an individual, that individual is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—

(1) IN GENERAL.—The visa or other entry documentation of the individual shall be revoked in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the individual's possession.

(c) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of subsection (b)(1) or any regulation, license, or order issued to carry out that subsection shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(d) EXCEPTIONS.—

(1) EXCEPTION FOR INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to—

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence or law enforcement activities of the United States.

(2) EXCEPTION TO COMPLY WITH INTERNATIONAL OBLIGATIONS.—Sanctions under subsection (b)(2) shall not apply with respect to the admission or parole of an individual if admitting or paroling the individual into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

(A) IN GENERAL.—The authorities and requirements to impose sanctions authorized under subsection (b)(1) shall not include the authority or requirement to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

(e) WAIVER.—The President may waive the application of sanctions under subsection (b) with respect to a foreign person on the list required by subsection (a) if the President determines and certifies to the appropriate congressional committees that such a waiver is in the national interest of the United States.

(f) SUSPENSION OF SANCTIONS.—

(1) SUSPENSION.—The requirement to impose sanctions under this section may be suspended for an initial period of not more than one year if the President determines and certifies to the appropriate congressional committees that Cambodia is making meaningful progress toward the following:

(A) Ending government efforts to undermine democracy.

(B) Ending human rights violations associated with undermining democracy.

(C) Releasing all political prisoners.

(D) Dropping all politically motivated charges and vacating convictions from any such charges against members of the Cambodia National Rescue Party, journalists, and civil society activists.

(E) Conducting free and fair elections that allow for the active participation of credible opposition candidates.

(2) RENEWAL OF SUSPENSION.—The suspension of sanctions under paragraph (1) may be renewed for additional, consecutive one-year periods if the President determines and certifies to the appropriate congressional committees that Cambodia continued to make meaningful progress toward satisfying the conditions described in that paragraph during the year preceding the certification.

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

SEC. 1285. REPORT ON ACTIVITY OF THE PEOPLE'S LIBERATION ARMY AND GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA IN CAMBODIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the committees specified in subsection (c) a report assessing—

(1) the involvement of the Government of the People's Republic of China or the People's Liberation Army in upgrading existing facilities or constructing new facilities at Ream Naval Base and Dara Sakor Airport in Cambodia;

(2) any actual or projected benefits, including any enhancement of the power projection capabilities of the People's Liberation Army, that the Government of the People's Republic of China or the People's Liberation Army may accrue as a result of such upgrades or construction;

(3) the impact that the presence of the People's Liberation Army in Cambodia may have on the interests, allies, and partners of the United States in the region;

(4) any efforts undertaken by the United States Government to convey to the Government of Cambodia the concerns relating to the presence of the People's Liberation Army and the Government of the People's Republic of China in Cambodia and the impact that presence could have on security in the South China Sea and the Indo-Pacific region more broadly and on adherence to the Constitution of Cambodia;

(5) the impact the presence of the People's Liberation Army in Cambodia, as well as closer government-to-government ties between Cambodia and the Government of the People's Republic of China, including through investments under the Belt and Road Initiative, has had on the deterioration of democracy and human rights inside Cambodia; and

(6) any other ongoing activities by the People's Liberation Army or any other security services of the Government of the People's Republic of China in Cambodia.

(b) **FORM OF REPORT.**—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

(c) **COMMITTEES SPECIFIED.**—The committees specified in this subsection are—

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

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1286. RULE OF CONSTRUCTION.

Nothing in this subtitle may be construed to limit the authority of the President to designate persons for the imposition of sanctions pursuant to an Executive order issued under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or otherwise pursuant to that Act.

SEC. 1287. DEFINITIONS.

In this subtitle:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Financial Services of the House of Representatives.

(2) **FOREIGN PERSON.**—The term “foreign person” means a person that is not a United States person.

(3) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(4) **PEOPLE'S LIBERATION ARMY.**—The term “People's Liberation Army” means the armed forces of the People's Republic of China.

(5) **PERSON.**—The term “person” means an individual or entity.

(6) **UNITED STATES PERSON.**—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or of any jurisdiction of

the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SA 5873. Mr. MARKEY (for himself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. COOPERATION WITH THE QUAD.

(a) **SENSE OF CONGRESS ON COOPERATION WITH THE QUAD.**—It is the sense of Congress that—

(1) the United States should reaffirm our commitment to quadrilateral cooperation among Australia, India, Japan, and the United States (the “Quad”) to enhance and implement a shared vision to meet shared regional challenges and to promote a free, open, inclusive, resilient, and healthy Indo-Pacific that is characterized by democracy, rule of law, and market-driven economic growth, and is free from undue influence and coercion;

(2) the United States should seek to expand sustained dialogue and cooperation through the Quad with a range of partners to support the rule of law, freedom of navigation and overflight, peaceful resolution of disputes, democratic values, and territorial integrity, and to uphold peace and prosperity and strengthen democratic resilience;

(3) the United States should seek to expand avenues of cooperation with the Quad, including more regular military-to-military dialogues, joint exercises, and coordinated policies related to shared interests such as protecting cyberspace and advancing maritime security;

(4) the pledge from the first-ever Quad leaders meeting on March 12, 2021, to respond to the economic and health impacts of COVID-19, including expanding safe, affordable, and effective vaccine production and equitable access, and to address shared challenges, including in cyberspace, critical technologies, counterterrorism, quality infrastructure investment, and humanitarian assistance and disaster relief, as well as maritime domains, further advances the important cooperation among Quad nations that is so critical to the Indo-Pacific region;

(5) building upon their partnership to help finance 1,000,000,000 or more COVID-19 vaccines by the end of 2022 for use in the Indo-Pacific region, the United States International Development Finance Corporation, the Japan International Cooperation Agency, and the Japan Bank for International Cooperation, including through partnerships with other multilateral development banks, should also venture to finance development and infrastructure projects in the Indo-Pacific region that are sustainable and offer a viable alternative to the investments of the People's Republic of China in that region under the Belt and Road Initiative;

(6) in consultation with other Quad countries, the President should establish clear deliverables for the 3 new Quad Working Groups established on March 12, 2021, which are—

(A) the Quad Vaccine Experts Working Group;

(B) the Quad Climate Working Group; and
(C) the Quad Critical and Emerging Technology Working Group; and

(7) the formation of a Quad Intra-Parliamentary Working Group could—

(A) sustain and deepen engagement between senior officials of the Quad countries on a full spectrum of issues; and

(B) be modeled on the successful and longstanding bilateral intra-parliamentary groups between the United States and Mexico, Canada, and the United Kingdom, as well as other formal and informal parliamentary exchanges.

(b) **ESTABLISHMENT OF QUAD INTRA-PARLIAMENTARY WORKING GROUP.**—

(1) **ESTABLISHMENT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall seek to enter into negotiations with the Governments of Japan, Australia, and India (collectively, with the United States, known as the “Quad”) with the goal of reaching a written agreement to establish a Quad Intra-Parliamentary Working Group for the purpose of acting on the recommendations of the Quad Working Groups described in section subsection (a)(6) and to facilitate closer cooperation on shared interests and values.

(2) **UNITED STATES GROUP.**—

(A) **IN GENERAL.**—At such time as the governments of the Quad countries enter into a written agreement described in paragraph (1), there shall be established a United States Group, which shall represent the United States at the Quad Intra-Parliamentary Working Group.

(B) **MEMBERSHIP.**—

(i) **IN GENERAL.**—The United States Group shall be comprised of not more than 24 Members of Congress.

(ii) **APPOINTMENT.**—Of the Members of Congress appointed to the United States Group under clause (i)—

(I) half shall be appointed by the President Pro Tempore of the Senate, based on recommendations of the majority leader and minority leader of the Senate, from among Members of the Senate, not less than 4 of whom shall be members of the Committee on Foreign Relations of the Senate (unless the majority leader and minority leader determine otherwise); and

(II) half shall be appointed by the Speaker of the House of Representatives from among Members of the House of Representatives, not less than 4 of whom shall be members of the Committee on Foreign Affairs of the House of Representatives.

(C) **MEETINGS.**—

(i) **IN GENERAL.**—The United States Group shall seek to meet not less frequently than annually with representatives and appropriate staff of the legislatures of Japan, Australia, and India, and any other country invited by mutual agreement of the Quad countries.

(ii) **LIMITATION.**—A meeting described in clause (i) may be held—

(I) in the United States;

(II) in another Quad country during periods when Congress is not in session; or

(III) virtually.

(D) **CHAIRPERSON AND VICE CHAIRPERSON.**—

(i) **SENATE DELEGATION.**—The President Pro Tempore of the Senate shall designate the chairperson or vice chairperson of the delegation of the United States Group from the Senate from among members of the Committee on Foreign Relations of the Senate.

(ii) **HOUSE DELEGATION.**—The Speaker of the House of Representatives shall designate the chairperson or vice chairperson of the delegation of the United States Group from the House of Representatives from among members of the Committee on Foreign Affairs of the House of Representatives.

(E) **AUTHORIZATION OF APPROPRIATIONS.**—

(i) IN GENERAL.—There is authorized to be appropriated \$1,000,000 for each of the fiscal years 2023 through 2026 for the United States Group.

(ii) DISTRIBUTION OF APPROPRIATIONS.—

(I) IN GENERAL.—For each fiscal year for which an appropriation is made for the United States Group, half of the amount appropriated shall be available to the delegation from the Senate and half of the amount shall be available to the delegation from the House of Representatives.

(II) METHOD OF DISTRIBUTION.—The amounts available to the delegations of the Senate and the House of Representatives under subclause (I) shall be disbursed on vouchers to be approved by the chairperson of the delegation from the Senate and the chairperson of the delegation from the House of Representatives, respectively.

(F) PRIVATE SOURCES.—The United States Group may accept gifts or donations of services or property, subject to the review and approval, as appropriate, of the Committee on Ethics of the Senate and the Committee on Ethics of the House of Representatives.

(G) CERTIFICATION OF EXPENDITURES.—The certificate of the chairperson of the delegation from the Senate or the chairperson of the delegation from the House of Representatives of the United States Group shall be final and conclusive upon the accounting officers in the auditing of the accounts of the United States Group.

(H) ANNUAL REPORT.—The United States Group shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report for each fiscal year for which an appropriation is made for the United States Group, which shall include a description of its expenditures under such appropriation.

SA 5874. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON DANGERS POSED BY NUCLEAR REACTORS IN AREAS THAT MIGHT EXPERIENCE ARMED CONFLICT.

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

(1) since the earliest days of its illegal invasion of Ukraine, the Russian Federation has cavalierly endangered the safety of nuclear power plants, including the Zaporizhzhia Nuclear Power Plant and the Southern Ukraine Nuclear Power Plant; and

(2) that recklessness demonstrates the danger posed by nuclear reactors and power plants in places that may experience armed conflict during the life span of those nuclear reactors and plants.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report assessing—

(A) the dangers posed to the national security of the United States, to the interests of allies and partners of the United States, and

to the safety and security of civilian populations by existing or new nuclear reactors or power plants located in areas that—

(i) have experienced armed conflict in the 25 years preceding the date of the enactment of this Act; or

(ii) are contested or likely to experience armed conflict during the life span of those reactors and plants; and

(B) steps the United States or allies and partners of the United States can take to mitigate the risks to the national security of the United States, to the interests of allies and partners of the United States, and to the safety and security of civilian populations posed by nuclear reactors and power plants in places that may experience armed conflict.

(2) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

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

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

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

SA 5875. Mr. MARKEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 683, line 9, strike “75” and insert “10”.

SA 5876. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. REDUCTION OF THREATS POSED BY NUCLEAR WEAPONS TO THE UNITED STATES.

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

(1) The use of nuclear weapons poses an existential threat to humanity, a fact that led President Ronald Reagan and Soviet Premier Mikhail Gorbachev to declare in a joint statement in 1987 that a “nuclear war cannot be won and must never be fought”. The leaders of the 5 nuclear weapons states (the People’s Republic of China, the French Republic, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America) reaffirmed that statement in January 2022.

(2) On June 12, 1982, an estimated 1,000,000 people attended the largest peace rally in

United States history, in support of a movement to freeze and reverse the nuclear arms race, a movement that helped to create the political will necessary for the negotiation of several bilateral arms control treaties between the United States and former Soviet Union, and then the Russian Federation. Those treaties contributed to strategic stability through mutual and verifiable reciprocal nuclear weapons reductions.

(3) Since the advent of nuclear weapons in 1945, millions of people around the world have stood up to demand meaningful, immediate international action to halt, reduce, and eliminate the threats posed by nuclear weapons, nuclear weapons testing, and nuclear war, to humankind and the planet.

(4) In 1970, the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the “Nuclear Non-Proliferation Treaty” or the “NPT”) entered into force, which includes a binding obligation on the 5 nuclear-weapon states (commonly referred to as the “P5”), among other things, “to pursue negotiations in good faith on effective measures relating to the cessation of the nuclear arms race . . . and to nuclear disarmament”.

(5) Bipartisan United States global leadership has curbed the growth in the number of countries possessing nuclear weapons and has slowed overall vertical proliferation among countries already possessing nuclear weapons, as is highlighted by a more than 85-percent reduction in the United States nuclear weapons stockpile from its Cold War height of 31,255 in 1967.

(6) The United States testing of nuclear weapons is no longer necessary as a result of the following major technical developments since the Senate’s consideration of the Comprehensive Nuclear-Test-Ban Treaty (commonly referred to as the “CTBT”) in 1999:

(A) The verification architecture of the Comprehensive Nuclear Test-Ban Treaty Organization (commonly referred to as the “CTBTO”)—

(i) has made significant advancements, as seen through its network of 300 International Monitoring Stations and its International Data Centre, which together provide for the near instantaneous detection of nuclear explosives tests, including all 6 such tests conducted by North Korea between 2006 and 2017; and

(ii) is operational 24 hours a day, 7 days a week.

(B) Since the United States signed the CTBT, confidence has grown in the science-based Stockpile Stewardship and Management Plan of the Department of Energy, which forms the basis of annual certifications to the President regarding the continual safety, security, and effectiveness of the United States nuclear deterrent in the absence of nuclear testing, leading former Secretary of Energy Ernest Moniz to remark in 2015 that “lab directors today now state that they certainly understand much more about how nuclear weapons work than during the period of nuclear testing”.

(7) Despite the progress made to reduce the number and role of, and risks posed by, nuclear weapons, and to halt the Cold War-era nuclear arms race, tensions between countries that possess nuclear weapons are on the rise, key nuclear risk reduction treaties are under threat, significant stockpiles of weapons-usable fissile material remain, and a qualitative global nuclear arms race is now underway with each of the countries that possess nuclear weapons spending tens of billions of dollars each year to maintain and improve their arsenals.

(8) The Russian Federation is pursuing the development of destabilizing types of nuclear weapons that are not presently covered

under any existing arms control treaty or agreement and the People's Republic of China, India, Pakistan, and North Korea have each taken concerning steps to diversify their more modest sized, but nonetheless very deadly, nuclear arsenals.

(9) Former President Donald J. Trump's 2018 Nuclear Posture Review called for the development two new nuclear weapons capabilities, which have the effect of lowering the threshold for nuclear weapons use:

(A) A low-yield warhead on a submarine-launched ballistic missile, which was deployed before the date of the enactment of this Act.

(B) A sea-launched cruise missile, still under development on the date of the enactment of this Act.

(10) On February 3, 2021, President Joseph R. Biden preserved binding and verifiable limits on the deployed and non-deployed strategic forces of the largest two nuclear weapons powers through the five-year extension of the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed April 8, 2010, and entered into force February 5, 2011 (commonly referred to as the "New START Treaty").

(11) In 2013, the report on a nuclear weapons employment strategy of the United States submitted under section 492 of title 10, United States Code, determined that it is possible to ensure the security of the United States and allies and partners of the United States and maintain a strong and credible strategic deterrent while safely pursuing up to a 1/3 reduction in deployed nuclear weapons from the level established in the New START Treaty.

(12) On January 12, 2017, then-Vice President Biden stated, "[G]iven our non-nuclear capabilities and the nature of today's threats—it's hard to envision a plausible scenario in which the first use of nuclear weapons by the United States would be necessary. Or make sense."

(13) In light of moves by the United States and other countries to increase their reliance on nuclear weapons, a global nuclear freeze would seek to halt the new nuclear arms race by seeking conclusion of a comprehensive and verifiable freeze on the testing, deployment, and production of nuclear weapons and delivery vehicles for such weapons.

(b) **STATEMENT OF POLICY.**—The following is the policy of the United States:

(1) The United States should build upon its decades long, bipartisan efforts to reduce the number and salience of nuclear weapons by leading international negotiations on specific arms-reduction measures as part of a 21st century global nuclear freeze movement.

(2) Building on the successful extension of the New START Treaty, the United States should engage with all other countries that possess nuclear weapons to seek to negotiate and conclude future multilateral arms control, disarmament, and risk reduction agreements, which should contain some or all of the following provisions:

(A) An agreement by the United States and the Russian Federation on a follow-on treaty or agreement to the New START Treaty that may lower the central limits of the Treaty and cover new kinds of strategic delivery vehicles or non-strategic nuclear weapons.

(B) An agreement on a verifiable freeze on the testing, production, and further deployment of all nuclear weapons and delivery vehicles for such weapons.

(C) An agreement that establishes a verifiable numerical ceiling on the deployed shorter-range and intermediate-range and strategic delivery systems (as defined by the INF Treaty and the New START Treaty, re-

spectively) and the nuclear warheads associated with such systems belonging to the P5, and to the extent possible, all countries that possess nuclear weapons, at August 2, 2019, levels.

(D) An agreement by each country to adopt a policy of no first use of nuclear weapons or provide transparency into its nuclear declaratory policy.

(E) An agreement on a proactive United Nations Security Council resolution that expands access by the International Atomic Energy Agency to any country found by the Board of Governors of that Agency to be non-compliant with its obligations under the NPT.

(F) An agreement to refrain from configuring nuclear forces in a "launch on warning" or "launch under warning" nuclear posture, which may prompt a nuclear armed country to launch a ballistic missile attack in response to detection by an early-warning satellite or sensor of a suspected incoming ballistic missile.

(G) An agreement not to target or interfere in the nuclear command, control, and communications (commonly referred to as "NC3") infrastructure of another country through a kinetic attack or a cyberattack.

(H) An agreement on transparency measures or verifiable limits, or both, on hypersonic cruise missiles and glide vehicles that are fired from sea-based, ground, and air platforms.

(I) An agreement to provide a baseline and continuous exchanges detailing the aggregate number of active nuclear weapons and associated systems possessed by each country.

(3) The United States should rejuvenate efforts in the United Nations Conference on Disarmament toward the negotiation of a verifiable Fissile Material Treaty or Fissile Material Cutoff Treaty, or move negotiations to another international body or fora, such as a meeting of the P5. Successful conclusion of such a treaty would verifiably prevent any country's production of highly enriched uranium and plutonium for use in nuclear weapons.

(4) The United States should convene a series of head-of-state level summits on nuclear disarmament modeled on the Nuclear Security Summits process, which saw the elimination of the equivalent of 3,000 nuclear weapons.

(5) The President should seek ratification by the Senate of the CTBT and mobilize all countries covered by Annex 2 of the CTBT to pursue similar action to hasten entry into force of the CTBT. The entry into force of the CTBT, for which ratification by the United States will provide critical momentum, will activate the CTBT's onsite inspection provision to investigate allegations that any country that is a party to the CTBT has conducted a nuclear test of any yield.

(6) The President should make the accession of North Korea to the CTBT a component of any final agreement in fulfilling the pledges the Government of North Korea made in Singapore, as North Korea is reportedly the only country to have conducted a nuclear explosive test since 1998.

(7) The United States should—

(A) refrain from developing any new designs for nuclear warheads or bombs, but especially designs that could add a level of technical uncertainty into the United States stockpile and thus renew calls to resume nuclear explosive testing in order to test that new design; and

(B) seek reciprocal commitments from other countries that possess nuclear weapons.

(c) **PROHIBITION ON USE OF FUNDS FOR NUCLEAR TEST EXPLOSIONS.**—

(1) **IN GENERAL.**—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter, or authorized to be appropriated or otherwise made available for any fiscal year before fiscal year 2023 and available for obligation as of the date of the enactment of this Act, may be obligated or expended to conduct or make preparations for any explosive nuclear weapons test that produces any yield until such time as—

(A) the President submits to Congress an addendum to the report required by section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) that details any change to the condition of the United States nuclear weapons stockpile from the report submitted under that section in the preceding year; and

(B) there is enacted into law a joint resolution of Congress that approves the test.

(2) **RULE OF CONSTRUCTION.**—Paragraph (1) does not limit nuclear stockpile stewardship activities that are consistent with the zero-yield standard and other requirements under law.

SA 5877. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. REDUCTIONS IN SPENDING ON NUCLEAR WEAPONS; PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF LOW-YIELD NUCLEAR WARHEADS.

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

(1) The United States continues to maintain an excessively large and costly arsenal of nuclear delivery systems and warheads that are a holdover from the Cold War.

(2) The current nuclear arsenal of the United States includes approximately 3,800 total nuclear warheads in its military stockpile, of which approximately 1,750 are deployed with five delivery components: land-based intercontinental ballistic missiles, submarine-launched ballistic missiles, long-range strategic bomber aircraft armed with nuclear gravity bombs, long-range strategic bomber aircraft armed with nuclear-armed air-launched cruise missiles, and short-range fighter aircraft that can deliver nuclear gravity bombs. The strategic bomber fleet of the United States comprises 87 B-52 and 20 B-2 aircraft, over 60 of which contribute to the nuclear mission. The United States also maintains 400 intercontinental ballistic missiles and 14 Ohio-class submarines, up to 12 of which are deployed. Each of those submarines is armed with approximately 90 nuclear warheads.

(3) Between fiscal years 2021 and 2030, the United States will spend an estimated \$634,000,000,000 to maintain and recapitalize its nuclear force, according to a January 2019 estimate from the Congressional Budget Office, an increase of \$140,000,000,000 from the Congressional Budget Office's 2019 estimate, with 36 percent of that additional cost stemming "mainly from new plans for modernizing [the Department of Energy's] production facilities and from [the Department of Defense's] modernization programs moving more fully into production".

(4) Adjusted for inflation, the Congressional Budget Office estimates that the United States will spend \$1,700,000,000,000 through fiscal year 2046 on new nuclear weapons and modernization and infrastructure programs.

(5) Inaccurate budget forecasting is likely to continue to plague the Department of Defense and the Department of Energy, as evidenced by the fiscal year 2021 budget request of the President for the National Nuclear Security Administration "Weapon Activities" account, which far exceeded what the National Nuclear Security Administration had projected in its fiscal year 2020 request and what it had projected in previous years.

(6) The projected growth in nuclear weapons spending is coming due as the Department of Defense is seeking to replace large portions of its conventional forces to better compete with the Russian Federation and the People's Republic of China and as internal and external fiscal pressures are likely to limit the growth of, and perhaps reduce, military spending. As then-Air Force Chief of Staff General Dave Goldfein said in 2020, "I think a debate is that this will be the first time that the nation has tried to simultaneously modernize the nuclear enterprise while it's trying to modernize an aging conventional enterprise. The current budget does not allow you to do both."

(7) In 2017, the Government Accountability Office concluded that National Nuclear Security Administration's budget forecasts for out-year spending downplayed the fact that the agency lacked the resources to complete multiple, simultaneous billion dollar modernization projects and recommended that the National Nuclear Security Administration consider "deferring the start of or cancelling specific modernization programs".

(8) According to the Government Accountability Office, the National Nuclear Security Administration has still not factored affordability concerns into its planning as was recommended by the Government Accountability Office in 2017, with the warning that "it is essential for NNSA to present information to Congress and other key decision maker indicating whether the agency has prioritized certain modernization programs or considered trade-offs (such as deferring or cancelling specific modernization programs)".

(9) A December 2020 Congressional Budget Office analysis showed that the projected costs of nuclear forces over the next decade can be reduced by \$12,400,000,000 to \$13,600,000,000 by trimming back current plans, while still maintaining a triad of delivery systems. Even larger savings would accrue over the subsequent decade.

(10) The Department of Defense's June 2013 nuclear policy guidance entitled "Report on Nuclear Employment Strategy of the United States" found that force levels under the April 2010 Treaty on Measures for the Further Reduction and Limitation of Strategic Offensive Arms between the United States and the Russian Federation (commonly known as the "New START Treaty") "are more than adequate for what the United States needs to fulfill its national security objectives" and can be reduced by up to 1/3 below levels under the New START Treaty to 1,000 to 1,100 warheads.

(11) Former President Trump expanded the role of, and spending on, nuclear weapons in United States policy at the same time that he withdrew from, unsigned, or otherwise terminated a series of important arms control and nonproliferation agreements.

(b) REDUCTIONS IN NUCLEAR FORCES.—

(1) REDUCTION OF NUCLEAR-ARMED SUBMARINES.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available

for fiscal year 2023 or any fiscal year thereafter for the Department of Defense may be obligated or expended for purchasing more than eight Columbia-class submarines.

(2) REDUCTION OF GROUND-BASED MISSILES.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the forces of the Air Force shall include not more than 150 intercontinental ballistic missiles.

(3) REDUCTION OF DEPLOYED STRATEGIC WARHEADS.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the forces of the United States Military shall include not more than 1,000 deployed strategic warheads, as that term is defined in the New START Treaty.

(4) LIMITATION ON NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for any of fiscal years 2023 through 2028 for the Department of Defense may be obligated or expended for purchasing more than 80 B-21 long-range penetrating bomber aircraft.

(5) PROHIBITION ON F-35 NUCLEAR MISSION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be used to make the F-35 Joint Strike Fighter aircraft capable of carrying nuclear weapons.

(6) PROHIBITION ON NEW AIR-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of the long-range stand-off weapon or any other new air-launched cruise missile or for the W80 warhead life extension program.

(7) PROHIBITION ON NEW INTERCONTINENTAL BALLISTIC MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense may be obligated or expended for the research, development, test, and evaluation or procurement of the LGM-35A Sentinel weapon system, previously known as the ground-based strategic deterrent, or any new intercontinental ballistic missile.

(8) TERMINATION OF URANIUM PROCESSING FACILITY.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the Uranium Processing Facility located at the Y-12 National Security Complex, Oak Ridge, Tennessee.

(9) PROHIBITION ON PROCUREMENT AND DEPLOYMENT OF NEW LOW-YIELD WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended to deploy the W76-2 low-yield nuclear warhead or any other low-yield or nonstrategic nuclear warhead.

(10) PROHIBITION ON NEW SUBMARINE-LAUNCHED CRUISE MISSILE.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procure-

ment of a new submarine-launched cruise missile capable of carrying a low-yield or nonstrategic nuclear warhead.

(11) LIMITATION ON PLUTONIUM PIT PRODUCTION.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for achieving production of more than 30 plutonium pits per year at Los Alamos National Laboratory, Los Alamos, New Mexico.

(12) LIMITATION ON W87-1 WARHEAD PROCUREMENT AND DEPLOYMENT.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement or deployment of the W87-1 warhead for use on any missile that can feasibly employ a W87 warhead.

(13) LIMITATION ON SUSTAINMENT OF B83-1 BOMB.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the sustainment of the B83-1 bomb beyond the time at which confidence in the B61-12 stockpile is gained.

(14) PROHIBITION ON SPACE-BASED MISSILE DEFENSE.—Notwithstanding other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the research, development, test, and evaluation or procurement of a space-based missile defense system.

(15) PROHIBITION ON THE W-93 WARHEAD.—Notwithstanding any other provision of law, none of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 or any fiscal year thereafter for the Department of Defense or the Department of Energy may be obligated or expended for the procurement and deployment of a W-93 warhead on a submarine launched ballistic missile.

(c) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b).

(2) ANNUAL REPORT.—Not later than March 1, 2023, and annually thereafter, the Secretary of Defense and the Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the plan of each Secretary to carry out subsection (b), including any updates to previously submitted reports.

(3) ANNUAL NUCLEAR WEAPONS ACCOUNTING.—Not later than September 30, 2023, and annually thereafter, the President shall transmit to the appropriate committees of Congress a report containing a comprehensive accounting by the Director of the Office of Management and Budget of the amounts obligated and expended by the Federal Government for each nuclear weapon and related nuclear program during—

(A) the fiscal year covered by the report; and

(B) the life cycle of such weapon or program.

(4) COST ESTIMATE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the

Secretary of Energy shall jointly submit to the appropriate committees of Congress a report outlining the estimated cost savings that result from carrying out subsection (b).

(5) **REPORT ON FUNDING NATIONAL DEFENSE STRATEGY.**—Not later than 180 days after the publication of the unclassified National Defense Strategy under section 113(g) of title 10, United States Code, the Secretary of Defense shall submit to the appropriate committees of Congress a report explaining how the Secretary proposes to fund the National Defense Strategy under different levels of projected defense spending, including scenarios in which—

(A) anticipated cost savings from reform do not materialize; or

(B) defense spending decreases to the levels specified by the Budget Control Act of 2011 (Public Law 112-25; 125 Stat. 240).

(6) **MODIFICATION OF PERIOD TO BE COVERED BY ESTIMATES OF COSTS RELATING TO NUCLEAR WEAPONS.**—Section 492a of title 10, United States Code, is amended in subsections (a)(2)(F) and (b)(1)(A) by striking “10-year period” each place it appears and inserting “25-year period”.

(7) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 5878. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. RESTRICTION ON FIRST-USE STRIKE OF NUCLEAR WEAPONS.

(a) **FINDINGS AND DECLARATION OF POLICY.**—

(1) **FINDINGS.**—Congress finds the following:

(A) The Constitution gives Congress the sole power to declare war.

(B) The framers of the Constitution understood that the monumental decision to go to war, which can result in massive death and the destruction of civilized society, must be made by the congressional representatives of the people and not by a single person.

(C) As stated by section 2(c) of the War Powers Resolution (Public Law 93-148; 50 U.S.C. 1541), “the constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces”.

(D) Nuclear weapons are uniquely powerful weapons that have the capability to instantly kill millions of people, create long-

term health and environmental consequences throughout the world, directly undermine global peace, and put the United States at existential risk from retaliatory nuclear strikes.

(E) A first-use nuclear strike carried out by the United States would constitute a major act of war.

(F) A first-use nuclear strike conducted absent a declaration of war by Congress would violate the Constitution.

(G) The President has the sole authority to authorize the use of nuclear weapons, an order which military officers of the United States must carry out in accordance with their obligations under the Uniform Code of Military Justice.

(H) Given its exclusive power under the Constitution to declare war, Congress must provide meaningful checks and balances to the President's sole authority to authorize the use of a nuclear weapon.

(2) **DECLARATION OF POLICY.**—It is the policy of the United States that no first-use nuclear strike should be conducted absent a declaration of war by Congress.

(b) **PROHIBITION ON CONDUCT OF FIRST-USE NUCLEAR STRIKES.**—

(1) **PROHIBITION.**—No Federal funds may be obligated or expended to conduct a first-use nuclear strike unless such strike is conducted pursuant to a war declared by Congress that expressly authorizes such strike.

(2) **FIRST-USE NUCLEAR STRIKE DEFINED.**—In this subsection, the term “first-use nuclear strike” means an attack using nuclear weapons against an enemy that is conducted without the Secretary of Defense and the Chairman of the Joint Chiefs of Staff first confirming to the President that there has been a nuclear strike against the United States, its territories, or its allies (as specified in section 3(b)(2) of the Arms Export Control Act (22 U.S.C. 2753(b)(2))).

SA 5879. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1531. LIMITATION ON USE OF FUNDS FOR NEW SENTINEL INTERCONTINENTAL BALLISTIC MISSILE AND W87-1 WARHEAD MODIFICATION PROGRAM.

(a) **FINDINGS.**—Congress finds the following:

(1) According to the Congressional Budget Office, the projected cost to sustain and modernize the United States nuclear arsenal, as of 2017, “is \$1.2 trillion in 2017 dollars over the 2017–2046 period: more than \$800 billion to operate and sustain (that is, incrementally upgrade) nuclear forces and about \$400 billion to modernize them”. With inflation, the cost rises to \$1,700,000,000,000 and does not include the cost of the additional nuclear capabilities proposed in the 2018 Nuclear Posture Review.

(2) Maintaining and updating the current Minuteman III intercontinental ballistic missiles is possible for multiple decades and, according to the Congressional Budget Office, through 2036, this would cost \$37,000,000,000 less in 2017 dollars than developing and deploying the Sentinel interconti-

mental ballistic missile program (previously known as the ground-based strategic deterrent program).

(3) A public opinion poll conducted from October 12 to 28, 2020, by ReThink Media and the Federation of American Scientists found that only 26 percent of registered voters in the United States preferred replacing the Minuteman III intercontinental ballistic missile with the Sentinel intercontinental ballistic missile, as compared to 60 percent of registered voters who opposed replacing the Minuteman III missile.

(b) **LIMITATION ON USE OF FUNDS.**—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2023 may be obligated or expended for the Sentinel intercontinental ballistic missile program or the W87-1 warhead modification program until the later of—

(1) the date on which the Secretary of Defense submits to the appropriate congressional committees a certification that the operational life of Minuteman III intercontinental ballistic missiles cannot be safely extended through at least 2050; and

(2) the date on which the Secretary transmits to the appropriate congressional committees the report required by paragraph (3) of subsection (c), as required by paragraph (4) of that subsection.

(c) **INDEPENDENT STUDY ON EXTENSION OF MINUTEMAN III INTERCONTINENTAL BALLISTIC MISSILES.**—

(1) **INDEPENDENT STUDY.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with the National Academy of Sciences to conduct a study on extending the life of Minuteman III intercontinental ballistic missiles to 2050.

(2) **MATTERS INCLUDED.**—The study under paragraph (1) shall include the following:

(A) A comparison of the costs through 2050 of—

(i) extending the life of Minuteman III intercontinental ballistic missiles; and

(ii) deploying the Sentinel intercontinental ballistic missile.

(B) An analysis of opportunities to incorporate technologies into the Minuteman III intercontinental ballistic missile program as part of a service life extension program that could also be incorporated in the Sentinel intercontinental ballistic missile program, including, at a minimum, opportunities to increase the resilience against adversary missile defenses.

(C) An analysis of the benefits and risks of incorporating sensors and nondestructive testing methods and technologies to reduce destructive testing requirements and increase the service life and number of Minuteman III missiles through 2050.

(D) An analysis and validation of the methods used to estimate the operational service life of Minuteman II and Minuteman III motors, taking into account the test and launch experience of motors retired after the operational service life of such motors in the rocket systems launch program.

(E) An analysis of the risks and benefits of alternative methods of estimating the operational service life of Minuteman III motors, such as those methods based on fundamental physical and chemical processes and nondestructive measurements of individual motor properties.

(F) An analysis of risks, benefits, and costs of configuring a Trident II D5 submarine launched ballistic missile for deployment in a Minuteman III silo.

(G) An analysis of the impacts of the estimated service life of the Minuteman III force associated with decreasing the deployed intercontinental ballistic missiles delivery vehicle force from 400 to 300.

(H) An assessment on the degree to which the Columbia class ballistic missile submarines will possess features that will enhance the current invulnerability of ballistic missile submarines of the United States to future antisubmarine warfare threats.

(I) An analysis of the degree to which an extension of the Minuteman III would impact the decision of Russian Federation to target intercontinental ballistic missiles of the United States in a crisis, as compared to proceeding with the Sentinel intercontinental ballistic missile program.

(J) A best case estimate of what percentage of the strategic forces of the United States would survive a counterforce strike from the Russian Federation, broken down by intercontinental ballistic missiles, ballistic missile submarines, and heavy bomber aircraft.

(K) The benefits, risks, and costs of relying on the W-78 warhead for either the Minuteman III or the Sentinel intercontinental ballistic missile as compared to proceeding with the W-87 life extension.

(L) The benefits, risks, and costs of adding additional launchers or uploading submarine-launched ballistic missiles with additional warheads to compensate for a reduced deployment of intercontinental ballistic missiles of the United States.

(M) An analysis of whether designing and fielding a new intercontinental ballistic missile through at least 2070 is consistent with the obligation of the United States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the “Nuclear Non-Proliferation Treaty”) to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”.

(3) **SUBMISSION TO DEPARTMENT OF DEFENSE.**—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report containing the findings of the study conducted under paragraph (1).

(4) **SUBMISSION TO CONGRESS.**—Not later than 210 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate congressional committees the report required by paragraph (3), without change.

(5) **FORM.**—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

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

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

SA 5880. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.

(a) **IN GENERAL.**—Not later than 30 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) **DOCUMENTS IN EXISTENCE BEFORE DATE OF ENACTMENT.**—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees”, with respect to a presidential emergency action document submitted under subsection (a) or (b), means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) any other committee of the Senate or the House of Representatives with jurisdiction over the subject matter addressed in the presidential emergency action document.

(2) **PRESIDENTIAL EMERGENCY ACTION DOCUMENT.**—The term “presidential emergency action document” refers to—

(A) each of the approximately 56 documents described as presidential emergency action documents in the budget justification materials for the Office of Legal Counsel of the Department of Justice submitted to Congress in support of the budget of the President for fiscal year 2018; and

(B) any other pre-coordinated legal document in existence before, on, or after the date of the enactment of this Act, that—

(i) is designated as a presidential emergency action document; or

(ii) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.

SA 5881. Mr. MARKEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Supporting SAUDI WMD Act

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Stopping Activities Underpinning Development In Weapons of Mass Destruction Act” or the “SAUDI WMD Act”.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The People’s Republic of China (in this subtitle referred to as “China”), became a full-participant of the Nuclear Suppliers Group in 2004, committing it to apply a strong presumption of denial in exporting

nuclear-related items that a foreign country could divert to a nuclear weapons program.

(2) China also committed to the United States, in November 2000, to abide by the foundational principles of the 1987 Missile Technology Control Regime (MTCR) to not “assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers)”.

(3) In the 1980s, China secretly sold the Kingdom of Saudi Arabia (in this subtitle referred to as “Saudi Arabia”) conventionally armed DF-3A ballistic missiles, and in 2007, reportedly sold Saudi Arabia dual-use capable DF-21 medium-range ballistic missiles of a 300 kilometer, 500 kilogram range and payload threshold which should have triggered a denial of sale under the MTCR.

(4) The 2020 Department of State Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments found that China “continued to supply MTCR-controlled goods to missile programs of proliferation concern in 2019” and that the United States imposed sanctions on nine Chinese entities for covered missile transfers to Iran.

(5) A June 5, 2019, press report indicated that China allegedly provided assistance to Saudi Arabia in the development of a ballistic missile facility, which if confirmed, would violate the purpose of the MTCR and run contrary to the longstanding United States policy priority to prevent weapons of mass destruction proliferation in the Middle East.

(6) The Arms Export and Control Act of 1976 (Public Law 93-329) requires the President to sanction any foreign person or government who knowingly “exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology” to a country that does not adhere to the MTCR.

(7) China concluded two nuclear cooperation agreements with Saudi Arabia in 2012 and 2017, respectively, which may facilitate China’s bid to build two reactors in Saudi Arabia to generate 2.9 Gigawatt-electric (GWe) of electricity.

(8) On August 4, 2020, a press report revealed the alleged existence of a previously undisclosed uranium yellowcake extraction facility in Saudi Arabia allegedly constructed with the assistance of China, which if confirmed, would indicate significant progress by Saudi Arabia in developing the early stages of the nuclear fuel cycle that precede uranium enrichment.

(9) Saudi Arabia’s outdated Small Quantities Protocol and its lack of an in force Additional Protocol to its International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreement severely curtails IAEA inspections, which has led the Agency to call upon Saudi Arabia to either rescind or update its Small Quantities Protocol.

(10) On January 19, 2021, in response to a question about Saudi Arabia’s reported ballistic missile cooperation with China, incoming Secretary of State Antony J. Blinken stated that “we want to make sure that to the best of our ability all of our partners and allies are living up to their obligations under various nonproliferation and arms control agreements and, certainly, in the case of Saudi Arabia that is something we will want to look at”.

(11) On March 15, 2018, the Crown Prince of Saudi Arabia, Mohammad bin-Salman, stated that “if Iran developed a nuclear bomb, we would follow suit as soon as possible,”

raising questions about whether a Saudi Arabian nuclear program would remain exclusively peaceful, particularly in the absence of robust international IAEA safeguards.

(12) An August 9, 2019, study by the United Nations High Commissioner for Human Rights found that the Saudi Arabia-led military coalition airstrikes in Yemen and its restrictions on the flow of humanitarian assistance to the country, both of which have disproportionately impacted civilians, may be violations of international humanitarian law.

SEC. 1283. DETERMINATION OF POSSIBLE MTCR TRANSFERS TO SAUDI ARABIA.

(a) MTCR TRANSFERS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination, and any documentation to support that determination detailing—

(1) whether any foreign person knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex item with Saudi Arabia in the previous three fiscal years; and

(2) the sanctions the President has imposed or intends to impose pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)) against any foreign person who knowingly engaged in the export, transfer, or trade of that item or items.

(b) WAIVER.—Notwithstanding any provision of paragraphs (3) through (7) of section 11(B)(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)), the President may only waive the application of sanctions under such section with respect to Saudi Arabia if that country is verifiably determined to no longer possess an item designated under Category I of the MTCR Annex received in the previous three fiscal years.

(c) FORM OF REPORT.—The determination required under subsection (a) shall be unclassified with a classified annex.

SEC. 1284. PROHIBITION ON UNITED STATES ARMS SALES TO SAUDI ARABIA IF IT IMPORTS NUCLEAR TECHNOLOGY WITHOUT SAFEGUARDS.

(a) IN GENERAL.—The United States shall not sell, transfer, or authorize licenses for export of any item designated under Category III, IV, VII, or VIII on the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) to Saudi Arabia, other than ground-based missile defense systems, if Saudi Arabia has, in the previous 3 fiscal years—

(1) knowingly imported any item classified as “plants for the separation of isotopes of uranium” or “plants for the reprocessing of irradiated nuclear reactor fuel elements” under Part 110 of the Nuclear Regulatory Commission export licensing authority; or

(2) engaged in nuclear cooperation related to the construction of any nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol was in force.

(b) WAIVER.—The Secretary of State may waive the prohibition under subsection (a) with respect to a foreign country if the Secretary submits to the appropriate committees of Congress a written certification that contains a determination, and any relevant documentation on which the determination is based, that Saudi Arabia—

(1) has brought into force an Additional Protocol to the IAEA Comprehensive Safeguards Agreement based on the model described in IAEA INFCIRC/540;

(2) has concluded a civilian nuclear cooperation agreement with the United States under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or another supplier that prohibits the enrichment of uranium or

separation of plutonium on its own territory; and

(3) has rescinded its Small Quantities Protocol and is not found by the IAEA Board of Governors to be in noncompliance with its Comprehensive Safeguards Agreement.

(c) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed as superseding the obligation of the President under section 502B(a)(2) or section 620I(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 22 U.S.C. 2378–1(a)), respectively, to not furnish security assistance to Saudi Arabia or any country if it—

(1) engages in a consistent pattern of gross violations of internationally recognized human rights; or

(2) prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

SEC. 1285. MIDDLE EAST NONPROLIFERATION STRATEGY.

(a) IN GENERAL.—Starting with the first report after the date of the enactment of this Act, the Secretary of State and the Secretary of Energy, in consultation with the Director of National Intelligence, shall provide the appropriate committees of Congress, as an appendix to the Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, a report on MTCR compliance and a United States strategy to prevent the spread of nuclear weapons and missiles in the Middle East.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of China’s compliance, in the previous fiscal year, with its November 2000 commitment to abide by the MTCR and United States diplomatic efforts to address non-compliance.

(2) A description of every foreign person that, in the previous fiscal year, engaged in the export, transfer, or trade of MTCR items to a country that is a non-MTCR adherent, and a description of the sanctions the President imposed pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)).

(3) A detailed strategy to prevent the proliferation of ballistic missile and sensitive nuclear technology in the Middle East and North Africa from China and other foreign countries, including the following elements:

(A) An assessment of the proliferation risks associated with concluding or renewing a civilian nuclear cooperation “123” agreement with any country in the Middle-East and North Africa and the risks of such if that same equipment and technology is sourced from a foreign state.

(B) An update on United States bilateral and multilateral diplomatic actions to commence negotiations on a Weapons of Mass Destruction Free Zone (WMDFZ) since the 2015 Nuclear Nonproliferation Treaty Review Conference.

(C) A description of United States Government efforts to achieve global adherence and compliance with the Nuclear Suppliers Group, MTCR, and the 2002 International Code of Conduct against Ballistic Missile Proliferation guidelines.

(4) An account of the briefings to the appropriate committees of Congress in the reporting period detailing negotiations on any new or renewed civilian nuclear cooperation “123” agreement with any country consistent with the intent of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(c) FORM OF REPORT.—The report required under subsection (a) shall be unclassified with a classified annex.

SEC. 1286. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence of the Senate;

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

(C) the Select Committee on Intelligence of the House of Representative; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN PERSON; PERSON.—The terms “foreign person” and “person” mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) MIDDLE EAST AND NORTH AFRICA.—The term “Middle East and North Africa” means those countries that are included in the Area of Responsibility of the Assistant Secretary of State for Near Eastern Affairs.

SA 5882. Mr. MARKEY (for himself, Ms. WARREN, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2023 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2023 by this Act minus one percent.

(b) ALLOCATION.—The allocation of the reduction under subsection (a) shall be derived from the additional \$44,916,434,000 above the President’s fiscal year 2023 budget request provided by the Senate to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Senate, as set forth on page 383 of the report of the Committee on Armed Services of the Senate accompanying S. 4543 of the 117th Congress (S. Rept. 117–130).

(c) USE OF FUNDS.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled “Climate Change and International Responses Increasing Challenges to US National Security Through 2040” (NIC–NIE–2021–10030–A).

(2) To provide public climate financing to developing countries, with the objective of limiting the increase in global temperature at or below 1.5 degrees Celsius above pre-industrial levels.

(d) GLOBAL CLIMATE ASSISTANCE ACCOUNTS, PROGRAMS, ORGANIZATIONS, AND INTERNATIONAL FINANCIAL INSTITUTIONS DESCRIBED.—The global climate assistance accounts, programs, organizations, and international financial institutions described in this subsection are the following:

- (1) The Green Climate Fund.
- (2) Global Environment Facility.
- (3) Adaptation Programs.
- (4) Sustainable Landscapes.
- (5) Clean Energy Programs.
- (6) Biodiversity Programs.
- (7) The Clean Technology Fund.
- (8) Migration and Refugee Assistance.
- (9) International Disaster Assistance.
- (10) Montreal Protocol Multilateral Fund (MLF).
- (11) The United Nations Framework Convention on Climate Change.
- (12) The Adaptation Fund.

SA 5883. Ms. KLOBUCHAR (for herself and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CERTAIN ACTIVITIES RELATING TO INTIMATE VISUAL DEPICTIONS.

(a) IN GENERAL.—Chapter 88 of title 18, United States Code, is amended by adding at the end the following:

“§ 1802. Certain activities relating to intimate visual depictions

“(a) DEFINITIONS.—In this section:

“(1) COMMUNICATIONS SERVICE.—The term ‘communications service’ means—

“(A) a service provided by a person that is a common carrier, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153), insofar as the person is acting as a common carrier;

“(B) an electronic communication service, as that term is defined in section 2510;

“(C) an information service, as that term is defined in section 3 of the Communications Act of 1934 (47 U.S.C. 153); and

“(D) an interactive computer service, as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(2) INFORMATION CONTENT PROVIDER.—The term ‘information content provider’ has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

“(3) INTIMATE VISUAL DEPICTION.—The term ‘intimate visual depiction’ means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image itself or information or text displayed in connection with the intimate image who has attained 18 years of age at the time the intimate visual depiction is created and—

“(A) who is depicted engaging in sexually explicit conduct; or

“(B) whose genitals, anus, pubic area, or female nipple are unclothed and visible.

“(4) VISUAL DEPICTION OF A NUDE MINOR.—The term ‘visual depiction of a nude minor’ means any visual depiction (as that term is defined in section 2256(5)) of an individual who is recognizable by an individual other than the depicted individual from the intimate image itself or information or text displayed in connection with the intimate image who was under 18 years of age at the time the visual depiction was created in which the actual anus, genitals, or pubic area, or post-pubescent female nipple, of the minor are unclothed, visible, and displayed in a manner that does not constitute sexually explicit conduct.

“(5) SEXUALLY EXPLICIT CONDUCT.—The term ‘sexually explicit conduct’ has the meaning given that term in section 2256(2)(A).

“(b) OFFENSE.—

“(1) IN GENERAL.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, an intimate visual depiction of an individual—

“(A) with knowledge of or reckless disregard for the lack of consent of the individual to the distribution;

“(B) where what is depicted was not voluntarily exposed by the individual in a public or commercial setting; and

“(C) where what is depicted is not a matter of public concern.

For purposes of this paragraph, the fact that the subject of the depiction consented to the creation of the depiction shall not establish that that person consented to its distribution.

“(2) MINORS.—Except as provided in subsection (d), it shall be unlawful to knowingly mail, or to distribute using any means or facility of interstate or foreign commerce or affecting interstate or foreign commerce, a visual depiction of a nude minor with intent to abuse, humiliate, harass, or degrade the minor, or to arouse or gratify the sexual desire of any person.

“(c) PENALTY.—

“(1) IN GENERAL.—Any person who violates subsection (b), or attempts or conspires to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

“(2) FORFEITURE.—

“(A) IN GENERAL.—The court, in imposing a sentence on any person convicted of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, or convicted of a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(i) any material distributed in violation of this section;

“(ii) such person’s interest in property, real or personal, constituting or derived from any gross proceeds of such violation, or any property traceable to such property, obtained or retained directly or indirectly as a result of such violation; and

“(iii) any property, real or personal, used or intended to be used to commit or to facilitate the commission of such offense.

“(B) PROCEDURES.—Section 413 of the Controlled Substances Act (21 U.S.C. 853), with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subparagraph (A).

“(3) RESTITUTION.—Restitution shall be available as provided in section 2264 of title 18, United States Code.

“(d) EXCEPTIONS.—

“(1) LAW ENFORCEMENT, LAWFUL REPORTING, AND OTHER LEGAL PROCEEDINGS.—This section—

“(A) does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or of an intelligence agency of the United States;

“(B) shall not apply in the case of an individual acting in good faith to report unlawful activity or in pursuance of a legal or professional or other lawful obligation; and

“(C) shall not apply in the case of a document production or filing associated with a legal proceeding.

“(2) SERVICE PROVIDERS.—This section shall not apply to any provider of a communications service with regard to content provided by another information content provider unless the provider of the communications service intentionally solicits, or knowingly and predominantly distributes, such content.

“(e) THREATS.—Any person who threatens to commit an offense under subsection (b) shall be punished as provided in subsection (c).

“(f) EXTRATERRITORIALITY.—There is extraterritorial Federal jurisdiction over an offense under this section if the defendant or the depicted individual is a citizen or permanent resident of the United States.

“(g) CIVIL FORFEITURE.—The following shall be subject to forfeiture to the United States in accordance with provisions of chapter 46 and no property right shall exist in them:

“(1) Any material distributed in violation of this chapter.

“(2) Any property, real or personal, that was used, in any manner, to commit or to facilitate the commission of a violation involving intimate visual depictions or visual depictions of a nude minor under this section or a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section.

“(3) Any property, real or personal, constituting, or traceable to the gross proceeds obtained or retained in connection with or as a result of a violation involving intimate visual depictions or visual depictions of a nude minor under this section, a conspiracy of a violation involving intimate visual depictions or visual depictions of a nude minor under this section.

“(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the application of any other relevant law, including section 2252 of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 88 of title 18, United States Code, is amended by inserting after the item relating to section 1801 the following:

“1802. Certain activities relating to intimate visual depictions.”.

SA 5884. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. ASSISTANCE TO LEBANESE INSTITUTIONS OF HIGHER LEARNING.

There are authorized to be appropriated \$40,000,000 from the Economic Support Fund authorized under section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346) for fiscal year 2023, which may be expended to support scholarships at not-for profit institutions of higher learning in Lebanon that are accredited by an agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b et seq.).

SA 5885. Mr. MENENDEZ (for himself, Mr. KAINE, Mr. CARDIN, Ms. COLLINS, Mr. LUJAN, and Mr. MORAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United States-Colombia Bicentennial Alliance Act

SEC. 1281. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “United States-Colombia Bicentennial Alliance Act”.

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

Subtitle G—United States-Colombia Bicentennial Alliance Act

Sec. 1281. Short title; table of contents.

Sec. 1282. Findings.

Sec. 1283. Designation of Colombia as a major non-NATO ally.

Subtitle A—Supporting Inclusive Economic Growth

Sec. 1285. Colombian-American Enterprise Fund.

Sec. 1286. Strategy for promoting and strengthening nearshoring in the Western Hemisphere.

Sec. 1287. United States-Colombia Labor Compact.

Sec. 1288. Supporting efforts to combat corruption.

Sec. 1289. Increasing English language proficiency.

Sec. 1289A. Partnership for STEM education.

Sec. 1289B. Supporting women and girls in science and technology.

Subtitle B—Advancing Peace and Democratic Governance in Colombia

Sec. 1291. Supporting peace and justice.

Sec. 1292. Advancing integrated rural development.

Sec. 1293. Empowering Afro-Colombian and Indigenous communities in Colombia.

Sec. 1294. Protecting human rights defenders.

Subtitle C—Strengthening Security Cooperation

Sec. 1295. Establishment of United States-Colombia security consultative committee.

Sec. 1296. Cooperation on cyber defense and combating cyber crimes.

Sec. 1297. Classified report on the activities of certain terrorist and criminal groups.

Sec. 1298. Counternarcotics and rural security strategy.

Sec. 1299. Classified report on the malicious activities of state actors in the Andean region.

Sec. 1299A. Protecting and countering illicit activities in tropical forests.

Sec. 1299B. Public-private partnership to build responsible gold value chains.

Subtitle D—Addressing Humanitarian Needs

Sec. 1299E. Colombia Relief and Development Coherence Strategy.

Sec. 1299F. Assessment of healthcare infrastructure needs in rural areas.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) On June 19, 2022, the United States and Colombia will celebrate 200 years of formal diplomatic relations, commemorating the United States Congress’ recognition of the independence of Colombia.

(2) On May 15, 2022, the United States and Colombia will celebrate 10 years since the entry into force of the United States-Colombia Trade Promotion Agreement, which has contributed to economic growth in both the United States and Colombia.

(3) On July 13, 2000, the United States and Colombia launched Plan Colombia, an ambitious bilateral strategy that strengthened Colombia’s institutions and capacity to combat drug trafficking, organized crime, and violence, and promote rule of law.

(4) On February 4, 2016, the United States and Colombia launched a new chapter in bilateral security cooperation between the two countries through the announcement of Peace Colombia, the successor strategy to Plan Colombia aimed at supporting Colombia’s consolidation of peace, democratic governance, and security.

(5) To implement Plan Colombia and its successor strategies, the United States Congress has appropriated more than \$12,000,000,000 since 2000. The Government of Colombia has contributed more than 90 percent of the total costs of the implementation of Plan Colombia.

(6) Increased military and security cooperation through Plan Colombia and Peace Colombia has helped Colombia expand and professionalize its police and armed forces.

(7) The United States and Colombia have entered into formal partnerships with governments throughout Latin America and the Caribbean to bolster hemispheric security cooperation through the United States-Colombia Action Plan on Regional Security Cooperation (USCAP).

(8) In May 2017, Colombia became the first Latin American partner of the North Atlantic Treaty Organization.

(9) Colombia is the second most biodiverse country on Earth and is home to 10 percent of the world’s flora and fauna.

(10) Colombia hosts more than 1,800,000 refugees from Venezuela. In addition, Colombia has a population of 8,100,000 registered victims of internal displacement since 1985.

(11) Colombia is the United States’ third largest trade partner in Latin America, with United States goods and services trade with Colombia totaling an estimated \$40,700,000,000 in 2019.

(12) The Government of Colombia is a strong advocate for democratic governance in Latin America and the Caribbean, publicly condemning ongoing violations of civil liberties and human rights in Cuba, Nicaragua, and Venezuela.

(13) The Government of Colombia has been an active participant in global peacekeeping and peacebuilding missions, including the United Nations Stabilization Mission in Haiti (MINUSTAH), the United Nations Integrated Peacebuilding Office in Sierra Leone (UNOSIL), and the Multinational Force and Observers in the Sinai, since 1979.

(14) In February 2021, Colombian President Ivan Duque announced he would grant temporary protected status to nearly 1,800,000 Venezuelan refugees in the country.

SEC. 1283. DESIGNATION OF COLOMBIA AS A MAJOR NON-NATO ALLY.

Section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) is amended by adding at the end the following new subsection:

“(c) **ADDITIONAL DESIGNATIONS.**—

“(1) **IN GENERAL.**—Effective on the date of the enactment of the United States-Colombia Bicentennial Alliance Act, Colombia is designated as a major non-NATO ally for purposes of this Act, the Arms Export Control Act (22 U.S.C. 2751 et seq.), and section 2350a of title 10, United States Code.

“(2) **NOTICE OF TERMINATION OF DESIGNATION.**—The President shall notify Congress in accordance with subsection (a)(2) before terminating the designation of a country specified in paragraph (1).”

Subtitle A—Supporting Inclusive Economic Growth

SEC. 1285. COLOMBIAN-AMERICAN ENTERPRISE FUND.

(a) **DESIGNATION.**—The President shall designate a private, nonprofit organization (to be known as the “Colombian-American Enterprise Fund”) to receive funds and support made available under this section after determining that such organization has been designated for the purposes specified in subsection (b). The President shall make such designation only after consultation with the leadership of the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) **PURPOSES.**—The purposes are this section are the purposes described in section 1421(g)(3) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(3)).

(c) **BOARD OF DIRECTORS.**—

(1) **APPOINTMENT.**—The Colombian-American Enterprise Fund shall be governed by a Board of Directors pursuant to paragraphs (5) and (6) of section 1421(g) of the BUILD Act of 2018 (22 U.S.C. 9621(g)).

(2) **UNITED STATES GOVERNMENT LIAISON TO THE BOARD.**—The President shall appoint the United States Ambassador to Colombia, or the Ambassador’s designee, as a liaison to the Board. The liaison appointed under this paragraph shall not have any voting authority.

(3) **NONGOVERNMENT LIAISONS TO THE BOARD.**—

(A) **IN GENERAL.**—Upon the recommendation of the Board of Directors, the President may appoint up to 2 additional liaisons to the Board of Directors in addition to the liaison specified in paragraph (2), of which not more than 1 may be a noncitizen of the United States. A liaison appointed under this subparagraph shall not have any voting authority.

(B) **NGO COMMUNITY.**—One of the additional liaisons to the Board should be from the non-governmental organization community, with significant prior experience in development financing and an understanding of development policy priorities for Colombia.

(C) **TECHNICAL EXPERTISE.**—One of the additional liaisons to the Board should have extensive demonstrated industry, sector, or technical experience and expertise in a priority investment sector described in subsection (e) for the Colombia-American Enterprise Fund.

(d) **GRANTS.**—The President is authorized to use \$200,000,000 in funds appropriated by any Act, in this fiscal year or prior fiscal years, making appropriations for the Department of State, foreign operations, and related programs, including funds previously

obligated, that are otherwise available for such purposes, notwithstanding any other provision of law—

(1) to carry out the purposes set forth in subsection (b) through the Colombian-American Enterprise Fund in accordance with section 1421(g)(4)(A) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(4)(A)); and

(2) to pay for the administrative expenses of the Colombian-American Enterprise Fund, in accordance with the limitation under section 1421(g)(4)(B) of the BUILD Act of 2018 (22 U.S.C. 9621(g)(4)(B)).

(e) **PRIORITIZATION.**—In carrying out the purposes of the Colombian-American Enterprise Fund described in subsection (b), the Board of Directors shall not be prohibited from making investments, grants, and expenditures in any economic sector, but shall prioritize such activities in the following sectors:

(1) Not less than 35 percent of the investments, grants, and expenditures of the Colombian-American Enterprise Fund shall go to projects and activities of small- and medium-sized businesses in Colombia working to close the digital divide, enabling digital transformation, and developing and applying advanced digital technologies, including big data, artificial intelligence, and the Internet of things.

(2) Not less than 50 percent of the investments, grants, and expenditures, of the Colombian-American Enterprise Fund shall go to small- and medium-sized businesses owned by women.

(3) Small- and medium-sized businesses dedicated to advancing the growth, sustainability, modernization, and formalization of Colombia's agriculture sector.

(f) **NOTIFICATION.**—Not later than 15 days before designating an organization to operate as the Colombia-American Enterprise Fund pursuant to subsection (a), the President shall notify the Chairmen and Ranking Members of the appropriate congressional committees of—

(1) the identity of the organization to be designated to operate as the Colombian-American Enterprise Fund;

(2) the names and qualifications of the individuals who will comprise the initial Board of Directors; and

(3) the amount of the grant intended to fund the Colombian-American Enterprise Fund.

(g) **BRIEFING.**—Not later than one year after the designation of the Fund, and annually thereafter, the President shall brief the appropriate congressional committees on—

(1) a summary of the Fund's beneficiaries;

(2) progress by the Fund in achieving the purposes set forth in subsection (b);

(3) recommendations on how the Fund can better achieve the purposes set forth in subsection (b); and

(4) the reporting requirements described in subsection (h).

(h) **COMPLIANCE.**—The Colombian-American Enterprise Fund shall be subject to the reporting and oversight requirements described in paragraphs (7) and (8) of section 1421(g) of the BUILD Act of 2018 (22 U.S.C. 9621(g)), respectively.

(i) **BEST PRACTICES.**—

(1) **IN GENERAL.**—To the maximum extent practicable, the Board of Directors of the Colombian-American Enterprise Fund should adopt the best practices and procedures used by other American Enterprise Funds, including those for which funding has been made available pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421).

(2) **IMPLEMENTATION.**—In implementing this section, the President shall ensure that the articles of incorporation of the Colombia-American Enterprise Fund (including provi-

sions specifying the responsibilities of the Board of Directors of the Fund) and the terms of United States Government grant agreements with the Fund are, to the maximum extent practicable, consistent with the articles of incorporation and the terms of grant agreements established for other American Enterprise Funds, including those established pursuant to section 201 of the Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5421) and comparable provisions of law.

(j) **RETURN OF FUNDS TO TREASURY.**—Any funds resulting from the liquidation, dissolution, or winding up of the Colombian-American Enterprise Fund, in whole or in part, shall be returned to the Treasury of the United States.

(k) **TERMINATION.**—The Colombian-American Enterprise Fund shall terminate on—

(1) the date that is 10 years after the date of the first expenditure of amounts from the fund; or

(2) the date on which the fund is liquidated.

SEC. 1286. STRATEGY FOR PROMOTING AND STRENGTHENING NEARSHORING IN THE WESTERN HEMISPHERE.

(a) **STRATEGY.**—The Secretary of State, in coordination with the United States Agency for International Development and the United States International Development Finance Corporation, and the heads of all other relevant Federal departments and agencies, shall develop and implement a strategy to increase supply chain resiliency and security by promoting and strengthening nearshoring efforts to foster economic growth in the Americas and relocate supply chains from the People's Republic of China to the Western Hemisphere.

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

(1) be informed by consultations with—

(A) the governments of allies and partners in the Western Hemisphere; and

(B) labor organizations, trade unions, and companies and other private sector enterprises in the United States;

(2) provide a description of how reshoring and nearshoring initiatives can be pursued in a complementary fashion to strengthen United States national interests, including an assessment of how nearshoring initiatives can expand opportunities for coproduction and other cooperative business ventures between United States and regional entities;

(3) include an assessment of the status and effectiveness of current efforts by regional governments, multilateral development banks, and the private sector to promote nearshoring to the Western Hemisphere, major challenges hindering such efforts, and how the United States can strengthen the effectiveness of such efforts;

(4) identify countries and sectors within Latin America and the Caribbean with comparative advantages for sourcing and manufacturing critical goods and countries with the greatest nearshoring opportunities;

(5) identify how activities by the United States Agency for International Development and the United States International Development Finance Corporation can effectively be leveraged to strengthen and promote nearshoring to Latin America and the Caribbean;

(6) require that the Department of the Treasury and the United States Trade and Development Agency work with United States firms to identify barriers that inhibit them from committing capital or financing projects and provide a description for how the United States Government can work with Latin American and Caribbean countries to address these barriers;

(7) advance diplomatic initiatives to secure specific national commitments by govern-

ments in Latin America and the Caribbean to undertake efforts to create favorable conditions for nearshoring in the region, including commitments to develop formalized national nearshoring strategies, address corruption and rule of law concerns, modernize digital and physical infrastructure, lower trade barriers, raise labor and environmental standards, improve ease of doing business, and finance and incentivize nearshoring initiatives;

(8) advance diplomatic initiatives to harmonize standards and regulations, especially among existing United States free trade partners, expedite customs operations, facilitate economic integration in the region, strengthen legal regimes and monitoring and enforcement measures relating to labor standards, and ensure that nearshoring initiatives are consistent with efforts to improve supply chain energy efficiency, reduce the energy used to transport global goods, and advance environmental sustainability; and

(9) develop and implement programs to finance, incentivize, or otherwise promote nearshoring to the Western Hemisphere in accordance with the findings made pursuant to paragraphs (3), (4), and (5), including, at minimum, programs to develop physical and digital infrastructure, promote transparency in procurement processes, provide technical assistance in implementing national nearshoring strategies, support capacity building to strengthen labor and environmental standards, mobilize private investment, and secure commitments by private entities to relocate supply chains from the People's Republic of China to the Western Hemisphere.

(c) **COORDINATION WITH MULTILATERAL DEVELOPMENT BANKS.**—In implementing the strategy required under subsection (a), the Secretary of State and the heads of all other relevant Federal departments and agencies shall coordinate with the United States Executive Directors of the Inter-American Development Bank and the World Bank.

(d) **PRIORITIZATION.**—As part of the effort described in this section, the Secretary of State shall prioritize Colombia.

(e) **ANNUAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for a period of 5 years, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the strategy required under subsection (a) and progress made in its implementation.

SEC. 1287. UNITED STATES-COLOMBIA LABOR COMPACT.

(a) **COMPACT AUTHORITY.**—The Secretary of State, in coordination with the Secretary of Labor and the United States Trade Representative, is authorized to enter into a bilateral agreement of not less than 7 years in duration with the Government of Colombia to continue strengthening labor rights, labor policies, and labor competitiveness in the country. The agreement shall be known as the "United States-Colombia Labor Compact" (referred to in this section as the "Compact").

(b) **COMPACT ELEMENTS.**—The Compact shall establish a multi-year strategy to—

(1) address the findings in the 2021 Executive Report of the Misión de Empleo de Colombia;

(2) further advance the objectives set forth under the related goals of the 2016 peace accord and the Colombian Action Plan Related to Labor Rights of April 7, 2011 (referred to in this section as the "Labor Action Plan");

(3) promote labor formalization in Colombia;

(4) protect internationally recognized labor rights, including with respect to freedom of

association, elimination of all forms of forced or compulsory labor, prohibitions on child labor, and acceptable work conditions;

(5) address and prevent violence against labor organizations and trade unions and prosecute the perpetrators of such violence; and

(6) promote competitive labor for Colombia at the level of other international markets, allowing increased job opportunities.

(c) **STRATEGY REQUIREMENTS.**—The strategy required under subsection (c) shall—

(1) be informed by consultations with labor organizations, trade unions, and companies and other private sector enterprises in the United States and Colombia;

(2) be informed by assessments, including assessments by the Department of Labor's International Labor Affairs Bureau, of the areas in Colombia experiencing the highest incidence of labor rights violations and violence against labor organizations and trade unions;

(3) identify clear and measurable goals, objectives, and benchmarks under the Compact to detect, deter, and respond to labor rights violations and violence against labor leaders;

(4) set out clear roles, responsibilities, and objectives under the Compact, which shall include a description of policies and financial commitments of the United States Government and the Government of Colombia;

(5) provide for the conduct of an impact evaluation not later than 1 year after the conclusion of the negotiations of the Compact and biannually thereafter;

(6) provide for a full accounting of all United States funds expended under the Compact, which shall include full audit authority for the Office of the Inspector General of the Department of State, the Office of the Inspector General of the United States Agency for International Development, and the Government Accountability Office, as appropriate; and

(7) enhance the bilateral coordination through the relevant agencies and the United States labor attaché in Bogotá, to facilitate progress in the implementation of the strategy.

(d) **ESTABLISHMENT OF TASK FORCE.**—The President shall establish an interagency task force to advance, monitor, enforce, and evaluate the negotiation and signing of the Compact (referred to in this section as the "Labor Task Force"), which shall consist of—

(1) the Secretary of State, who shall serve as the Chair;

(2) the Administrator of the United States Agency for International Development;

(3) the Secretary of Labor;

(4) the United States Trade Representative; and

(5) any other Federal officials as may be designated by the President.

(e) **ACTIVITIES OF THE LABOR TASK FORCE.**—The Labor Task Force shall—

(1) engage with the Government of Colombia to design and implement the Compact;

(2) engage in consultation and advocacy with nongovernmental organizations, including labor organizations and trade unions in the United States and Colombia, to advance the purposes of this section;

(3) assess efforts by the United States Government and the Government of Colombia to implement the Compact; and

(4) establish regular meetings of the Labor Task Force to ensure closer coordination across departments and agencies in the development of policies regarding the Compact.

(f) **SPECIFIC FOCUS.**—The activities described in subsection (f) shall include an in-depth analysis of the impact of the United States-Colombia Trade Promotion Agreement on vulnerable populations, including

women and Afro-Colombian, Indigenous, and migrant communities, and recommendations on ways to ensure that those communities are better assisted and protected.

(g) **CONGRESSIONAL NOTIFICATION.**—Not later than 15 days after entering into a Compact with the Government of Colombia, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of Labor, shall submit to the Committee on Foreign Relations of the Senate, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives—

(1) a copy of the proposed Compact; and

(2) a copy of any annexes, appendices, or implementation plans related to the Compact.

(h) **REPORTS.**—Not later than 1 year after entering into a Compact, and annually during the period in which the Compact is in effect, the Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes the progress made under the Compact and includes recommendations for strengthening United States implementation of the Compact.

SEC. 1288. SUPPORTING EFFORTS TO COMBAT CORRUPTION.

(a) **TECHNICAL ASSISTANCE.**—The Secretary of State shall engage with the Government of Colombia for the purpose of developing and implementing a multi-year strategy, including through the provision of technical assistance, to combat corruption and address the misuse of public resources. The Secretary of State shall consult with the Administrator of the United States Agency for International Development and the Secretary of the Treasury in the development of the strategy.

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

(1) assess the scope of public and private sector corruption in Colombia, including specific cases of significant corruption;

(2) provide technical assistance for the purposes of combating corruption and increasing transparency in Colombia;

(3) develop and implement programming at the national and local levels to support investigative journalism, protection of journalists reporting on public and private sector corruption, civil society anti-corruption initiatives;

(4) consult and advocate with nongovernmental organizations and the private sector to advance the purposes of this section; and

(5) establish regular United States interagency meetings to ensure closer coordination across United States departments and agencies in the development of policies regarding transparency and corruption in Colombia.

(c) **BRIEFINGS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy required under subsection (a). Not later than 1 year after the briefing on the strategy, and annually thereafter, the Secretary of State shall brief the committees on the implementation of the strategy.

SEC. 1289. INCREASING ENGLISH LANGUAGE PROFICIENCY.

(a) **PARTNERSHIP AUTHORIZED.**—The Secretary of State and the Administrator of the United States Agency for International De-

velopment are authorized to establish a 5-year public-private partnership to support—

(1) innovative in-country solutions for improving English language proficiency among primary and secondary school teachers in Colombia;

(2) the creation of English language accelerator courses, including specialized courses in business and technology; and

(3) increased educational exchanges between universities in the United States and Colombia.

(b) **ELEMENTS.**—In designing and implementing the partnership authorized under subsection (a), the Secretary of the State and the Administrator of the United States Agency for International Development shall—

(1) complement ongoing efforts by the Ministry of Education of Colombia and other relevant institutions;

(2) target teachers from schools in low-income communities and underrepresented communities, including Afro-Colombian and Indigenous communities; and

(3) consult with the Government of Colombia, civil society, and academia.

(c) **PURPOSE.**—The purpose of the partnership authorized under subsection (a) is to increase English language proficiency among primary and secondary school teachers, enhance teachers' use of emerging digital technologies for English language learning, and ensure continuity of teacher development, thereby increasing student outcomes and the ability of Colombian youth to access higher education and higher quality livelihoods.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the United States Agency for International Development \$12,000,000 for each of fiscal years 2023 through 2027 for the creation of the partnership authorized under subsection (a).

(e) **MONITORING AND EVALUATION FRAMEWORK.**—Not later than 1 year after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a monitoring and evaluation framework that includes objectives and indicators related to the partnership authorized under subsection (a).

(f) **ASSESSMENTS OF PARTNERSHIP IMPACT.**—Not later than 2 years and 5 years after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall jointly submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a comprehensive assessment on the impact of the partnership authorized under subsection (a) that uses the monitoring and evaluation framework submitted pursuant to subsection (e).

(g) **BRIEFING.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the partnership authorized under subsection (a).

SEC. 1289A. PARTNERSHIP FOR STEM EDUCATION.

(a) **IN GENERAL.**—The United States Administrator of the United States Agency for International Development shall support Colombia's Ministry of Education in the development of K–12 STEM curricula, the development of a STEM teacher education and degree program at public schools, and the training of 10,000 new K–12 public school educators, including in underrepresented and

Afro-Colombian and Indigenous communities.

(b) **COORDINATION.**—In designing and implementing the program required under subsection (a), the Administrator of the United States Agency for International Development shall coordinate with the Chief Executive Officer of the Millennium Challenge Corporation and the Chief Executive Officer of the Peace Corps.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the United States Agency for International Development \$10,000,000 for each of fiscal years 2023 through 2027 for the creation of the program authorized under subsection (a).

(d) **BRIEFINGS.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the results of the program required under subsection (a).

SEC. 1289B. SUPPORTING WOMEN AND GIRLS IN SCIENCE AND TECHNOLOGY.

(a) **IN GENERAL.**—The Secretary of State shall establish TechWomen and TechGirls programs designed to empower and inspire women and girls from Latin America and the Caribbean to advance careers in science and technology.

(b) **PARTICIPATION.**—In carrying out subsection (a), the Secretary of State shall—

(1) during the first 5 years of the programs, prioritize the participation of Colombian women and girls; and

(2) take steps to include underrepresented women and girls from across Latin America and the Caribbean, including women from low income and underrepresented communities, including Afro-Colombian and Indigenous communities, in the programs.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$1,000,000 for fiscal year 2023 to carry out this section.

Subtitle B—Advancing Peace and Democratic Governance in Colombia

SEC. 1291. SUPPORTING PEACE AND JUSTICE.

(a) **POLICY.**—It is the policy of the United States to support peace, justice, and democratic governance in Colombia, including the full and timely implementation of the 2016 peace accord.

(b) **EVALUATION FRAMEWORK.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives an evaluation framework that assesses the impact of United States diplomatic engagement and foreign assistance programming in support of the peace process in Colombia.

(2) **CONSULTATION.**—The Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the development of the evaluation framework required under paragraph (1).

SEC. 1292. ADVANCING INTEGRATED RURAL DEVELOPMENT.

(a) **SUPPORTING AGRICULTURAL COOPERATIVES.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, the Chief Executive Officer of the United States International Development Fi-

nance Corporation, and the Secretary of Commerce, and in consultation with the Chief Executive Officer of the Inter-American Foundation, shall develop and implement programs to support the ability of rural cooperatives in conflict-affected areas of Colombia to bring products into national and international markets by—

- (1) supporting research;
- (2) developing new skills;
- (3) building resilience capacities, including capacity to adapt to the effects of climate change;
- (4) integrating best practices in sustainable agriculture;
- (5) promoting standardization and quality control;
- (6) supporting commercialization;
- (7) enabling access to financing; and
- (8) promoting access to markets.

(b) **PRIORITIZATION.**—Programs required under subsection (a) shall prioritize communities seeking to shift away from illicit economies, including such economies related to the trafficking of narcotics, wildlife, minerals and other natural resources, and other goods.

(c) **CONSULTATION.**—In developing the programs required under subsection (a), the Secretary of State shall consult with representatives of the Government of Colombia, the private sector, human rights, labor, and humanitarian organizations, and underrepresented populations including women, Indigenous populations, and Afro-Colombians.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of State and the Administrator of the United States Agency for International Development \$10,000,000 for each of fiscal years 2023 and 2024 to carry out the programs required under subsection (a).

(e) **BRIEFINGS.**—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State, the Administrator of the United States Agency for International Development, and the Chief Executive Officer of the United States International Development Finance Corporation shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the programs required under subsection (a).

SEC. 1293. EMPOWERING AFRO-COLOMBIAN AND INDIGENOUS COMMUNITIES IN COLOMBIA.

(a) **IN GENERAL.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Chief Executive Officer of the United States International Development Finance Corporation, and in consultation with the Chief Executive Officer of the Inter-American Foundation, shall develop and implement initiatives to—

- (1) support the implementation of the ethnic chapter of Colombia's 2016 peace accord, which safeguards the rights of the Indigenous and Black populations of Colombia;
- (2) provide technical assistance and capacity-building support to Afro-Colombian community councils in Colombia;
- (3) increase the participation of individuals from Afro-Colombian and Indigenous communities in existing bilateral initiatives and in educational and cultural exchange programs of the Department of State and the United States Agency for International Development; and
- (4) increase access to finance and credit for small- and medium-sized businesses owned by Afro-Colombian and Indigenous entrepreneurs, particularly those in communities historically prone to violence and insecurity.

(b) **PRIORITIZATION.**—During the 5-year period beginning on the date of the enactment of this Act—

(1) the Administrator of the United States Agency for International Development shall dedicate not less than 10 percent of the amounts appropriated to the United States Agency for International Development and allocated for Colombia to programs that empower and support Afro-Colombian and Indigenous communities in Colombia; and

(2) not less than 50 percent of the funding dedicated under paragraph (1) shall be directly provided to Afro-Colombian and Indigenous-led organizations to implement the programs described in that paragraph.

SEC. 1294. PROTECTING HUMAN RIGHTS DEFENDERS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated \$20,000,000 for each of fiscal years 2022 through 2026 to provide critical assistance to human rights defenders and anti-corruption activists in Colombia through the Department of State Human Rights Defenders Fund.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through the end of 2024, the Secretary of State, in cooperation with the Administrator of the United States Agency for International Development, shall submit a report to Congress that includes—

(1) details regarding Department of State and United States Agency for International Development programs to—

(A) support the work of human rights defenders, anti-corruption activists, and other civil society actors in Colombia; and

(B) provide assistance when such individuals are under threat, including specific processes by which such individuals can request assistance from United States embassies;

(2) detailed information contained in the Country Reports on Human Rights Practices regarding the intimidation of, and attacks against, such individuals and the response of the foreign government;

(3) a strategy for any increased engagement and measures of success toward defending human rights defenders and anti-corruption activists; and

(4) an accounting of funds used to execute the Human Rights Defender Fund.

Subtitle C—Strengthening Security Cooperation

SEC. 1295. ESTABLISHMENT OF UNITED STATES-COLOMBIA SECURITY CONSULTATIVE COMMITTEE.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense shall establish a consultative committee to include the Government of Colombia to develop a strategy for jointly strengthening Colombia's national security and defense institutions, and capacity to carry out operations across the territory of Colombia, including in rural and urban areas, related to—

- (1) counterterrorism and counterinsurgency;
- (2) counternarcotics and countering other forms of illicit trafficking;
- (3) cyberdefense and cybercrimes;
- (4) border and maritime security and air defense; and
- (5) stabilization.

(b) **ADDITIONAL ELEMENTS.**—The consultative committee shall evaluate existing technologies, equipment, and weapons systems, as well as necessary upgrades to such technologies, equipment, and systems of Colombia's national security and defense institutions in order to ensure the continued defense of the national sovereignty and national territory of Colombia.

(c) **BILATERAL SECURITY AND DEFENSE COOPERATION.**—Not later than 180 days after the

establishment of the consultative committee required under subsection (a), the Secretary of State, in coordination with the Secretary of Defense, is authorized to enter into consultations with the Government of Colombia to strengthen existing, or establish new, bilateral security and defense cooperation or lines of effort to address capacity-building and resource needs identified by the consultative committee.

(d) BRIEFINGS.—

(1) CONSULTATIVE COMMITTEE.—Not later than 30 days after the establishment of the United States-Colombia Security Consultative Committee required under subsection (a), and not later than 15 days after any meeting of the Consultative Committee thereafter, the Secretary of State and the Secretary of Defense shall jointly brief any of the appropriate congressional committees on progress made under the committee, pursuant to a request by any one of the appropriate congressional committees.

(2) BILATERAL SECURITY AND DEFENSE COOPERATION.—Not later than 30 days after the completion of any consultations with the Government of Colombia pursuant to subsection (c), the Secretary of State and the Secretary of Defense shall brief the appropriate congressional committees on the implementation of the agreed upon areas of cooperation or lines of effort.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

(2) the Committee on Armed Services of the Senate;

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

(4) the Committee on Armed Services of the House of Representatives.

SEC. 1296. COOPERATION ON CYBER DEFENSE AND COMBATING CYBER CRIMES.

(a) DIPLOMATIC ENGAGEMENT.—The Secretary of State, in coordination with the Attorney General of the United States, shall engage with the Government of Colombia to support and facilitate Colombia’s adoption of improved standards to address cyber crimes, especially such crimes that are state-directed, including—

(1) supporting the development of Colombia’s strategies to deter, investigate, and prosecute cybercrime, to protect critical infrastructure, and to promote the use of new technologies, as part of a broader and more coordinated effort to protect the information technology systems and networks of citizens, businesses, and governments;

(2) supporting the development of protocols that allow cyber preparedness and ensure protection and resilience to critical infrastructure;

(3) supporting the Government of Colombia in the implementation of relevant international conventions, such as the Budapest Convention on Cybercrime, of which Colombia is a party;

(4) continuing to develop partnerships among foreign partners, including in Latin America and the Caribbean, responsible for preventing, investigating, and prosecuting such crimes, and the private sector, in order to streamline and improve the procurement of timely information in the context of mutual assistance proceedings;

(5) working, in cooperation with like-minded democracies in international organizations, to advance standards for digital governance and promote a secure, reliable, free, and open internet;

(6) supporting the adoption of new technologies to enhance the technical capabilities of cybersecurity agencies in Colombia; and

(7) supporting the efforts of the Government of Colombia and Colombian civil society to build national resilience against foreign disinformation efforts.

(b) DIGITAL INFRASTRUCTURE ACCESS AND SECURITY STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with relevant Federal agencies, shall develop and implement a strategy for leveraging United States expertise to share best practices and lessons learned and assist the Government of Colombia. The strategy shall—

(1) improve and secure its digital infrastructure, including critical infrastructure;

(2) protect technological assets, including data privacy, digital evidence, and electronically stored information;

(3) advance cybersecurity to protect against cybercrime and cyberespionage;

(4) promote exchanges and technical training programs, including know-how transfer in cybersecurity and disinformation and misinformation;

(5) promote the adoption or development of new technologies to enhance protection against cybercrime and cyberespionage;

(6) promote digital hygiene programs; and

(7) build capacity to identify and expose foreign disinformation and misinformation.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for the development and implementation of the strategy required under subsection (b) \$3,000,000 for each of fiscal years 2023 through 2025.

(d) SEMIANNUAL BRIEFING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the implementation of the diplomatic engagement described in subsection (a) and the implementation of the strategy described in subsection (b).

SEC. 1297. CLASSIFIED REPORT ON THE ACTIVITIES OF CERTAIN TERRORIST AND CRIMINAL GROUPS.

(a) FINDING.—On November 30, 2021, the United States designated the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP) and Segunda Marquetalia as foreign terrorist organizations under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(b) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, acting through the Assistant Secretary of State for the Bureau of Intelligence and Research of the Department of State, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Director of the Central Intelligence Agency, shall submit to the appropriate congressional committees a classified report detailing the activities of the Revolutionary Armed Forces of Colombia-EP, Segunda Marquetalia, the Ejército de Liberación Nacional, Clan del Golfo, and other Colombian organized criminal groups.

(c) ELEMENTS.—Each report required by subsection (b) shall include—

(1) the name or names of each group covered by the report;

(2) a description of each group and the geographic presence of the group;

(3) a description of the leadership and structure of each group;

(4) the operating modalities and capabilities of each group;

(5) the rate of growth and recruitment strategies of each group; and

(6) any linkages between such groups and any other countries, including the regime of Nicolás Maduro in Venezuela.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

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

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

(3) the Committee on Armed Services of the Senate;

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

(5) the Permanent Select Committee on Intelligence of the House of Representatives; and

(6) the Committee on Armed Services of the House of Representatives.

SEC. 1298. COUNTERNARCOTICS AND RURAL SECURITY STRATEGY.

(a) IN GENERAL.—The Secretary of State shall develop and implement a strategy and related programs to support the Government of Colombia’s efforts to counter narcotics trafficking and transnational organized crime, including human trafficking, illicit trafficking in arms, wildlife, and cultural property, environmental crimes, migrant smuggling, corruption, money laundering, the illicit smuggling of bulk cash, the illicit use of financial systems for malign purposes, and other new and emerging forms of crime, by supporting—

(1) the eradication of illicit coca crops and the destruction of laboratories used to produce illicit narcotics;

(2) the interdiction of illicit narcotics and other forms contraband;

(3) efforts to disrupt illicit financial networks, including through technical assistance to financial intelligence units, including the enhancement of anti-money laundering and asset forfeiture programs;

(4) civilian law enforcement agencies, including support for—

(A) the enhancement of management of complex, multi-actor criminal cases;

(B) the enhancement of intelligence collection capacity and training on civilian intelligence collection (including safeguards for privacy and basic civil liberties), investigative techniques, forensic analysis, and evidence preservation; and

(C) port, airport, and border security officials, agencies, and systems, including—

(i) improvements to computer infrastructure and data management systems, secure communications technologies, nonintrusive inspection equipment, and radar and aerial surveillance equipment; and

(ii) assistance to canine units;

(5) justice sector institutions to enhance efforts to successfully prosecute drug trafficking organizations, transnational criminal organizations, and individuals and entities involved in money laundering and financial crimes related to narcotics trafficking and other illicit economies;

(6) the inclusion of human rights in law enforcement training programs; and

(7) advancing rural security initiatives, including the protection of community leaders and members of organized civil society who promote the rule of law and democratic governance.

(b) PRIORITIZATION.—During the 5-year period beginning on the date of the enactment of this Act, the Secretary of State shall dedicate—

(1) not less than 10 percent of the amounts appropriated to the International Narcotics Control and Law Enforcement account for Colombia to combating money laundering and financial crimes; and

(2) not less than 10 percent of the amounts appropriated to the International Narcotics Control and Law Enforcement account for Colombia to research, innovation initiatives, and new technologies that can be utilized to

combat illicit trafficking and all forms of transnational organized crime, as described in subsection (a).

(c) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of State shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the progress achieved in advancing the programs required under subsection (a).

SEC. 1299. CLASSIFIED REPORT ON THE MALICIOUS ACTIVITIES OF STATE ACTORS IN THE ANDEAN REGION.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Secretary of State, acting through the Assistant Secretary of State for the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the Defense Intelligence Agency, shall submit a classified report to the appropriate congressional committees detailing the malicious activities of state actors in the Andean region, including—

- (1) disinformation, misinformation, and all other information operations;
- (2) election interference;
- (3) cyberattacks and aggressions;
- (4) sales or donations of weapons or military equipment;
- (5) security cooperation;
- (6) the direct and indirect supply of technologies, equipment, and weapons to irregular armed actors operating in the Andean region;
- (7) the provision of technologies, equipment, and weapons systems to the regime of Nicolas Maduro in Venezuela and the implications for the security of countries in the Andean region; and
- (8) other threats to United States national interests and national security.

(b) ESTABLISHMENT OF POSITION.—The Secretary of State shall establish a “watcher” position in the Andean region as necessary to fulfill the requirements detailed under subsection (a).

(c) ANNUAL BRIEFING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the official designated for the “watcher” position established pursuant to subsection (b) shall brief the appropriate congressional committees on—

- (1) the steps that United States embassies in the Andean region have taken to advance the issues described in subsection (a); and
- (2) the nature and extent of the extra-regional diplomatic, economic, security, defense, and intelligence presence and influence in the Andean region.

SEC. 1299A. PROTECTING AND COUNTERING IL-LICIT ACTIVITIES IN TROPICAL FORESTS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development, in consultation with the Chief of the Forest Service of the Department of Agriculture, shall develop and implement a joint 3-year strategy, in coordination with the Government of Colombia, which shall be known as the “Strategy for Protecting Colombia’s Tropical Forests” (referred to in this section as the “strategy”), to protect the biodiversity of Colombia and address deforestation.

(b) ELEMENTS.—The strategy shall describe how the United States will—

- (1) empower and fund local communities, especially Indigenous and Afro-Colombian communities, to manage natural resources,

address deforestation and forest degradation, and combat illegal activities causing environmental harm in their communities, including drug-trafficking activities and illegal logging, mining, fishing, and wildlife trade;

- (2) protect social and environmental activists and whistleblowers;

(3) strengthen community-based prevention mechanisms and support community-led efforts to address illegal activities related to natural resources, including those activities described in paragraph (1);

(4) advance the development of markets to promote alternatives to activities related to drug trafficking and illegally obtained wood, fish, wildlife, or minerals, as appropriate;

(5) promote transparency in product sourcing and responsible supply chains;

(6) prevent, detect, investigate, and prosecute crimes related to natural resources;

(7) promote partnerships with nongovernmental organizations, international organizations, and the private sector;

(8) work within the United States inter-agency process to end the import of illegally or unsustainably sourced wildlife, timber, agricultural commodities, or fish, or illegally sourced gold or other minerals into the United States from Colombia; and

(9) consult with civil society to address the drivers of deforestation and forest degradation, and promote the conservation of intact forests.

(c) REGIONAL DIPLOMATIC COORDINATION.—The United States shall work with the Government of Colombia, and in cooperation with international organizations, to support the development of partnerships among Latin American and Caribbean officials responsible for preventing, investigating, and prosecuting environmental crimes, and in cooperation with the private sector, to protect the region’s biodiversity and address deforestation and forest degradation.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State and the United States Agency for International Development for the development and implementation of the strategy—

- (1) \$5,000,000 for fiscal year 2023;
- (2) \$7,000,000 for fiscal year 2024; and
- (3) \$8,000,000 for fiscal year 2025.

(e) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall brief the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the strategy. Not later than one year after the briefing on the strategy, and annually thereafter, the Secretary of State shall brief the committees on the implementation of the strategy.

SEC. 1299B. PUBLIC-PRIVATE PARTNERSHIP TO BUILD RESPONSIBLE GOLD VALUE CHAINS.

(a) BEST PRACTICES.—The Administrator of the United States Agency for International Development, in coordination with the Government of Colombia, shall consult with the Government of Switzerland regarding best practices developed through their public-private partnership, the Swiss Better Gold Initiative, which aims to improve transparency and traceability in the international gold trade.

(b) IN GENERAL.—The Administrator of the United States Agency for International Development shall coordinate with the Government of Colombia to establish a public-private partnership to advance the best practices described in subsection (a), including supporting programming in Colombia that will—

- (1) support formalization and compliance with appropriate environmental and labor

standards in artisanal and small-scale gold mining (ASGM);

(2) increase access to financing for ASGM miners committed to taking significant steps to formalize their operations and comply with labor and environmental standards;

(3) enhance the traceability and support the establishment of a certification process for ASGM gold;

(4) support a public relations campaign to promote responsibly sourced gold;

(5) facilitate contact between Colombian vendors of responsibly sourced gold and United States companies; and

(6) promote policies and practices in Colombia that are conducive to the formalization of ASGM and improvement of environmental and labor standards in ASGM.

(c) MEETING.—The Secretary of State, the Administrator of the United States Agency for International Development, or the President’s Special Envoy for Climate Change should, without delegation and in coordination with the Government of Colombia, host a meeting with senior representatives of the private sector and international governmental and nongovernmental partners and make commitments to improve due diligence and increase the responsible sourcing of gold.

Subtitle D—Addressing Humanitarian Needs
SEC. 1299E. COLOMBIA RELIEF AND DEVELOPMENT COHERENCE STRATEGY.

(a) STRATEGY REQUIRED.—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, shall develop and implement a strategy, to be known as the “Colombia Relief and Development Coherence Strategy”, to support Colombia’s responses to the separate but related challenges of assisting internally displaced persons, refugees, vulnerable migrants, and people affected by natural disasters. The strategy shall—

- (1) be publicly available in English and Spanish;

(2) describe concurrent efforts and clarify United States agency responsibilities in Colombia for assisting—

- (A) asylum seekers;
- (B) refugees;
- (C) internally displaced persons; and
- (D) vulnerable migrants;

(3) include a description of the assistance that shall be provided for the populations described in paragraph (2), including—

(A) emergency assistance, protection, water, sanitation, hygiene, food, shelter, emergency education, and psychosocial assistance; and

(B) integration programs in the education, health, livelihoods, shelter, and social protection sectors;

(4) include a description of the technical assistance and capacity-building efforts to be provided for civil society organizations and relevant institutions in Colombia, such as the Victims Unit of the Government of Colombia and relevant government ministries;

(5) describe outreach, coordination, and programming with the private sector to support the populations described in paragraph (2); and

(6) describe how the Department of State and the United States Agency for International Development will mobilize additional donor contributions towards humanitarian appeals.

(b) DESCRIPTION OF INTERAGENCY COORDINATION EFFORTS.—The strategy developed under subsection (a) shall include a description of how the Department of State will lead interagency coordination efforts in implementing the strategy, including a description of mechanisms to coordinate programming, advocacy, monitoring and evaluation,

communications, participation in international fora, and funding announcements.

SEC. 1299F. ASSESSMENT OF HEALTHCARE INFRASTRUCTURE NEEDS IN RURAL AREAS.

(a) **ASSESSMENT.**—The Director of the Centers for Disease Control and Prevention, in coordination with the Department of State, shall conduct an assessment with the Government of Colombia to identify initiatives to strengthen public health infrastructure and increase access to health services in conflict-affected communities in Colombia. The assessment shall include specific recommendations on ways to increase access to healthcare services for survivors of gender-based violence and Afro-Colombian and Indigenous populations.

(b) **SUBMISSION.**—The Director of the Centers for Disease Control and Prevention shall submit the assessment conducted under subsection (a) to the Committee on Foreign Relations and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives.

SA 5886. Mrs. FEINSTEIN (for herself, Mr. KAINE, Mr. VAN HOLLEN, Mr. WARNER, Mr. PADILLA, Mr. KING, Ms. WARREN, Mr. SCHATZ, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON EXCEPTION OF COMPETITIVE SERVICE POSITIONS.

(a) **IN GENERAL.**—Notwithstanding section 3302 of title 5, United States Code, no position in the competitive service (as defined in section 2102 of that title) may be excepted from the competitive service unless that position is placed—

(1) in any of schedules A through E, as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

(2) under the terms and conditions under part 6 of title 5, Code of Federal Regulations, as in effect on September 30, 2020.

(b) **SUBSEQUENT TRANSFERS.**—Notwithstanding section 3302 of title 5, United States Code, no position in the excepted service (as defined in section 2103 of that title) may be placed in any schedule other than a schedule described in subsection (a)(1).

SA 5887. 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 X, insert the following:

SEC. 1077. EXONERATION AND LIMITATION OF LIABILITY FOR SMALL PASSENGER VESSELS.

(a) **RESTRUCTURING.**—Chapter 305 of title 46, United States Code, is amended—

(1) by inserting the following before section 30501:

“Subchapter I—General Provisions”;

(2) by inserting the following before section 30503:

“Subchapter II—Exoneration and Limitation of Liability Generally”;

and

(3) by redesignating sections 30503 through 30512 as sections 30521 through 30530, respectively.

(b) **DEFINITIONS.**—Section 30501 of title 46, United States Code, is amended to read as follows:

“§ 30501. Definitions

“In this chapter—

“(1) the term ‘owner’ includes a charterer that mans, supplies, and navigates a vessel at the charterer’s own expense or by the charterer’s own procurement; and

“(2) the term ‘covered small passenger vessel’—

“(A) means a small passenger vessel, as defined in section 2101 of this title, that—

“(i) is less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; and

“(ii) is carrying—

“(I) for overnight domestic voyages, not more than 49 passengers; and

“(II) for all other voyages, not more than 150 passengers; and

“(B) includes any wooden vessel constructed prior to March 11, 1996, that carries passengers on overnight domestic voyages.”.

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—Section 30502 of title 46, United States Code, is amended to read as follows:

“§ 30502. Application

“(a) **IN GENERAL.**—Except as otherwise provided and subject to subsection (b)—

“(1) subchapter II (except section 30521) of this title shall apply to seagoing vessels and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters that are not covered small passenger vessels; and

“(2) subchapter III of this title shall apply to seagoing vessels, and vessels used on lakes or rivers or in inland navigation, including canal boats, barges, and lighters, that are covered small passenger vessels.

“(b) **DECLARATION OF NATURE AND VALUE OF GOODS.**—Section 30521 of this title shall not apply to vessels described in subsection (a) of this section.”.

(d) **RULES FOR SMALL PASSENGER VESSELS.**—Chapter 305 of title 46, United States Code, is amended by adding at the end the following:

“Subchapter III—Exoneration and Limitation of Liability for Covered Small Passenger Vessels

“§ 30541. Exoneration and limitation of liability provisions

“(a) **IN GENERAL.**—By not later than 180 days after the date of enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Commandant shall promulgate rules relating to exoneration and limitation of liability for all covered small passenger vessels that—

“(1) provide just compensation in any claim for which the owner or operator of a covered small passenger vessel is found liable; and

“(2) comply with the requirements of subsection (b) of this section.

“(b) **REQUIREMENTS.**—

“(1) **PRIVITY OR KNOWLEDGE.**—In a claim for personal injury or death to which this subchapter applies, the privity or knowledge of the master or the owner’s superintendent or managing agent, at or before the beginning of each voyage, is imputed to the owner.

“(2) **APPORTIONMENT OF LOSSES.**—The requirements of section 30525 of this title shall apply to a covered small passenger vessel in the same manner as such section applies to a vessel described in section 30502(a)(1).

“(3) **TIMING CONSIDERATIONS.**—The requirements of subsections (b) through (d) of section 30526 of this title shall apply to a covered small passenger vessel in the same manner as the requirements apply to a vessel subject to such section.

“(c) **APPLICABILITY.**—The rules promulgated under subsection (a) shall take effect as if promulgated on the effective date under section 1077(g)(1) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.”.

(e) **TABLES OF SUBCHAPTERS AND TABLES OF SECTIONS.**—The table of sections for chapter 305 of title 46, United States Code, is amended—

(1) by inserting before section 30501 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

(2) by inserting after section 30502 the following:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

(3) by redesignating the items relating to sections 30503 through 30512 as items relating to sections 30521 through 30530, respectively; and

(4) by adding at the end the following:

“SUBCHAPTER III—EXONERATION AND LIMITATION OF LIABILITY FOR COVERED SMALL PASSENGER VESSELS

“Sec. 30541. Exoneration and limitation of liability provisions.”.

(f) **CONFORMING AMENDMENTS.**—Title 46, United States Code, is further amended—

(1) in section 14305(a)(5), by striking “section 30506” and inserting “section 30524”;

(2) in section 30523(a), as redesignated by subsection (a) of this section, by striking “section 30506” and inserting “section 30524”;

(3) in section 30524(b), as redesignated by subsection (a) of this section, by striking “section 30505” and inserting “section 30523”;

and

(4) in section 30525—

(A) by striking “section 30505” and “section 30523”;

(B) by striking “section 30506” and inserting “section 30524”;

(C) by striking “section 30506(b)” and inserting “section 30524(b)”.

(g) **EFFECTIVE DATE; SEVERABILITY.**—

(1) **EFFECTIVE DATE.**—This section, and the amendments made by this section, shall take effect as if enacted into law on September 2, 2019.

(2) **SEVERABILITY.**—If any provision of this section or an amendment made by this section, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this section, the amendments made by this section, and the application of this section and the amendments made by this section to any other person or circumstance shall not be affected.

SA 5888. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill

H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 875. REVIEW OF INCLUSION OF GREEN OLIVES AND RELATED OLIVE-BASED PRODUCTS ON LISTS OF NONAVAILABLE ARTICLES.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report including findings of a review assessing whether green olives and related olive-based products should be included on lists of nonavailable articles under section 25.104 of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment whether green olives and related olive-based products should be included on lists of nonavailable articles.

(2) A description of the process by which nonavailability determinations were made and the sources used to conduct market research.

(3) An assessment of the total Department of Defense demand for green olives and olive-based products.

(4) All relevant public comments received in connection with the most recent determination related to green olives and olive-based products.

SA 5889. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. CLARIFYING ELIGIBLE GRANTEEES FOR VAWA GRANTS.

Section 2101(c)(1)(G) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10461(c)(1)(G)) is amended by striking “that” and inserting “whether”.

SA 5890. 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:

TITLE ____—DRIFTNET MODERNIZATION
SEC. _____. SHORT TITLE.

This title may be cited as the “Driftnet Modernization and Bycatch Reduction Act”.

SEC. _____. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting “, or with a mesh size of 14 inches or greater,” after “more”.

SEC. _____. FINDINGS AND POLICY.

(a) FINDINGS.—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.”

(b) POLICY.—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

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

(2) in paragraph (3), by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(4) prioritize the phase out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.”

SEC. _____. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following—

“(i) FISHING GEAR TRANSITION PROGRAM.—

“(1) IN GENERAL.—During the 5-year period beginning on the date of enactment of the Driftnet Modernization and Bycatch Reduction Act, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

“(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

“(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

“(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

“(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

“(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.”

SEC. _____. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: “, unless such large-scale driftnet fishing—

“(i) deploys, within the exclusive economic zone, a net with a total length of less than two and one-half kilometers and a mesh size of 14 inches or greater; and

“(ii) is conducted within 5 years of the date of enactment of the Driftnet Modernization and Bycatch Reduction Act”.

SEC. _____. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this title through September 30, 2023, and shall be available for obligation and remain available until expended.

SA 5891. 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 F of title III, add the following:

SEC. 38 _____. PROHIBITED USES OF ACQUIRED, DONATED, AND CONSERVATION LAND.

Section 714(a) of the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–81c(a)) is amended by striking paragraph (3) and inserting the following:

“(3) CONSERVATION LAND.—The term ‘conservation land’ means—

“(A) any land within the Conservation Area that is designated to satisfy the conditions of a Federal habitat conservation plan, general conservation plan, or State natural communities conservation plan;

“(B) any national conservation land within the Conservation Area established pursuant to section 2002(b)(2)(D) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7202(b)(2)(D)); and

“(C) any area of critical environmental concern within the Conservation Area established pursuant to section 202(c)(3) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(3)).”

SA 5892. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. MANAGEMENT OF INTERNATIONAL TRANSBOUNDARY WATER POLLUTION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) COMMISSION.—The term “Commission” means the United States section of the International Boundary and Water Commission.

(3) COVERED FUNDS.—The term “covered funds” means—

(A) amounts made available to the Administrator under the heading “STATE AND TRIBAL ASSISTANCE GRANTS” under the heading “ENVIRONMENTAL PROTECTION AGENCY” under title IX of the United States-Mexico-Canada Agreement Implementation Act (Public Law 116-113; 134 Stat. 100); and

(B) any other relevant funds, as determined by the Administrator.

(4) TREATMENT WORKS.—The term “treatment works” has the meaning given the term in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292).

(5) UNITED STATES-MEXICO BORDER REGION.—The term “United States-Mexico border region” means any area in the United States that is located within 100 kilometers of the United States-Mexico border.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Administrator may, with the concurrence of the Commission, transfer covered funds to the Commission to support the construction of treatment works that are owned and operated by the Commission.

(2) METHOD OF TRANSFER.—The Administrator may transfer funds under paragraph (1) by—

(A) entering into an interagency agreement with the Commission; or

(B) awarding a grant to the Commission.

(c) USE OF FUNDS.—The Administrator may use funds received under this section—

(1) to plan, study, design, and construct treatment works that—

(A) protect residents in the United States-Mexico border region from pollution resulting from—

(i) transboundary flows of wastewater, stormwater, or other international transboundary water flows originating in Mexico; and

(ii) any inadequacies or breakdowns of treatment works in Mexico; and

(B) provide treatment of the flows and pollution described in subparagraph (A) in compliance with local, State, and Federal law;

(2) to carry out activities related to the projects and activities described in paragraph (1), including construction management; and

(3) for the administrative costs of carrying out this section.

(d) OPERATION AND MAINTENANCE.—Subject to the availability of appropriations, the Commission shall operate and maintain any

new treatment works constructed using funds received under this section.

(e) CONSULTATION AND COORDINATION.—The Commission shall consult and coordinate with the Administrator in carrying out any project or activity using funds received under this section.

(f) APPLICABILITY OF OTHER REQUIREMENTS.—Sections 513 and 608 of the Federal Water Pollution Control Act (33 U.S.C. 1372, 1388) shall apply to the construction of any treatment works in the United States using funds received by the Commission under this section.

(g) SAVINGS PROVISION.—Nothing in this section modifies, amends, repeals, or otherwise limits the authority of the International Boundary and Water Commission under—

(1) the treaty relating to the utilization of the waters of the Colorado and Tijuana Rivers, and of the Rio Grande (Rio Bravo) from Fort Quitman, Texas, to the Gulf of Mexico, and supplementary protocol, signed at Washington February 3, 1944 (59 Stat. 1219), between the United States and Mexico; or

(2) any other applicable treaty.

SA 5893. Mrs. FEINSTEIN (for herself and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 107. SANTA MONICA MOUNTAINS NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) BOUNDARY ADJUSTMENT.—Section 507(c) of the National Parks and Recreation Act of 1978 (16 U.S.C. 460kk(c)) is amended by striking paragraph (1) and inserting the following:

“(1) BOUNDARY.—

“(A) IN GENERAL.—The recreation area shall consist of—

“(i) the land, water, and interests in land and water generally depicted as the recreation area on the map entitled ‘Santa Monica Mountains National Recreation Area and Santa Monica Mountains Zone, California, Boundary Map’, numbered 80,047-C, and dated August 2001; and

“(ii) the land, water, and interests in land and water generally depicted as ‘Proposed Addition’ on the map entitled ‘Rim of the Valley Unit—Santa Monica Mountains National Recreation Area’, numbered 638/179670C, and dated July 12, 2022.

“(B) AVAILABILITY OF MAPS.—The maps described in subparagraph (A) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

“(C) REVISIONS.—After advising the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives, in writing, of the proposed revision, the Secretary may make minor revisions to the boundaries of the recreation area by publication of a revised drawing or other boundary description in the Federal Register.”

(b) ADMINISTRATION.—Any land or interest in land acquired by the Secretary of the Interior within the Rim of the Valley Unit shall be administered as part of the Santa

Monica Mountains National Recreation Area (referred to in this section as the “National Recreation Area”) in accordance with the laws (including regulations) applicable to the National Recreation Area.

(c) UTILITIES AND WATER RESOURCE FACILITIES.—The addition of the Rim of the Valley Unit to the National Recreation Area shall not affect the operation, maintenance, or modification of water resource facilities or public utilities within the Rim of the Valley Unit, except that any utility or water resource facility activities in the Rim of the Valley Unit shall be conducted in a manner that reasonably avoids or reduces the impact of the activities on resources of the Rim of the Valley Unit.

SA 5894. Mr. MERKLEY (for himself, Mr. WYDEN, Mrs. FEINSTEIN, and Mr. PADILLA) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. SMITH NATIONAL RECREATION AREA EXPANSION; EXPANSION OF CERTAIN COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM.

(a) ADDITIONS TO THE SMITH RIVER NATIONAL RECREATION AREA.—

(1) DEFINITIONS.—Section 3 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-1) is amended—

(A) in paragraph (1), by striking “referred to in section 4(b)” and inserting “entitled ‘Proposed Smith River National Recreation Area’ and dated July 1990”; and

(B) in paragraph (2), by striking “the Six Rivers National Forest” and inserting “an applicable unit of the National Forest System”.

(2) BOUNDARIES.—Section 4(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-2(b)) is amended—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “and on the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019” after “1990”; and

(ii) in the second sentence, by striking “map” and inserting “maps”; and

(B) in paragraph (2), by striking “map” and inserting “maps described in paragraph (1)”.

(3) ADMINISTRATION.—Section 5 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-3) is amended—

(A) in subsection (b)—

(i) in paragraph (1), in the first sentence, by striking “the map” and inserting “the maps”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “area shall be on” and inserting “area and any portion of the recreation area in the State of Oregon shall be on roadless”; and

(II) by adding at the end the following:

“(I) The Kalmiopsis Wilderness shall be managed in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.);”

(B) in subsection (c), by striking “by the amendments made by section 10(b) of this Act” and inserting “within the recreation area”; and

(C) by adding at the end the following:

“(d) STUDY; REPORT.—

“(1) IN GENERAL.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall conduct a study of the area depicted on the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019, that includes inventories and assessments of streams, fens, wetlands, lakes, other water features, and associated land, plants (including Port-Orford-cedar), animals, fungi, algae, and other values, and unstable and potentially unstable aquatic habitat areas in the study area.

“(2) MODIFICATION OF MANAGEMENT PLANS; REPORT.—On completion of the study under paragraph (1), the Secretary shall—

“(A) modify any applicable management plan to fully protect the inventoried values under the study, including to implement additional standards and guidelines; and

“(B) submit to Congress a report describing the results of the study.”;

“(e) WILDFIRE MANAGEMENT.—Nothing in this Act affects the authority of the Secretary (in cooperation with other Federal, State, and local agencies, as appropriate) to conduct wildland fire operations within the recreation area, consistent with the purposes of this Act.

“(f) VEGETATION MANAGEMENT.—Nothing in this Act prohibits the Secretary from conducting vegetation management projects (including wildfire resiliency and forest health projects) within the recreation area, to the extent consistent with the purposes of the recreation area.

“(g) APPLICATION OF NORTHWEST FOREST PLAN AND ROADLESS RULE TO CERTAIN PORTIONS OF THE RECREATION AREA.—Nothing in this Act affects the application of the Northwest Forest Plan or part 294 of title 36, Code of Federal Regulations (commonly referred to as the ‘Roadless Rule’) (as in effect on the date of enactment of this subsection), to portions of the recreation area in the State of Oregon that are subject to the plan and those regulations as of the date of enactment of this subsection.

“(h) PROTECTION OF TRIBAL RIGHTS.—

“(1) IN GENERAL.—Nothing in this Act diminishes any right of an Indian Tribe.

“(2) MEMORANDUM OF UNDERSTANDING.—The Secretary shall seek to enter into a memorandum of understanding with applicable Indian Tribes with respect to—

“(A) providing the Indian Tribes with access to the portions of the recreation area in the State of Oregon to conduct historical and cultural activities, including the procurement of noncommercial forest products and materials for traditional and cultural purposes; and

“(B) the development of interpretive information to be provided to the public on the history of the Indian Tribes and the use of the recreation area by the Indian Tribes.”.

(4) ACQUISITION.—Section 6(a) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-4(a)) is amended—

(A) in the fourth sentence, by striking “All lands” and inserting the following:

“(4) APPLICABLE LAW.—All land”; and

(B) in the third sentence—

(i) by striking “The Secretary” and inserting the following:

“(3) METHOD OF ACQUISITION.—The Secretary”;

(ii) by striking “or any of its political subdivisions” and inserting “, the State of Oregon, or any political subdivision of the State of California or the State of Oregon”; and

(iii) by striking “donation or” and inserting “purchase, donation, or”;

(C) in the second sentence, by striking “In exercising” and inserting the following:

“(2) CONSIDERATION OF OFFERS BY SECRETARY.—In exercising”;

(D) in the first sentence, by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(E) by adding at the end the following:

“(5) ACQUISITION OF CEDAR CREEK PARCEL.—On the adoption of a resolution by the State Land Board of Oregon and subject to available funding, the Secretary shall acquire all right, title, and interest in and to the approximately 555 acres of land known as the ‘Cedar Creek Parcel’ located in sec. 16, T. 41 S., R. 11 W., Willamette Meridian.”.

(5) FISH AND GAME.—Section 7 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-5) is amended—

(A) in the first sentence, by inserting “or the State of Oregon” after “State of California”; and

(B) in the second sentence, by inserting “or the State of Oregon, as applicable” after “State of California”.

(6) MANAGEMENT PLANNING.—Section 9 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-7) is amended—

(A) in the first sentence, by striking “The Secretary” and inserting the following:

“(a) REVISION OF MANAGEMENT PLAN.—The Secretary”; and

(B) by adding at the end the following:

“(b) SMITH RIVER NATIONAL RECREATION AREA MANAGEMENT PLAN REVISION.—As soon as practicable after the date of the first revision of the forest plan after the date of enactment of this subsection, the Secretary shall revise the management plan for the recreation area—

“(1) to reflect the expansion of the recreation area into the State of Oregon under the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023; and

“(2) to include an updated recreation action schedule to identify specific use and development plans for the areas described in the map entitled ‘Proposed Additions to the Smith River National Recreation Area’ and dated November 14, 2019.”.

(7) STREAMSIDE PROTECTION ZONES.—Section 11(b) of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-8(b)) is amended by adding at the end the following:

“(24) Each of the river segments described in subparagraph (B) of section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)).”.

(8) STATE AND LOCAL JURISDICTION AND ASSISTANCE.—Section 12 of the Smith River National Recreation Area Act (16 U.S.C. 460bbb-9) is amended—

(A) in subsection (a), by striking “California or any political subdivision thereof” and inserting “California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon”; and

(B) in subsection (b), in the matter preceding paragraph (1), by striking “California or its political subdivisions” and inserting “California, the State of Oregon, or a political subdivision of the State of California or the State of Oregon”; and

(C) in subsection (c), in the first sentence—

(i) by striking “California and its political subdivisions” and inserting “California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”; and

(ii) by striking “State and its political subdivisions” and inserting “State of California, the State of Oregon, and any political subdivision of the State of California or the State of Oregon”.

(b) WILD AND SCENIC RIVER DESIGNATIONS.—

(1) NORTH FORK SMITH ADDITIONS, OREGON.—

(a) FINDING.—Congress finds that the source tributaries of the North Fork Smith River in the State of Oregon possess outstandingly remarkable wild anadromous fish

and prehistoric, cultural, botanical, recreational, and water quality values.

(B) DESIGNATION.—Section 3(a)(92) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(92)) is amended—

(i) in subparagraph (B), by striking “scenic” and inserting “wild”; and

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(iii) in the matter preceding clause (i) (as so redesignated), by striking “The 13-mile” and inserting the following:

“(A) IN GENERAL.—The 13-mile”; and

(iv) by adding at the end the following:

“(B) ADDITIONS.—The following segments of the source tributaries of the North Fork Smith River, to be administered by the Secretary of Agriculture in the following classes:

“(i) The 13.26-mile segment of Baldface Creek from its headwaters, including all perennial tributaries, to the confluence with the North Fork Smith in T. 39 S., R. 10 W., T. 40 S., R. 10 W., and T. 41 S., R. 11 W., Willamette Meridian, as a wild river.

“(ii) The 3.58-mile segment from the headwaters of Taylor Creek to the confluence with Baldface Creek, as a wild river.

“(iii) The 4.38-mile segment from the headwaters of the unnamed tributary to Biscuit Creek and the headwaters of Biscuit Creek to the confluence with Baldface Creek, as a wild river.

“(iv) The 2.27-mile segment from the headwaters of Spokane Creek to the confluence with Baldface Creek, as a wild river.

“(v) The 1.25-mile segment from the headwaters of Rock Creek to the confluence with Baldface Creek, flowing south from sec. 19, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vi) The 1.31-mile segment from the headwaters of the unnamed tributary number 2 to the confluence with Baldface Creek, flowing north from sec. 27, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(vii) The 3.6-mile segment from the 2 headwaters of the unnamed tributary number 3 to the confluence with Baldface Creek, flowing south from secs. 9 and 10, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(viii) The 1.57-mile segment from the headwaters of the unnamed tributary number 4 to the confluence with Baldface Creek, flowing north from sec. 26, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(ix) The 0.92-mile segment from the headwaters of the unnamed tributary number 5 to the confluence with Baldface Creek, flowing north from sec. 13, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(x) The 4.90-mile segment from the headwaters of Cedar Creek to the confluence with North Fork Smith River, as a wild river.

“(xi) The 2.38-mile segment from the headwaters of Packsaddle Gulch to the confluence with North Fork Smith River, as a wild river.

“(xii) The 2.4-mile segment from the headwaters of Hardtack Creek to the confluence with North Fork Smith River, as a wild river.

“(xiii) The 2.21-mile segment from the headwaters of the unnamed creek to the confluence with North Fork Smith River, flowing east from sec. 29, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xiv) The 3.06-mile segment from the headwaters of Horse Creek to the confluence with North Fork Smith River, as a wild river.

“(xv) The 2.61-mile segment of Fall Creek from the Oregon State border to the confluence with North Fork Smith River, as a wild river.

“(xvi)(I) Except as provided in subclause (II), the 4.57-mile segment from the headwaters of North Fork Diamond Creek to the confluence with Diamond Creek, as a wild river.

“(II) Notwithstanding subclause (I), the portion of the segment described in that subclause that starts 100 feet above Forest Service Road 4402 and ends 100 feet below Forest Service Road 4402 shall be administered as a scenic river.

“(xvii) The 1.02-mile segment from the headwaters of Diamond Creek to the Oregon State border in sec. 14, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xviii) The 1.14-mile segment from the headwaters of Acorn Creek to the confluence with Horse Creek, as a wild river.

“(xix) The 8.58-mile segment from the headwaters of Chrome Creek to the confluence with North Fork Smith River, as a wild river.

“(xx) The 2.98-mile segment from the headwaters Chrome Creek tributary number 1 to the confluence with Chrome Creek, 0.82 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 15, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxi) The 2.19-mile segment from the headwaters of Chrome Creek tributary number 2 to the confluence with Chrome Creek, 3.33 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing south from sec. 12, T. 40 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxii) The 1.27-mile segment from the headwaters of Chrome Creek tributary number 3 to the confluence with Chrome Creek, 4.28 miles upstream from the mouth of Chrome Creek in the Kalmiopsis Wilderness, flowing north from sec. 18, T. 40 S., R. 10 W., Willamette Meridian, as a wild river.

“(xxiii) The 2.27-mile segment from the headwaters of Chrome Creek tributary number 4 to the confluence with Chrome Creek, 6.13 miles upstream from the mouth of Chrome Creek, flowing south from Chetco Peak in the Kalmiopsis Wilderness in sec. 36, T. 39 S., R. 11 W., Willamette Meridian, as a wild river.

“(xxiv) The 0.6-mile segment from the headwaters of Wimer Creek to the border between the States of Oregon and California, flowing south from sec. 17, T. 41 S., R. 10 W., Willamette Meridian, as a wild river.”

(2) EXPANSION OF SMITH RIVER, OREGON.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (11) and inserting the following:

“(11) SMITH RIVER, CALIFORNIA AND OREGON.—The segment from the confluence of the Middle Fork Smith River and the North Fork Smith River to the Six Rivers National Forest boundary, including the following segments of the mainstem and certain tributaries, to be administered by the Secretary of Agriculture in the following classes:

“(A) MAINSTEM.—The segment from the confluence of the Middle Fork Smith River and the South Fork Smith River to the Six Rivers National Forest boundary, as a recreational river.

“(B) ROWDY CREEK.—

“(i) UPPER.—The segment from and including the headwaters to the California-Oregon State line, as a wild river.

“(ii) LOWER.—The segment from the California-Oregon State line to the Six Rivers National Forest boundary, as a recreational river.”

SA 5895. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. POLICY TO INCREASE DISPOSITION OF SPENT ADVANCED BATTERIES THROUGH RECYCLING.

(a) POLICY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Assistant Secretary of Defense for Energy, Installations, and Environment, in coordination with the Director of the Defense Logistics Agency, shall establish a policy to increase the disposition of spent advanced batteries of the Department of Defense through recycling (including by updating the Department of Defense Manual 4160.21, titled “Defense Material Disposition: Disposal Guidance and Procedures”, or such successor document, accordingly), for the purpose of supporting the reclamation and return of precious metals, rare earth metals, and elements of strategic importance (such as cobalt and lithium) into the supply chain or strategic reserves of the United States.

(b) CONSIDERATIONS.—In developing the policy under subsection (a), the Assistant Secretary shall consider, at a minimum, the following recycling methods:

- (1) Pyroprocessing.
- (2) Hydroprocessing.
- (3) Direct cathode recycling, relithiation, and upcycling.

SA 5896. Mr. HEINRICH (for himself, Mr. OSSOFF, and Ms. CORTEZ MASTO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HUMAN TRAFFICKING TRAINING.

(a) IN GENERAL.—Subtitle H of title VIII of the Homeland Security Act of 2002 (6 U.S.C. 451 et seq.) is amended by inserting after section 884 (6 U.S.C. 464) the following:

“SEC. 884A. HUMAN TRAFFICKING TRAINING.

“(a) HUMAN TRAFFICKING DEFINED.—In this section, the term ‘human trafficking’ means an act or practice described in paragraph (11) or (12) of section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

“(b) ESTABLISHMENT.—The Director of the Federal Law Enforcement Training Centers is authorized, in accordance with this section, to establish a human trafficking awareness training program within the Federal Law Enforcement Training Centers.

“(c) TRAINING PURPOSES.—The human trafficking awareness training program referred to in subsection (b), shall, if established, provide to State, local, Tribal, territorial, and educational institution law enforcement personnel training courses relating to the following:

- “(1) An in-depth understanding of the definition of human trafficking.

“(2) An ability to recognize indicators of human trafficking.

“(3) Information on industries and common locations known for human trafficking.

“(4) Human trafficking response measures, including a victim-centered approach.

“(5) Human trafficking reporting protocols.

“(6) An overview of Federal statutes and applicable State law related to human trafficking.

“(7) Additional resources to assist with suspected human trafficking cases, as necessary.

“(d) INTEGRATION WITH EXISTING PROGRAMS.—To the extent practicable, human trafficking awareness training under this section, including principles and learning objectives, should be integrated into other training programs operated by the Federal Law Enforcement Training Centers.

“(e) COORDINATION.—The Director of the Federal Law Enforcement Training Centers, or a designee of such Director, shall coordinate with the Director of the Blue Campaign of the Department, or the designee of such Director, in the development and delivery of human trafficking awareness training programs under this section.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$2,300,000 for each of fiscal years 2023 through 2028 to carry out this section.”

(b) TECHNICAL AMENDMENT.—Section 434(a) of the Homeland Security Act of 2002 (6 U.S.C. 242(a)) is amended by striking “paragraph (9) or (10)” and inserting “paragraph (11) or (12)”.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting after the item relating to section 884 the following:

“Sec. 884A. Human trafficking training.”

SA 5897. Mr. HEINRICH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. CONSENT OF CONGRESS TO AMENDMENT TO THE CONSTITUTION OF THE STATE OF NEW MEXICO.

Congress consents to the amendment to the Constitution of the State of New Mexico proposed by House Joint Resolution 1 of the 55th Legislature of the State of New Mexico, First Session, 2021, entitled “A Joint Resolution Proposing an Amendment to Article 12, Section 7 of the Constitution of New Mexico to Provide for Additional Annual Distributions of the Permanent School Fund for Enhanced Instruction for Students at Risk of Failure, Extending the School Year, Teacher Compensation and Early Childhood Education; Requiring Congressional Approval for Distributions for Early Childhood Education”.

SA 5898. Mr. RISCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. INTERNATIONAL MILITARY EDUCATION AND TRAINING COOPERATION WITH UKRAINE.

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

(1) International Military Education and Training (IMET) is a critical component of United States security assistance that facilitates training of international forces and strengthens cooperation and ties between the United States and foreign countries;

(2) it is in the national interest of the United States to further strengthen the armed forces of Ukraine, particularly to enhance their defensive capability and improve interoperability for joint operations; and

(3) the Government of Ukraine should fully utilize the United States IMET program, encourage eligible officers and civilian leaders to participate in the training, and promote successful graduates to positions of prominence in the armed forces of Ukraine.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State \$3,500,000 for each of fiscal years 2023, 2024, and 2025 for International Military Education and Training assistance for Ukraine. The assistance shall be made available for the following purposes:

(1) Training of future leaders.

(2) Establishing a rapport between the United States Armed Forces and the armed forces of Ukraine to build partnerships for the future.

(3) Enhancement of interoperability and capabilities for joint operations.

(4) Focusing on professional military education, civilian control of the military, and human rights.

(5) Fostering a better understanding of the United States.

(c) NOTICE TO CONGRESS.—Not later than 15 days before providing assistance or support pursuant to subsection (a), the Secretary of State shall submit to the appropriate congressional committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a notification containing the following elements:

(1) A detailed description of the assistance or support to be provided, including—

(A) the objectives of such assistance or support;

(B) the budget for such assistance or support; and

(C) the expected or estimated timeline for delivery of such assistance or support.

(2) A description of such other matters as the Secretary considers appropriate.

(d) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a strategy for the implementation of the International Military Education and Training program in Ukraine authorized under subsection (b).

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) A clear plan, developed in close consultation with the Ukrainian Ministry of Defense and the armed forces of Ukraine, for

how the IMET program will be used by the United States Government and the Government of Ukraine to propel program graduates to positions of prominence in support of the reform efforts of the armed forces of Ukraine in line with North Atlantic Treaty Organization standards.

(B) An assessment of the education and training requirements of the armed forces of Ukraine and clear recommendations for how IMET graduates should be assigned by the Ukrainian Ministry of Defense upon completion of education or training.

(C) An accounting of the current combat requirements of the armed forces of Ukraine and an assessment of the viability of alternative mobile training teams, distributed learning, and other flexible solutions to reach such students.

(D) An identification of opportunities to influence the next generation of leaders through attendance at United States staff and war colleges, junior leader development programs, and technical schools.

(3) FORM.—The strategy required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SA 5899. Mr. RISCCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. PRIORITIZING DELIVERY OF EXCESS DEFENSE ARTICLES TO UKRAINE.

(a) IN GENERAL.—During fiscal years 2023 through 2024, the delivery of excess defense articles to Ukraine should be given the same priority as that given other countries and regions under section 516(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(c)(2)).

(b) NOTIFICATION.—Notwithstanding section 516(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(f)), during fiscal years 2023 through 2024, the delivery of excess defense articles to Ukraine shall be subject to a 15-day notification requirement, unless, in the event of a notification under section 516(f)(1), the President certifies to the appropriate congressional committees that an emergency exists that necessitates the immediate transfer of the article. If the President states in his notice that an emergency exists which requires the proposed transfer in the national security interest of the United States, thus waiving the congressional review requirements of this subsection, the President shall set forth in the notification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer and a discussion of the national security interests involved.

SA 5900. Mr. RISCCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for mili-

tary construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. REPORT ON POLICIES AND PROCEDURES GOVERNING SUPPORT FOR UKRAINE.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the legal and policy guidance governing intelligence-sharing and security assistance between the United States and Ukraine since March 1, 2021.

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

(1) a description of applicable diplomatic, regulatory, or legal guidance on the provision of security assistance by the United States to Ukraine through programs of the Department of State and the Department of Defense, including restrictions outside of the International Trafficking in Arms Regulations (22 C.F.R. 120 et seq.) and prohibitions on specific capabilities and technologies;

(2) a description of the policies, procedures, and legal guidance on the provision of intelligence support by the United States to the military of Ukraine, including support for targeting, battlefield intelligence, surveillance, and reconnaissance, and other support designed to help improve the operational effectiveness and lethality of the Ukrainian military; and

(3) a list of the dates on which the applicable guidance went into effect and any guidance that was superseded.

SA 5901. Mr. RISCCH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1239. PROHIBITION ON INVESTMENT IN OCCUPIED UKRAINIAN TERRITORY.

The sale, trade, transfer, and investment of goods or services by a United States person in regions of Ukraine occupied by a third country are prohibited until the Secretary of State certifies that each such region is under the jurisdiction of the Government of Ukraine.

SA 5902. Mr. CARPER (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. PLUM ACT.

(a) **SHORT TITLE.**—This section may be cited as the “Periodically Listing Updates to Management Act of 2022” or the “PLUM Act of 2022”.

(b) **ESTABLISHMENT OF PUBLIC WEBSITE ON GOVERNMENT POLICY AND SUPPORTING POSITIONS.**—

(1) **IN GENERAL.**—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§ 3330f. Government policy and supporting position data

“(a) **DEFINITIONS.**—In this section:

“(1) **AGENCY.**—The term ‘agency’ means—

“(A) any Executive agency, the United States Postal Service, and the Postal Regulatory Commission;

“(B) the Architect of the Capitol, the Government Accountability Office, the Government Publishing Office, and the Library of Congress; and

“(C) the Executive Office of the President and any component within that Office (including any successor component), including—

“(i) the Council of Economic Advisers;

“(ii) the Council on Environmental Quality;

“(iii) the National Security Council;

“(iv) the Office of the Vice President;

“(v) the Office of Policy Development;

“(vi) the Office of Administration;

“(vii) the Office of Management and Budget;

“(viii) the Office of the United States Trade Representative;

“(ix) the Office of Science and Technology Policy;

“(x) the Office of National Drug Control Policy; and

“(xi) the White House Office, including the White House Office of Presidential Personnel.

“(2) **APPOINTEE.**—The term ‘appointee’—

“(A) means an individual serving in a policy and supporting position; and

“(B) includes an individual serving in such a position temporarily in an acting capacity in accordance with—

“(i) sections 3345 through 3349d (commonly known as the ‘Federal Vacancies Reform Act of 1998’);

“(ii) any other statutory provision described in section 3347(a)(1); or

“(iii) a Presidential appointment described in section 3347(a)(2).

“(3) **COVERED WEBSITE.**—The term ‘covered website’ means the website established and maintained by the Director under subsection (b).

“(4) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Personnel Management.

“(5) **POLICY AND SUPPORTING POSITION.**—The term ‘policy and supporting position’—

“(A) means any position at an agency, as determined by the Director, that, but for this section and subsection (c)(3) of the PLUM Act of 2022, would be included in the publication entitled ‘United States Government Policy and Supporting Positions’ (commonly referred to as the ‘Plum Book’); and

“(B) may include—

“(i) a position on any level of the Executive Schedule under subchapter II of chapter 53, or another position with an equivalent rate of pay;

“(ii) a general position (as defined in section 3132(a)(9)) in the Senior Executive service;

“(iii) a position in the Senior Foreign Service;

“(iv) a position of a confidential or policy-determining character under schedule C of

subpart C of part 213 of title 5, Code of Federal Regulations, or any successor regulation; and

“(v) any other position classified at or above level GS-14 of the General Schedule (or equivalent) that is excepted from the competitive service by law because of the confidential or policy-determining nature of the position duties.

“(b) **ESTABLISHMENT OF WEBSITE.**—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall establish, and thereafter the Director shall maintain, a public website containing the following information for the President in office on the date of establishment and for each subsequent President:

“(1) Each policy and supporting position in the Federal Government, including any such position that is vacant.

“(2) The name of each individual who—

“(A) is serving in a position described in paragraph (1); or

“(B) previously served in a position described in such paragraph under the applicable President.

“(3) Information on—

“(A) any Government-wide or agency-wide limitation on the total number of positions in the Senior Executive Service under section 3133 or 3134 or the total number of positions under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; and

“(B) the total number of individuals occupying such positions.

“(c) **CONTENTS.**—With respect to any policy and supporting position listed on the covered website, the Director shall include—

“(1) the agency, and agency component, (including the agency and bureau code used by the Office of Management and Budget) in which the position is located;

“(2) the name of the position;

“(3) the name of the individual occupying the position (if any);

“(4) the geographic location of the position, including the city, State or province, and country;

“(5) the pay system under which the position is paid;

“(6) the level, grade, or rate of pay;

“(7) the term or duration of the appointment (if any);

“(8) the expiration date, in the case of a time-limited appointment;

“(9) a unique identifier for each appointee;

“(10) whether the position is vacant; and

“(11) for any position that is vacant—

“(A) for a position for which appointment is required to be made by the President, by and with the advice and consent of the Senate, the name of the acting official; and

“(B) for other positions, the name of the official performing the duties of the vacant position.

“(d) **CURRENT DATA.**—For each agency, the Director shall indicate in the information on the covered website the date that the agency last updated the data.

“(e) **FORMAT.**—The Director shall make the data on the covered website available to the public at no cost over the internet in a searchable, sortable, downloadable, and machine-readable format so that the data qualifies as an open Government data asset, as defined in section 3502 of title 44.

“(f) **AUTHORITY OF DIRECTOR.**—

“(1) **INFORMATION REQUIRED.**—Each agency shall provide to the Director any information that the Director determines necessary to establish and maintain the covered website, including the information uploaded under paragraph (4).

“(2) **REQUIREMENTS FOR AGENCIES.**—Not later than 1 year after the date of enactment of the PLUM Act of 2022, the Director shall issue instructions to agencies with specific

requirements for the provision or uploading of information required under paragraph (1), including—

“(A) specific data standards that an agency shall follow to ensure that the information is complete, accurate, and reliable;

“(B) data quality assurance methods; and

“(C) the timeframe during which an agency shall provide or upload the information, including the timeframe described under paragraph (4).

“(3) **PUBLIC ACCOUNTABILITY.**—The Director shall identify on the covered website any agency that has failed to provide—

“(A) the information required by the Director;

“(B) complete, accurate, and reliable information; or

“(C) the information during the timeframe specified by the Director.

“(4) **ANNUAL UPDATES.**—

“(A) **IN GENERAL.**—Not later than 90 days after the date on which the covered website is established, and not less than once during each year thereafter, the head of each agency shall upload to the covered website updated information (if any) on—

“(i) the policy and supporting positions in the agency;

“(ii) the appointees occupying such positions in the agency; and

“(iii) the former appointees who served in such positions in the agency under the President then in office.

“(B) **SUPPLEMENT NOT SUPPLANT.**—Information provided under subparagraph (A) shall supplement, not supplant, previously provided information under that subparagraph.

“(5) **OPM HELP DESK.**—The Director shall establish a central help desk, to be operated by not more than 1 full-time employee, to assist any agency with implementing this section.

“(6) **COORDINATION.**—The Director may designate 1 or more agencies to participate in the development, establishment, operation, and support of the covered website. With respect to any such designation, the Director may specify the scope of the responsibilities of the agency so designated.

“(7) **DATA STANDARDS AND TIMING.**—The Director shall make available on the covered website information regarding data collection standards, quality assurance methods, and time frames for reporting data to the Director.

“(8) **REGULATIONS.**—The Director may prescribe regulations necessary for the administration of this section.

“(g) **RESPONSIBILITY OF AGENCIES.**—

“(1) **PROVISION OF INFORMATION.**—Each agency shall comply with the instructions and guidance issued by the Director to carry out this section, and, upon request of the Director, shall provide appropriate assistance to the Director to ensure the successful operation of the covered website in the manner and within the timeframe specified by the Director under subsection (f)(2).

“(2) **ENSURING COMPLETENESS, ACCURACY, AND RELIABILITY.**—With respect to any submission of information described in paragraph (1), the head of an agency shall include—

“(A) an explanation of how the agency ensured the information is complete, accurate, and reliable; and

“(B) a certification that the information is complete, accurate, and reliable.

“(h) **INFORMATION VERIFICATION.**—

“(1) **CONFIRMATION.**—

“(A) **IN GENERAL.**—On the date that is 90 days after the date on which the covered website is established, the Director, in coordination with the White House Office of Presidential Personnel, shall confirm that the information on the covered website is complete, accurate, reliable, and up-to-date.

“(B) CERTIFICATION.—On the date on which the Director makes a confirmation under subparagraph (A), the Director shall publish on the covered website a certification that the confirmation has been made.

“(2) AUTHORITY OF DIRECTOR.—In carrying out paragraph (1), the Director may—

“(A) request additional information from an agency; and

“(B) use any additional information provided to the Director or the White House Office of Presidential Personnel for the purposes of verification.

“(3) PUBLIC COMMENT.—The Director shall establish a process under which members of the public may provide feedback regarding the accuracy of the information on the covered website.

“(i) DATA ARCHIVING.—

“(1) IN GENERAL.—As soon as practicable after a transitional inauguration day (as defined in section 3349a), the Director, in consultation with the Archivist of the United States, shall archive the data that was compiled on the covered website for the preceding presidential administration.

“(2) PUBLIC AVAILABILITY.—The Director shall make the data described in paragraph (1) publicly available over the internet—

“(A) on, or through a link on, the covered website;

“(B) at no cost; and

“(C) in a searchable, sortable, downloadable, and machine-readable format.”.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“3330f. Government policy and supporting position data.”.

(c) OTHER MATTERS.—

(1) DEFINITIONS.—In this subsection, the terms “agency”, “covered website”, “Director”, and “policy and supporting position” have the meanings given those terms in section 3330f of title 5, United States Code, as added by subsection (b).

(2) GAO REVIEW AND REPORT.—Not later than 1 year after the date on which the Director establishes the covered website, the Comptroller General of the United States shall conduct a review of, and issue a briefing or report on, the implementation of this section and the amendments made by this section, which shall include—

(A) the quality of data required to be collected and whether the data is complete, accurate, timely, and reliable;

(B) any challenges experienced by agencies in implementing this section and the amendments made by this section; and

(C) any suggestions or modifications to enhance compliance with this section and the amendments made by this section, including best practices for agencies to follow.

(3) SUNSET OF PLUM BOOK.—Beginning on January 1, 2026—

(A) the covered website shall serve as the public directory for policy and supporting positions in the Government; and

(B) the publication entitled “United States Government Policy and Supporting Positions”, commonly referred to as the “Plum Book”, shall no longer be issued or published.

(4) FUNDING.—

(A) IN GENERAL.—No additional amounts are authorized to be appropriated to carry out this section or the amendments made by this section.

(B) OTHER FUNDING.—The Director shall carry out this section and the amendments made by this section using amounts otherwise available to the Director.

SA 5903. Mr. CARPER (for himself, Mrs. CAPITO, Mr. CARDIN, and Mr.

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

At the end, add the following:

DIVISION E—WATER RESOURCES DEVELOPMENT ACT OF 2022

SEC. 5001. SHORT TITLE.

This division may be cited as the “Water Resources Development Act of 2022”.

SEC. 5002. DEFINITION OF SECRETARY.

In this division, the term “Secretary” means the Secretary of the Army.

TITLE LI—GENERAL PROVISIONS

SEC. 5101. SCOPE OF FEASIBILITY STUDIES.

(a) FLOOD AND COASTAL STORM RISK MANAGEMENT.—In carrying out a feasibility study for a project for flood or coastal storm risk management, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives to maximize net benefits from the reduction of the comprehensive flood risk that is identified through a holistic evaluation of the isolated and compound effects of—

(1) a riverine discharge of any magnitude or frequency;

(2) inundation, wave attack, and erosion coinciding with a hurricane or coastal storm;

(3) a tide of any magnitude or frequency;

(4) a rainfall event of any magnitude or frequency;

(5) seasonal variation in water levels;

(6) groundwater emergence;

(7) sea level rise;

(8) subsidence; or

(9) any other driver of flood risk affecting the study area.

(b) WATER SUPPLY, WATER SUPPLY CONSERVATION, AND DROUGHT RISK REDUCTION.—In carrying out a feasibility study for any purpose, the Secretary, at the request of the non-Federal interest for the study, shall formulate alternatives—

(1) to maximize combined net benefits for the primary purpose of the study and for water supply, water supply conservation, and drought risk reduction; or

(2) to include 1 or more measures for the purpose of water supply, water supply conservation, or drought risk reduction.

(c) COST SHARING.—All costs to carry out a feasibility study in accordance with this section shall be shared in accordance with the cost share requirements otherwise applicable to the study.

SEC. 5102. SHORELINE AND RIVERBANK PROTECTION AND RESTORATION MISSION.

(a) DECLARATION OF POLICY.—Congress declares that—

(1) consistent with the civil works mission of the Corps of Engineers, it is the policy of the United States to protect and restore the shorelines, riverbanks, and streambanks of the United States from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems;

(2) the Chief of Engineers shall give priority consideration to the protection and restoration of shorelines, riverbanks, and streambanks from erosion and other damaging impacts of extreme weather events in

carrying out the civil works mission of the Corps of Engineers;

(3) to the maximum extent practicable, projects and measures for the protection and restoration of shorelines, riverbanks, and streambanks shall be formulated to increase the resilience of such shores and banks from the damaging impacts of extreme weather events and other factors contributing to the vulnerability of coastal and riverine communities and ecosystems using measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); and

(4) to the maximum extent practicable, periodic nourishment shall be provided, in accordance with subsection (c) of the first section of the Act of August 13, 1946 (60 Stat. 1056, chapter 960; 33 U.S.C. 426(c)), and subject to section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f), for projects and measures carried out for the purpose of restoring and increasing the resilience of ecosystems to the same extent as periodic nourishment is provided for projects and measures carried out for the purpose of coastal storm risk management.

(b) SHORELINE AND RIVERINE PROTECTION AND RESTORATION.—

(1) IN GENERAL.—Section 212 of the Water Resources Development Act of 1999 (33 U.S.C. 2332) is amended—

(A) in the section heading, by striking “FLOOD MITIGATION AND RIVERINE RESTORATION PROGRAM” and inserting “SHORELINE AND RIVERINE PROTECTION AND RESTORATION”;

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

“(a) IN GENERAL.—The Secretary may carry out projects—

“(1) to reduce flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or

“(2) to restore the natural functions and values of rivers and shorelines throughout the United States.”;

(C) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) AUTHORITY.—

“(A) STUDIES.—The Secretary may carry out studies to identify appropriate measures for—

“(i) the reduction of flood and coastal storm hazards, including shoreline erosion and riverbank and streambank failures; or

“(ii) the restoration of the natural functions and values of rivers and shorelines.

“(B) PROJECTS.—Subject to subsection (f)(2), the Secretary may design and implement projects described in subsection (a).”;

(ii) in paragraph (3), by striking “flood damages” and inserting “flood and coastal storm damages, including the use of measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a))”; and

(iii) in paragraph (4)—

(I) by inserting “and coastal storm” after “flood”;

(II) by inserting “, shoreline,” after “riverine”; and

(III) by inserting “and coastal barriers” after “floodplains”;

(D) in subsection (c)—

(i) by striking paragraph (1) and inserting the following:

“(1) STUDIES.—

“(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of a study under this section shall be—

“(i) 50 percent; and

“(ii) 10 percent, in the case of a study benefiting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116–260)).

“(B) FEDERAL INTEREST DETERMINATION.—The first \$100,000 of the costs of a study under this section shall be at full Federal expense.”;

(ii) in paragraph (2)—

(I) in the paragraph heading, by striking “FLOOD CONTROL”; and

(II) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—Design and construction of a nonstructural measure or project, a measure or project described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)), or for a measure or project for environmental restoration, shall be subject to cost sharing in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent.”; and

(iii) in paragraph (3)—

(I) in the paragraph heading, by striking “CONTROL” and inserting “AND COASTAL STORM RISK MANAGEMENT”; and

(II) by striking “control” and inserting “and coastal storm risk management”; and

(III) by striking “section 103(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(a))” and inserting “section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), except that the non-Federal share of the cost to design and construct a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)) shall be 10 percent.”;

(E) in subsection (d)—

(i) by striking paragraph (2);

(ii) by striking the subsection designation and heading and all that follows through “Notwithstanding” in paragraph (1) in the matter preceding subparagraph (A) and inserting the following:

“(d) PROJECT JUSTIFICATION.—Notwithstanding”;

(iii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting appropriately; and

(iv) in paragraph (1) (as so redesignated)—

(I) by inserting “or coastal storm” after “flood”; and

(II) by inserting “, including erosion or riverbank or streambank failures” after “damages”;

(F) in subsection (e)—

(i) by redesignating paragraphs (1) through (33) as subparagraphs (A) through (GG), respectively, and indenting appropriately;

(ii) in the matter preceding subparagraph (A) (as so redesignated), by striking “In carrying out” and inserting the following:

“(1) IN GENERAL.—In carrying out”; and

(iii) by adding at the end the following:

“(2) PRIORITY PROJECTS.—In carrying out this section after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall prioritize projects for the following locations:

“(A) Delaware beaches and watersheds, Delaware.

“(B) Louisiana Coastal Area, Louisiana.

“(C) Great Lakes Shores and Watersheds.

“(D) Oregon Coastal Area, Oregon.

“(E) Upper Missouri River Basin.

“(F) Ohio River Tributaries and their watersheds, West Virginia.

“(G) Chesapeake Bay watershed and Maryland beaches, Maryland.”;

(G) by striking subsections (f), (g), and (i);

(H) by redesignating subsection (h) as subsection (f); and

(I) in subsection (f) (as so redesignated), by striking paragraph (2) and inserting the following:

“(2) PROJECTS REQUIRING SPECIFIC AUTHORIZATION.—The Secretary shall not carry out a project until Congress enacts a law authorizing the Secretary to carry out the project, if the Federal share of the cost to design and construct the project exceeds—

“(A) \$26,000,000, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260));

“(B) \$23,000,000, in the case of a project other than a project benefitting an economically disadvantaged community (as so defined) that—

“(i) is for purposes of environmental restoration; or

“(ii) derives not less than 50 percent of the erosion, flood, or coastal storm risk reduction benefits from nonstructural measures or measures described in section 1184(a) of the Water Resources Development Act of 2016 (33 U.S.C. 2289a(a)); or

“(C) \$18,500,000, for a project other than a project described in subparagraph (A) or (B).”.

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 212 and inserting the following:

“Sec. 212. Shoreline and riverine protection and restoration.”.

(c) EMERGENCY STREAMBANK AND SHORELINE PROTECTION.—Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by striking “\$5,000,000” and inserting “\$10,000,000”.

SEC. 5103. INLAND WATERWAY PROJECTS.

(a) IN GENERAL.—Section 102(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2212(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “One-half of the costs” and inserting “75 percent of the costs”; and

(2) in the undesignated matter following paragraph (3), in the second sentence, by striking “One-half of such costs” and inserting “25 percent of such costs”.

(b) APPLICATION.—The amendments made by subsection (a) shall apply to new and ongoing projects beginning on October 1, 2022.

(c) CONFORMING AMENDMENT.—Section 109 of the Water Resources Development Act of 2020 (33 U.S.C. 2212 note; Public Law 116-260) is amended by striking “fiscal years 2021 through 2031” and inserting “fiscal years 2021 through 2022”.

SEC. 5104. PROTECTION AND RESTORATION OF OTHER FEDERAL LAND ALONG RIVERS AND COASTS.

(a) IN GENERAL.—The Secretary is authorized to use funds made available to the Secretary for water resources development purposes to construct, at full Federal expense, a measure benefitting Federal land under the administrative jurisdiction of another Federal agency, if the measure—

(1) is included in a report of the Chief of Engineers or other decision document for a water resources development project that is specifically authorized by Congress;

(2) is included in a detailed project report (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d)); or

(3) utilizes dredged material from a water resources development project beneficially.

(b) APPLICABILITY.—This section shall apply to a measure for which construction is initiated after the date of enactment of this Act.

(c) EXCLUSION.—In this section, the term “Federal land” does not include a military installation.

(d) SAVINGS PROVISIONS.—Nothing in this section precludes—

(1) a Federal agency with administrative jurisdiction over Federal land from contributing funds for any portion of the cost of a measure described in subsection (a) that benefits that land; or

(2) the Secretary, at the request of the non-Federal interest for a study for a project for flood or coastal storm risk management, from using funds made available to the Secretary for water resources development investigations to formulate measures to reduce risk to a military installation, if the non-Federal interest shares in the cost to formulate those measures to the same extent that the non-Federal interest is required to share in the cost of the study.

(e) REPEAL.—

(1) IN GENERAL.—Section 1025 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2226) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1193) is amended by striking the item relating to section 1025.

SEC. 5105. POLICY AND TECHNICAL STANDARDS.

Consistent with the 5-year administrative publication life cycle of the Department of the Army, the Secretary shall revise, rescind, or certify as current, as applicable, each publication for the civil works programs of the Corps of Engineers.

SEC. 5106. PLANNING ASSISTANCE TO STATES.

(a) IN GENERAL.—Section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “section 236 of title 10” and inserting “section 4141 of title 10”; and

(B) by adding at the end the following:

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to address both inland and coastal life safety risks.”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

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

“(b) OUTREACH.—

“(1) IN GENERAL.—The Secretary is authorized to carry out activities, at full Federal expense—

“(A) to inform and educate States and other non-Federal interests about the missions, programs, policies, and procedures of the Corps of Engineers; and

“(B) to engage with States and other non-Federal interests to identify specific opportunities to partner with the Corps of Engineers to address water resources development needs.

“(2) STAFF.—The Secretary shall designate staff in each district office of the Corps of Engineers to provide assistance under this subsection.”; and

(4) in subsection (d) (as so redesignated), by adding at the end the following:

“(3) OUTREACH.—There is authorized to be appropriated \$30,000,000 for each fiscal year to carry out subsection (b).

“(4) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)).”.

(b) CONFORMING AMENDMENT.—Section 3014(b)(3)(B) of the Water Resources Reform and Development Act of 2014 (42 U.S.C. 4131(b)(3)(B)) is amended by striking section

“22(b) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(b))” and inserting “section 22(c) of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16(c))”.

SEC. 5107. FLOODPLAIN MANAGEMENT SERVICES.

Section 206 of the Flood Control Act of 1960 (33 U.S.C. 709a) is amended—

(1) in subsection (a)—
(A) in the second sentence, by striking “Surveys and guides” and inserting the following:

“(2) SURVEYS AND GUIDES.—Surveys and guides”;

(B) in the first sentence—
(i) by inserting “identification of areas subject to floods due to accumulated snags and other debris,” after “inundation by floods of various magnitudes and frequencies,”; and

(ii) by striking “In recognition” and inserting the following:

“(1) IN GENERAL.—In recognition”; and

(C) by adding at the end the following:

“(3) IDENTIFICATION OF ASSISTANCE.—

“(A) IN GENERAL.—To the maximum extent practicable, in providing assistance under this subsection, the Secretary shall identify and communicate to States and non-Federal interests specific opportunities to partner with the Corps of Engineers to address flood hazards.

“(B) COORDINATION.—The Secretary shall coordinate activities under this paragraph with activities described in subsection (b) of section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d-16).”;

(2) by redesignating subsection (d) as subsection (e); and

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

“(d) INSTITUTIONS OF HIGHER EDUCATION.—Notwithstanding section 4141 of title 10, United States Code, in carrying out this section, the Secretary may work with an institution of higher education, as determined appropriate by the Secretary.”.

SEC. 5108. WORKFORCE PLANNING.

(a) DEFINITION OF HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—In this section, the term “historically Black college or university” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(b) AUTHORIZATION.—The Secretary is authorized to carry out activities, at full Federal expense—

(1) to foster, enhance, and support science, technology, engineering, and math education and awareness; and

(2) to recruit individuals for careers at the Corps of Engineers.

(c) PARTNERING ENTITIES.—In carrying out activities under this section, the Secretary may enter into partnerships with—

(1) public and nonprofit elementary and secondary schools;

(2) community colleges;

(3) technical schools;

(4) colleges and universities, including historically Black colleges and universities; and

(5) other institutions of learning.

(d) PRIORITIZATION.—The Secretary shall, to the maximum extent practicable, prioritize the recruitment of individuals under this section that are located in economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2023 through 2027.

SEC. 5109. CREDIT IN LIEU OF REIMBURSEMENT.

(a) IN GENERAL.—Section 1022 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2225) is amended—

(1) in subsection (a)—

(A) by striking “or” before “an authorized coastal navigation project”;

(B) by inserting “or any other water resources development project for which the Secretary is authorized to reimburse the non-Federal interest for the Federal share of construction or operation and maintenance,” before “the Secretary”; and

(C) by striking “of the project” and inserting “to construct, periodically nourish, or operate and maintain the project”;

(2) in each of subsections (b) and (c), by striking “flood damage reduction and coastal navigation” each place it appears and inserting “water resources development”; and

(3) by adding at the end the following:

“(d) APPLICABILITY.—With respect to a project constructed under section 204 of the Water Resources Development Act of 1986 (33 U.S.C. 2232), the Secretary shall exercise the authority under this section to apply credits and reimbursements related to the project in a manner consistent with the requirements of subsection (d) of that section.”.

(b) TREATMENT OF CREDIT BETWEEN PROJECTS.—Section 7007(d) of the Water Resources Development Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended by inserting “, or may be applied to reduce the amounts required to be paid by the non-Federal interest under the terms of the deferred payment agreements entered into between the Secretary and the non-Federal interest for the projects authorized by section 7012(a)(1)” before the period at the end.

SEC. 5110. COASTAL COST CALCULATIONS.

Section 152(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2213a(a)) is amended by inserting “or coastal storm risk management” after “flood risk management”.

SEC. 5111. ADVANCE PAYMENT IN LIEU OF REIMBURSEMENT FOR CERTAIN FEDERAL COSTS.

The Secretary is authorized to provide in advance to the non-Federal interest the Federal share of funds required for the acquisition of land, easements, and rights-of-way and the performance of relocations for a project or separable element—

(1) authorized to be constructed at full Federal expense;

(2) described in section 103(b)(2) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(b)(2)); or

(3) described in, or modified by an amendment made by, section 5307(a) or 5309(a), if at any time the cost to acquire the land, easements, and rights-of-way required for the project is projected to exceed the non-Federal share of the cost of the project.

SEC. 5112. USE OF EMERGENCY FUNDS.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), is amended—

(1) in paragraph (1), in the first sentence, by inserting “, increase resilience, increase effectiveness in preventing damages from inundation, wave attack, or erosion,” after “address major deficiencies”; and

(2) by adding at the end the following:

“(6) WORK CARRIED OUT BY A NON-FEDERAL SPONSOR.—

“(A) GENERAL RULE.—The Secretary may authorize a non-Federal sponsor to plan, design, or construct repair or restoration work described in paragraph (1).

“(B) REQUIREMENTS.—

“(i) IN GENERAL.—To be eligible for a payment under subparagraph (C) for the Federal share of a planning, design, or construction activity for repair or restoration work described in paragraph (1), the non-Federal sponsor shall enter into a written agreement with the Secretary before carrying out the activity.

“(ii) COMPLIANCE WITH OTHER LAWS.—The non-Federal sponsor shall carry out all activities under this paragraph in compliance with all laws and regulations that would apply if the activities were carried out by the Secretary.

“(C) PAYMENT.—

“(i) IN GENERAL.—The Secretary is authorized to provide payment, in the form of an advance or a reimbursement, to the non-Federal sponsor for the Federal share of the cost of a planning design, or construction activity for the repair or restoration work described in paragraph (1).

“(ii) ADDITIONAL AMOUNTS.—If the Federal share of the cost of the activity under this paragraph exceeds the amount obligated by the Secretary under an agreement under subparagraph (B), the advance or reimbursement of such additional amounts shall be at the discretion of the Secretary.

“(D) ANNUAL LIMIT ON REIMBURSEMENTS NOT APPLICABLE.—Section 102 of the Energy and Water Development Appropriations Act, 2006 (33 U.S.C. 2221), shall not apply to an agreement under subparagraph (B).”.

SEC. 5113. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 7 of the Water Resources Development Act of 1988 (33 U.S.C. 2313) is amended—

(1) in the section heading, by striking “COLLABORATIVE”;

(2) in subsection (b), by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(3) by striking subsection (e);

(4) by redesignating subsections (b), (c), (d), and (f) as paragraphs (2), (3), (4), and (5), respectively, and indenting appropriately;

(5) in subsection (a), by striking “of the Army Corps of Engineers, the Secretary is authorized to utilize Army” and inserting the following: “of the Corps of Engineers, the Secretary is authorized to engage in basic research, applied research, advanced research, and development projects, including such projects that are—

“(1) authorized by Congress; or

“(2) included in an Act making appropriations for the Corps of Engineers.

“(b) COLLABORATIVE RESEARCH AND DEVELOPMENT.—

“(1) IN GENERAL.—In carrying out subsection (a), the Secretary is authorized to utilize”;

(6) in subsection (b) (as so redesignated)—

(A) in paragraph (2)(B) (as so redesignated), by striking “this section” and inserting “this subsection”;

(B) in paragraph (3) (as so redesignated), in the first sentence, by striking “this section” each place it appears and inserting “this subsection”;

(C) in paragraph (4) (as so redesignated), by striking “subsection (c)” and inserting “paragraph (3)”;

(D) in paragraph (5) (as so redesignated), by striking “this section” and inserting “this subsection”;

(7) by adding at the end the following:

“(c) OTHER TRANSACTIONS.—

“(1) AUTHORITY.—The Secretary may enter into transactions (other than contracts, cooperative agreements, and grants) in order to carry out this section.

“(2) EDUCATION AND TRAINING.—The Secretary shall—

“(A) ensure that management, technical, and contracting personnel of the Corps of Engineers involved in the award or administration of transactions under this section or other innovative forms of contracting are afforded opportunities for adequate education and training; and

“(B) establish minimum levels and requirements for continuous and experiential learning for such personnel, including levels and

requirements for acquisition certification programs.

“(3) NOTIFICATION.—The Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives notice of a transaction under this subsection not less than 30 days before entering into the transaction.

“(4) REPORT.—Not later than 3 years and not later than 7 years after the date of enactment of the Water Resources Development Act of 2022, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the use of the authority under paragraph (1).

“(d) REPORT.—

“(1) IN GENERAL.—For fiscal year 2025, and annually thereafter, in conjunction with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on projects carried out under subsection (a).

“(2) CONTENTS.—A report under paragraph (1) shall include—

“(A) a description of each ongoing and new project, including—

“(i) the estimated total cost;

“(ii) the amount of Federal expenditures;

“(iii) the amount of expenditures by a non-Federal entity as described in subsection (b)(1), if applicable;

“(iv) the estimated timeline for completion;

“(v) the requesting district of the Corps of Engineers, if applicable; and

“(vi) how the project is consistent with subsection (a); and

“(B) any additional information that the Secretary determines to be appropriate.

“(e) COST SHARING.—

“(1) IN GENERAL.—Except as provided in subsection (b)(3) and paragraph (2), a project carried out under this section shall be at full Federal expense.

“(2) TREATMENT.—Nothing in this subsection waives applicable cost-share requirements for a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

“(f) SAVINGS CLAUSE.—Nothing in this section limits the ability of the Secretary to carry out a project requested by a district of the Corps of Engineers in support of a water resources development project or feasibility study (as defined in section 105(d) of the Water Resources Development Act of 1986 (33 U.S.C. 2215(d))).

“(g) RESEARCH AND DEVELOPMENT ACCOUNT.—

“(1) IN GENERAL.—There is established a Research and Development account of the Corps of Engineers for the purposes of carrying out this section.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Research and Development account established by paragraph (1) \$85,000,000 for each of fiscal years 2023 through 2027.”

(b) FORECASTING MODELS FOR THE GREAT LAKES.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Secretary \$10,000,000 to complete and maintain a model suite to forecast water levels, account for water level variability, and account for the impacts of extreme weather events and other natural disasters in the Great Lakes.

(2) SAVINGS PROVISION.—Nothing in this subsection precludes the Secretary from

using funds made available under the Great Lakes Restoration Initiative established by section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7)) for activities described in paragraph (1) for the Great Lakes, if funds are not appropriated for such activities.

(c) MONITORING AND ASSESSMENT PROGRAM FOR SALINE LAKES IN THE GREAT BASIN.—

(1) IN GENERAL.—The Secretary is authorized to carry out a program (referred to in this subsection as the “program”) to monitor and assess the hydrology of saline lake ecosystems in the Great Basin, including the Great Salt Lake, to inform and support Federal and non-Federal management and conservation activities to benefit those ecosystems.

(2) COORDINATION.—The Secretary shall coordinate implementation of the program with relevant—

(A) Federal and State agencies;

(B) Indian Tribes;

(C) local governments; and

(D) nonprofit organizations.

(3) CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—The Secretary is authorized to enter into contracts, grant agreements, and cooperative agreements with institutions of higher education and with entities described in paragraph (2) to implement the program.

(4) UPDATE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress an update on the progress of the Secretary in carrying out the program.

(5) ADDITIONAL INFORMATION.—In carrying out the program, the Secretary may use available studies, information, literature, or data on the Great Basin region published by relevant Federal, State, or local entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000.

(d) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1988 (102 Stat. 4012) is amended by striking the item relating to section 7 and inserting the following:

“Sec. 7. Research and development.”

SEC. 5114. TRIBAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section:

(1) COMMITTEE.—The term “Committee” means the Tribal and Economically Disadvantaged Communities Advisory Committee established under subsection (b).

(2) ECONOMICALLY DISADVANTAGED COMMUNITY.—The term “economically disadvantaged community” has the meaning given the term pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260).

(3) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(b) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “Tribal and Economically Disadvantaged Communities Advisory Committee”, to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective delivery of water resources development projects, programs, and other assistance to economically disadvantaged communities and Indian Tribes.

(c) MEMBERSHIP.—The Committee shall be composed of members, appointed by the Secretary, who have the requisite experiential or technical knowledge needed to address

issues related to the water resources needs and challenges of economically disadvantaged communities and Indian Tribes, including—

(1) 5 individuals representing organizations with expertise in environmental policy, rural water resources, economically disadvantaged communities, Tribal rights, or civil rights; and

(2) 5 individuals, each representing a non-Federal interest for a Corps of Engineers project.

(d) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering solutions to water resources development projects needs and challenges for economically disadvantaged communities and Indian Tribes;

(B) integrating consideration of economically disadvantaged communities and Indian Tribes, where applicable, in the development of water resources development projects and programs of the Corps of Engineers; and

(C) improving the capability and capacity of the workforce of the Corps of Engineers to assist economically disadvantaged communities and Indian Tribes.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) be made publicly available, including on a publicly available website.

(e) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (d)(1) shall reflect the independent judgment of the Committee.

(f) ADMINISTRATION.—

(1) COMPENSATION.—Except as provided in paragraph (2), the members of the Committee shall serve without compensation.

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

(3) TREATMENT.—The members of the Committee shall not be considered to be Federal employees, and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(4) APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee.

SEC. 5115. NON-FEDERAL INTEREST ADVISORY COMMITTEE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a committee, to be known as the “Non-Federal Interest Advisory Committee” (referred to in this section as the “Committee”), to develop and make recommendations to the Secretary and the Chief of Engineers on activities and actions that should be undertaken by the Corps of Engineers to ensure more effective and efficient delivery of water resources development projects, programs, and other assistance.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of the members described in paragraph (2), who shall—

(A) be appointed by the Secretary; and

(B) have the requisite experiential or technical knowledge needed to address issues related to water resources needs and challenges.

(2) REPRESENTATIVES.—The members of the Committee shall include the following:

(A) A representative of each of the following:

(i) A non-Federal interest for a project for navigation for an inland harbor.

(ii) A non-Federal interest for a project for navigation for a harbor.

(iii) A non-Federal interest for a project for flood risk management.

(iv) A non-Federal interest for a project for coastal storm risk management.

(v) A non-Federal interest for a project for aquatic ecosystem restoration.

(B) A representative of each of the following:

(i) A non-Federal stakeholder with respect to inland waterborne transportation.

(ii) A non-Federal stakeholder with respect to water supply.

(iii) A non-Federal stakeholder with respect to recreation.

(iv) A non-Federal stakeholder with respect to hydropower.

(v) A non-Federal stakeholder with respect to emergency preparedness, including coastal protection.

(C) A representative of each of the following:

(i) An organization with expertise in conservation.

(ii) An organization with expertise in environmental policy.

(iii) An organization with expertise in rural water resources.

(c) DUTIES.—

(1) RECOMMENDATIONS.—The Committee shall provide advice and make recommendations to the Secretary and the Chief of Engineers to assist the Corps of Engineers in—

(A) efficiently and effectively delivering water resources development projects;

(B) improving the capability and capacity of the workforce of the Corps of Engineers to deliver projects and other assistance;

(C) improving the capacity and effectiveness of Corps of Engineers consultation and liaison roles in communicating water resources needs and solutions, including regionally-specific recommendations; and

(D) strengthening partnerships with non-Federal interests to advance water resources solutions.

(2) MEETINGS.—The Committee shall meet as appropriate to develop and make recommendations under paragraph (1).

(3) REPORT.—Recommendations provided under paragraph (1) shall be—

(A) included in a report submitted to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives; and

(B) made publicly available, including on a publicly available website.

(d) INDEPENDENT JUDGMENT.—Any recommendation made by the Committee to the Secretary and the Chief of Engineers under subsection (c)(1) shall reflect the independent judgment of the Committee.

(e) ADMINISTRATION.—

(1) IN GENERAL.—The Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) COMPENSATION.—Except as provided in paragraph (3), the members of the Committee shall serve without compensation.

(3) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at

rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(4) TREATMENT.—The members of the Committee shall not be considered to be Federal employees and the meetings and reports of the Committee shall not be considered a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

SEC. 5116. UNDERSERVED COMMUNITY HARBOR PROJECTS.

(a) DEFINITIONS.—In this section:

(1) PROJECT.—The term “project” means a single cycle of dredging of an underserved community harbor and the associated placement of dredged material at a beneficial use placement site or disposal site.

(2) UNDERSERVED COMMUNITY HARBOR.—The term “underserved community harbor” means an emerging harbor (as defined in section 210(f) of the Water Resources Development Act of 1986 (33 U.S.C. 2238(f))) for which—

(A) no Federal funds have been obligated for maintenance dredging in the current fiscal year or in any of the 4 preceding fiscal years; and

(B) State and local investments in infrastructure have been made during the preceding 4 fiscal years.

(b) IN GENERAL.—The Secretary may carry out projects to dredge underserved community harbors for purposes of sustaining water-dependent commercial and recreational activities at such harbors.

(c) JUSTIFICATION.—The Secretary may carry out a project under this section if the Secretary determines that the cost of the project is reasonable in relation to the sum of—

(1) the local or regional economic benefits; and

(2)(A) the environmental benefits, including the benefits to the aquatic environment to be derived from the creation of wetland and control of shoreline erosion; or

(B) other social effects, including protection against loss of life and contributions to local or regional cultural heritage.

(d) COST SHARE.—The non-Federal share of the cost of a project carried out under this section shall be determined in accordance with—

(1) subsection (a), (b), (c), or (d), as applicable, of section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213), for any portion of the cost of the project allocated to flood or coastal storm risk management, ecosystem restoration, or recreation; and

(2) section 101(b)(1) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)(1)), for the portion of the cost of the project other than a portion described in paragraph (1).

(e) CLARIFICATION.—The Secretary shall not require the non-Federal interest for a project carried out under this section to perform additional operation and maintenance activities at the beneficial use placement site or the disposal site for such project.

(f) FEDERAL PARTICIPATION LIMIT.—The Federal share of the cost of a project under this section shall not exceed \$10,000,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$50,000,000 for each of fiscal years 2023 through 2026.

(2) SPECIAL RULE.—Not less than 35 percent of the amounts made available to carry out this section for each fiscal year shall be used for projects that include the beneficial use of dredged material.

(h) SAVINGS PROVISION.—Carrying out a project under this section shall not affect

the eligibility of an underserved community harbor for Federal operation and maintenance funding otherwise authorized for the underserved community harbor.

SEC. 5117. CORPS OF ENGINEERS WESTERN WATER COOPERATIVE COMMITTEE.

(a) FINDINGS.—Congress finds that—

(1) a bipartisan coalition of 19 Western Senators wrote to the Office of Management and Budget on September 17, 2019, in opposition to the proposed rulemaking entitled “Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal & Industrial Water Supply” (81 Fed. Reg. 91556 (December 16, 2016)), describing the rule as counter to existing law and court precedent;

(2) on January 21, 2020, the proposed rulemaking described in paragraph (1) was withdrawn; and

(3) the Corps of Engineers should consult with Western States to ensure, to the maximum extent practicable, that operation of flood control projects in prior appropriation States is consistent with the principles of the first section of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 887, chapter 665; 33 U.S.C. 701-1) and section 301 of the Water Supply Act of 1958 (43 U.S.C. 390b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a Western Water Cooperative Committee (referred to in this section as the “Cooperative Committee”).

(2) PURPOSE.—The purpose of the Cooperative Committee is to ensure that Corps of Engineers flood control projects in Western States are operated consistent with congressional directives by identifying opportunities to avoid or minimize conflicts between operation of Corps of Engineers projects and State water rights and water laws.

(3) MEMBERSHIP.—

(A) IN GENERAL.—The Cooperative Committee shall be composed of—

(i) the Assistant Secretary of the Army for Civil Works (or a designee);

(ii) the Chief of Engineers (or a designee);

(iii) 1 representative from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, who may serve on the Western States Water Council, to be appointed by the Governor of each State;

(iv) 1 representative with legal experience from each of the States of Alaska, Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, to be appointed by the Attorney General of each State; and

(v) 1 employee from each of the impacted regional offices of the Bureau of Indian Affairs.

(4) MEETINGS.—

(A) IN GENERAL.—The Cooperative Committee shall meet not less than once each year in a State represented on the Cooperative Committee.

(B) AVAILABLE TO PUBLIC.—Each meeting of the Cooperative Committee shall be open and accessible to the public.

(C) NOTIFICATION.—The Cooperative Committee shall publish in the Federal Register adequate advance notice of a meeting of the Cooperative Committee.

(5) DUTIES.—The Cooperative Committee shall develop and make recommendations to avoid or minimize conflicts between the operation of Corps of Engineers projects and State water rights and water laws, which may include recommendations for legislation or the promulgation of policy or regulations.

(6) STATUS UPDATES.—

(A) IN GENERAL.—On an annual basis, the Secretary shall provide to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a written report that includes—

(i) a summary of the contents of meetings of the Cooperative Committee; and

(ii) a description of any recommendations made by the Cooperative Committee under paragraph (5), including actions taken by the Secretary in response to such recommendations.

(B) COMMENT.—

(i) IN GENERAL.—Not later than 45 days following the conclusion of a meeting of the Cooperative Committee, the Secretary shall provide to members of the Cooperative Committee an opportunity to comment on the contents of the meeting and any recommendations.

(ii) INCLUSION.—Comments provided under clause (i) shall be included in the report provided under subparagraph (A).

(7) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the members of the Cooperative Committee shall serve without compensation.

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

(8) MAINTENANCE OF RECORDS.—The Cooperative Committee shall maintain records pertaining to operating costs and records of the Cooperative Committee for a period of not less than 3 years.

SEC. 5118. UPDATES TO CERTAIN WATER CONTROL MANUALS.

On request of the Governor of State in which the Governor declared a statewide drought disaster in 2021, the Secretary is authorized to update water control manuals for waters in the State, with priority given to those waters that accommodate a water supply project.

SEC. 5119. SENSE OF CONGRESS ON OPERATIONS AND MAINTENANCE OF RECREATION SITES.

It is the sense of Congress that the Secretary, as part of the annual work plan, should distribute amounts provided for the operations and maintenance of recreation sites of the Corps of Engineers so that each site receives an amount that is not less than 80 percent of the recreation fees generated by such site in a given year.

SEC. 5120. RELOCATION ASSISTANCE.

In the case of a water resources development project using nonstructural measures for the elevation or modification of a dwelling that is the primary residence of an owner-occupant and that requires the owner-occupant to relocate temporarily from the dwelling during the period of construction, the Secretary may include in the value of the land, easements, and rights-of-way required for the project or measure the documented reasonable living expenses, excluding food and personal transportation, incurred by the owner-occupant during the period of relocation.

SEC. 5121. REPROGRAMMING LIMITS.

(a) OPERATIONS AND MAINTENANCE.—In reprogramming funds made available to the Secretary for operations and maintenance—

(1) the Secretary may not reprogram more than 25 percent of the base amount up to a limit of—

(A) \$8,500,000 for a project, study, or activity with a base level over \$1,000,000; and

(B) \$250,000 for a project, study, or activity with a base level of \$1,000,000 or less; and

(2) \$250,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation.

(b) INVESTIGATIONS.—In reprogramming funds made available to the Secretary for investigations—

(1) the Secretary may not reprogram more than \$150,000 for a project, study, or activity with a base level over \$100,000; and

(2) \$150,000 may be reprogrammed for any continuing study or activity of the Secretary that did not receive an appropriation for existing obligations and concomitant administrative expenses.

SEC. 5122. LEASE DURATIONS.

The Secretary shall issue guidance on, in the case of a leasing decision pursuant to section 2667 of title 10, United States Code, or section 4 of the Act of December 22, 1944 (commonly known as the ‘‘Flood Control Act of 1944’’) (58 Stat. 889, chapter 665; 16 U.S.C. 460d), instances in which a lease duration in excess of 25 years is appropriate.

SEC. 5123. SENSE OF CONGRESS RELATING TO POST-DISASTER REPAIRS.

It is the sense of Congress that in permitting and funding post-disaster repairs, the Secretary should, to the maximum extent practicable, repair assets—

(1) to project design levels; or

(2) if the original project design is outdated, to above project design levels.

SEC. 5124. PAYMENT OF PAY AND ALLOWANCES OF CERTAIN OFFICERS FROM APPROPRIATION FOR IMPROVEMENTS.

Section 36 of the Act of August 10, 1956 (70A Stat. 634, chapter 1041; 33 U.S.C. 583a), is amended—

(1) by striking ‘‘Regular officers of the Corps of Engineers of the Army, and reserve officers of the Army who are assigned to the Corps of Engineers,’’ and inserting the following:

‘‘(a) IN GENERAL.—The personnel described in subsection (b)’’; and

(2) by adding at the end the following:

‘‘(b) PERSONNEL DESCRIBED.—The personnel referred to in subsection (a) are the following:

‘‘(1) Regular officers of the Corps of Engineers of the Army.

‘‘(2) The following members of the Army who are assigned to the Corps of Engineers:

‘‘(A) Reserve component officers.

‘‘(B) Warrant officers (whether regular or reserve component).

‘‘(C) Enlisted members (whether regular or reserve component).’’

SEC. 5125. REFORESTATION.

The Secretary is encouraged to consider measures to restore swamps and other wetland forests in studies for water resources development projects for ecosystem restoration and flood and coastal storm risk management.

SEC. 5126. USE OF OTHER FEDERAL FUNDS.

Section 2007 of the Water Resources Development Act of 2007 (33 U.S.C. 2222) is amended—

(1) by striking ‘‘water resources study or project’’ and inserting ‘‘water resources development study or project, including a study or project under a continuing authority program (as defined in section 7001(c)(1)(D) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d(c)(1)(D)))’’; and

(2) by striking ‘‘the Federal agency that provides the funds determines that the funds are authorized to be used to carry out the study or project’’ and inserting ‘‘the funds appropriated to the Federal agency are for a purpose that is similar or complementary to the purpose of the study or project’’.

SEC. 5127. NATIONAL LOW-HEAD DAM INVENTORY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by adding at the end the following:

‘‘SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.’’

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) INVENTORY.—The term ‘inventory’ means the national low-head dam inventory developed under subsection (b)(1).

‘‘(2) LOW-HEAD DAM.—The term ‘low-head dam’ means a river-wide dam that generally spans a stream channel, blocking the waterway and creating a backup of water behind the dam, with a drop off over the wall of not less than 6 inches and not more than 25 feet.

‘‘(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Army.

‘‘(b) NATIONAL LOW-HEAD DAM INVENTORY.—

‘‘(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary, in consultation with the heads of appropriate Federal and State agencies, shall—

‘‘(A) develop an inventory of low-head dams in the United States that includes—

‘‘(i) the location, ownership, description, current use, condition, height, and length of each low-head dam;

‘‘(ii) any information on public safety conditions at each low-head dam;

‘‘(iii) public safety information on the dangers of low-head dams;

‘‘(iv) a directory of financial and technical assistance resources available to reduce safety hazards and fish passage barriers at low-head dams; and

‘‘(v) any other relevant information concerning low-head dams; and

‘‘(B) submit the inventory to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

‘‘(2) DATA.—In carrying out this subsection, the Secretary shall—

‘‘(A) coordinate with Federal and State agencies and other relevant entities; and

‘‘(B) use data provided to the Secretary by those agencies.

‘‘(3) UPDATES.—The Secretary, in consultation with appropriate Federal and State agencies, shall maintain and periodically publish updates to the inventory.

‘‘(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$30,000,000.

‘‘(d) CLARIFICATION.—Nothing in this section provides authority to the Secretary to carry out an activity, with respect to a low-head dam, that is not explicitly authorized under this section.’’

SEC. 5128. TRANSFER OF EXCESS CREDIT.

Section 1020 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2223) is amended—

(1) in subsection (a), by adding at the end the following:

‘‘(3) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—A credit described in paragraph (1) for a study or project with multiple non-Federal interests may be applied to the required non-Federal cost share for a study or project of any of those non-Federal interests, subject to the condition that each non-Federal interest for the study or project for which the credit described in paragraph (1) is provided concurs in writing.’’

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

‘‘(3) CONDITIONAL APPROVAL OF EXCESS CREDIT.—The Secretary may approve credit in excess of the non-Federal share for a study or project prior to the identification of each authorized study or project to which

the excess credit will be applied, subject to the condition that the non-Federal interest agrees to submit for approval by the Secretary an amendment to the comprehensive plan prepared under paragraph (2) that identifies each authorized study or project in advance of execution of the feasibility cost sharing agreement or project partnership agreement for that authorized study or project.”;

(3) by striking subsection (d); and

(4) by redesignating subsection (e) as subsection (d).

SEC. 5129. NATIONAL LEVEE RESTORATION.

(a) DEFINITION OF REHABILITATION.—Section 9002(13) of the Water Resources Development Act of 2007 (33 U.S.C. 3301(13)) is amended—

(1) by inserting “, or improvement” after “removal”; and

(2) by inserting “, increase resiliency to extreme weather events,” after “flood risk”.

(b) LEVEE REHABILITATION ASSISTANCE PROGRAM.—Section 9005(h) of the Water Resources Development Act of 2007 (33 U.S.C. 3303a(h)) is amended—

(1) in paragraph (7), by striking “\$10,000,000” and inserting “\$25,000,000”; and

(2) by adding at the end the following:

“(11) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this subsection to economically disadvantaged communities (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)).”.

SEC. 5130. INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.

Section 1111 of the America’s Water Infrastructure Act of 2018 (33 U.S.C. 2326 note; Public Law 115-270) is amended by adding at the end the following:

“(e) INLAND WATERWAYS REGIONAL DREDGE PILOT PROGRAM.—

“(1) IN GENERAL.—The Secretary is authorized to establish a pilot program (referred to in this subsection as the ‘pilot program’) to conduct a multiyear dredging demonstration program to award contracts with a duration of up to 5 years for projects on inland waterways.

“(2) PURPOSES.—The purposes of the pilot program shall be—

“(A) to increase the reliability, availability, and efficiency of federally-owned and federally-operated inland waterways projects;

“(B) to decrease operational risks across the inland waterways system; and

“(C) to provide cost-savings by combining work across multiple projects across different accounts of the Corps of Engineers.

“(3) DEMONSTRATION.—

“(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, award contracts for projects on inland waterways that combine work across the Construction and Operation and Maintenance accounts of the Corps of Engineers.

“(B) PROJECTS.— In awarding contracts under subparagraph (A), the Secretary shall consider projects that—

“(i) improve navigation reliability on inland waterways that are accessible year-round;

“(ii) increase freight capacity on inland waterways; and

“(iii) have the potential to enhance the availability of containerized cargo on inland waterways.

“(4) SAVINGS CLAUSE.—Nothing in this subsection affects the responsibility of the Secretary with respect to the construction and operations and maintenance of projects on the inland waterways system.

“(5) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first con-

tract is awarded pursuant to the pilot program, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates, with respect to the pilot program and any contracts awarded under the pilot program—

“(A) cost effectiveness;

“(B) reliability and performance;

“(C) cost savings attributable to mobilization and demobilization of dredge equipment; and

“(D) response times to address navigational impediments.

“(6) SUNSET.—The authority of the Secretary to enter into contracts pursuant to the pilot program shall expire on the date that is 10 years after the date of enactment of this Act.”.

SEC. 5131. FUNDING TO PROCESS PERMITS.

Section 214(a)(2) of the Water Resources Development Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(B) MULTI-USER MITIGATION BANK INSTRUMENT PROCESSING.—

“(i) IN GENERAL.—An activity carried out by the Secretary to expedite evaluation of a permit described in subparagraph (A) may include the evaluation of an instrument for a mitigation bank if—

“(I) the non-Federal public entity, public-utility company, natural gas company, or railroad carrier applying for the permit described in that subparagraph is the sponsor of the mitigation bank; and

“(II) expediting evaluation of the instrument is necessary to expedite evaluation of the permit described in that subparagraph.

“(ii) USE OF CREDITS.—The use of credits generated by the mitigation bank established using expedited processing under clause (i) shall be limited to current and future projects and activities of the entity, company, or carrier described in subclause (I) of that clause for a public purpose, except that in the case of a non-Federal public entity, not more than 25 percent of the credits may be sold to other public and private entities.”.

SEC. 5132. NON-FEDERAL PROJECT IMPLEMENTATION PILOT PROGRAM.

Section 1043(b) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2201 note; Public Law 113-121) is amended—

(1) in paragraph (3), by inserting “or discrete segment” after “separable element” each place it appears; and

(2) by adding at the end the following:

“(10) DEFINITION OF DISCRETE SEGMENT.—In this subsection, the term ‘discrete segment’ means a physical portion of a project or separable element that the non-Federal interest can operate and maintain, independently and without creating a hazard, in advance of final completion of the water resources development project, or separable element thereof.”.

SEC. 5133. COST SHARING FOR TERRITORIES AND INDIAN TRIBES.

Section 1156 of the Water Resources Development Act of 1986 (33 U.S.C. 2310) is amended by adding at the end the following:

“(c) APPLICATION TO STUDIES.—

“(1) INCLUSION.—For purposes of this section, the term ‘study’ includes watershed assessments.

“(2) APPLICATION.—The Secretary shall apply the waiver amount described in subsection (a) to reduce only the non-Federal share of study costs.”.

SEC. 5134. WATER SUPPLY CONSERVATION.

Section 1116 of the WIIN Act (130 Stat. 1639) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “during the 1-year period ending on the date of enactment of this Act” and inserting “for at least 2 years during the 10-year period preceding a request from a non-Federal interest for assistance under this section”; and

(2) in subsection (b)(4), by inserting “, including measures utilizing a natural feature or nature-based feature (as those terms are defined in section 1184(a)) to reduce drought risk” after “water supply”.

SEC. 5135. CRITERIA FOR FUNDING OPERATION AND MAINTENANCE OF SMALL, REMOTE, AND SUBSISTENCE HARBORS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop specific criteria for the annual evaluation and ranking of maintenance dredging requirements for small, remote, and subsistence harbors, taking into account the criteria provided in the joint explanatory statement of managers accompanying division D of the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1352).

(b) INCLUSION IN GUIDANCE.—The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

(c) REPORT TO CONGRESS.—For fiscal year 2024, and biennially thereafter, in conjunction with the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committees on Environment and Public Works and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives a report that identifies the ranking of projects in accordance with the criteria developed under subsection (a).

SEC. 5136. PROTECTION OF LIGHTHOUSES.

Section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r) is amended by inserting “lighthouses, including those lighthouses with historical value,” after “schools.”.

SEC. 5137. EXPEDITING HYDROPOWER AT CORPS OF ENGINEERS FACILITIES.

Section 1008 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2321b) is amended—

(1) in subsection (b)(1), by inserting “and to meet the requirements of subsection (b)” after “projects”; and

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

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

“(b) IMPLEMENTATION OF POLICY.—The Secretary shall—

“(1) ensure that the policy described in subsection (a) is implemented nationwide in an efficient, consistent, and coordinated manner; and

“(2) assess opportunities—

“(A) to increase the development of hydroelectric power at existing hydroelectric water resources development projects of the Corps of Engineers; and

“(B) to develop new hydroelectric power at nonpowered water resources development projects of the Corps of Engineers.”.

SEC. 5138. MATERIALS, SERVICES, AND FUNDS FOR REPAIR, RESTORATION, OR REHABILITATION OF CERTAIN PUBLIC RECREATION FACILITIES.

(a) DEFINITION OF ELIGIBLE PUBLIC RECREATION FACILITY.—In this section, the term “eligible public recreation facility” means a facility at a reservoir operated by the Corps of Engineers that—

(1) was constructed to enable public use of and access to the reservoir; and

(2) requires repair, restoration, or rehabilitation to function.

(b) **AUTHORIZATION.**—During a period of low water at an eligible public recreation facility, the Secretary is authorized—

(1) to accept and use materials, services, and funds from a non-Federal interest to repair, restore, or rehabilitate the facility; and

(2) to reimburse the non-Federal interest for the Federal share of the materials, services, or funds.

(c) **REQUIREMENT.**—The Secretary may not reimburse a non-Federal interest for the use of materials or services accepted under this section unless the materials or services—

(1) meet the specifications of the Secretary; and

(2) comply with all applicable laws and regulations that would apply if the materials and services were acquired by the Secretary, including subchapter IV of chapter 31 and chapter 37 of title 40, United States Code, section 8302 of title 41, United States Code, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **AGREEMENT.**—Before the acceptance of materials, services, or funds under this section, the Secretary and the non-Federal interest shall enter into an agreement that—

(1) specifies that the non-Federal interest shall hold and save the United States free from any and all damages that arise from use of materials or services of the non-Federal interest, except for damages due to the fault or negligence of the United States or its contractors;

(2) requires that the non-Federal interest shall certify that the materials or services comply with all applicable laws and regulations under subsection (c); and

(3) includes any other term or condition required by the Secretary.

SEC. 5139. DREDGED MATERIAL MANAGEMENT PLANS.

(a) **IN GENERAL.**—The Secretary shall prioritize implementation of section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) at federally authorized harbors in the State of Ohio.

(b) **REQUIREMENTS.**—Each dredged material management plan prepared by the Secretary under section 125(c) of the Water Resources Development Act of 2020 (33 U.S.C. 2326h) for a federally authorized harbor in the State of Ohio shall—

(1) include, in the baseline conditions, a prohibition on use of funding for open-lake disposal of dredged material consistent with section 105 of the Energy and Water Development and Related Agencies Appropriations Act, 2022 (Public Law 117-103; 136 Stat. 217); and

(2) maximize beneficial use of dredged material under the base plan and under section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(c) **SAVINGS PROVISION.**—This section does not—

(1) impose a prohibition on use of funding for open-lake disposal of dredged material; or

(2) require the development or implementation of a dredged material management plan in accordance with subsection (b) if use of funding for open-lake disposal is not otherwise prohibited by law.

SEC. 5140. LEASE DEVIATIONS.

The Secretary shall fully implement the requirements of section 153 of the Water Resources Development Act of 2020 (134 Stat. 2658).

SEC. 5141. COLUMBIA RIVER BASIN.

(a) **STUDY OF FLOOD RISK MANAGEMENT ACTIVITIES.**—

(1) **IN GENERAL.**—Using funds made available to carry out this section, the Secretary

is authorized, at Federal expense, to carry out a study to determine the feasibility of a project for flood risk management and related purposes in the Columbia River basin and to report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate with recommendations thereon, including recommendations for a project to potentially reduce the reliance on Canada for flood risk management in the basin.

(2) **COORDINATION.**—The Secretary shall carry out the activities described in this subsection in coordination with other Federal and State agencies and Indian Tribes.

(b) **FUNDS FOR COLUMBIA RIVER TREATY OBLIGATIONS.**—

(1) **IN GENERAL.**—The Secretary is authorized to expend funds appropriated for the purpose of satisfying United States obligations under the Columbia River Treaty to compensate Canada for operating Canadian storage on behalf of the United States under such Treaty.

(2) **NOTIFICATION.**—If the U.S. entity calls upon Canada to operate Canadian reservoir storage for flood risk management on behalf of the United States, which operation may incur an obligation to compensate Canada under the Columbia River Treaty—

(A) the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate, by not later than 30 days after the initiation of the call, a written notice of the action and a justification, including a description of the circumstances necessitating the call;

(B) upon a determination by the United States of the amount of compensation that shall be paid to Canada, the Secretary shall submit to the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Environment and Public Works and Appropriations of the Senate a written notice specifying such amount and an explanation of how such amount was derived, which notification shall not delay or impede the flood risk management mission of the U.S. entity; and

(C) the Secretary shall make no payment to Canada for the call under the Columbia River Treaty until such time as funds appropriated for the purpose of compensating Canada under such Treaty are available.

(c) **DEFINITIONS.**—In this section:

(1) **COLUMBIA RIVER BASIN.**—The term “Columbia River basin” means the entire United States portion of the Columbia River watershed.

(2) **COLUMBIA RIVER TREATY.**—The term “Columbia River Treaty” means the Treaty relating to cooperative development of the water resources of the Columbia River Basin, signed at Washington January 17, 1961, and entered into force September 16, 1964.

(3) **U.S. ENTITY.**—The term “U.S. entity” means the entity designated by the United States under Article XIV of the Columbia River Treaty.

SEC. 5142. CONTINUATION OF CONSTRUCTION.

(a) **IN GENERAL.**—The Secretary shall not include the amount of Federal obligations incurred and non-Federal contributions provided for an authorized water resources development project during the period beginning on the date of enactment of this Act and ending on September 30, 2025, for purposes of determining if the cost of the project exceeds the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

(b) **CONTINUATION OF CONSTRUCTION.**—

(1) **IN GENERAL.**—The Secretary shall not, solely on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280)—

(A) defer the initiation or continuation of construction of a water resources development project during the period described in subsection (a); or

(B) terminate a contract for design or construction of a water resources development project entered into during the period described in subsection (a) after expiration of that period.

(2) **RESUMPTION OF CONSTRUCTION.**—The Secretary shall resume construction of any water resources development project for which construction was deferred on the basis of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280) during the period beginning on October 1, 2021, and ending on the date of enactment of this Act.

(c) **STATUTORY CONSTRUCTION.**—Nothing in this section waives the obligation of the Secretary to submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a post-authorization change report recommending an increase in the authorized cost of a project if the project otherwise would exceed the maximum cost of the project under section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).

TITLE LII—STUDIES AND REPORTS

SEC. 5201. AUTHORIZATION OF FEASIBILITY STUDIES.

(a) **IN GENERAL.**—The Secretary is authorized to investigate the feasibility of the following projects:

(1) Project for ecosystem restoration, Mill Creek Levee and Walla Walla River, Oregon.

(2) Project for flood risk management and ecosystem restoration, Tittabawassee River, Chippewa River, Pine River, and Tobacco River, Michigan.

(3) Project for flood risk management, Southeast Michigan.

(4) Project for flood risk management, McMicken Dam, Arizona.

(5) Project for flood risk management, Ellicott City and Howard County, Maryland.

(6) Project for flood risk management, Ten Mile River, North Attleboro, Massachusetts.

(7) Project for flood risk management and water supply, Fox-Wolf Basin, Wisconsin.

(8) Project for flood risk management and ecosystem restoration, Thatchbed Island, Essex, Connecticut.

(9) Project for flood and coastal storm risk management, Cape Fear River Basin, North Carolina.

(10) Project for flood risk management, Lower Clear Creek and Dickinson Bayou, Texas.

(11) Project for flood risk management and ecosystem restoration, the Resacas, Hidalgo and Cameron Counties, Texas.

(12) Project for flood risk management, including levee improvement, Papillion Creek, Nebraska.

(13) Project for flood risk management, Offutt Ditch Pump Station, Nebraska.

(14) Project for flood risk management, navigation, and ecosystem restoration, Mohawk River Basin, New York.

(15) Project for coastal storm risk management, Waikiki Beach, Hawaii.

(16) Project for ecosystem restoration and coastal storm risk management, Cumberland and Sea Islands, Georgia.

(17) Project for flood risk management, Wailupe Stream watershed, Hawaii.

(18) Project for flood and coastal storm risk management, Hawaii County, Hawaii.

(19) Project for coastal storm risk management, Maui County, Hawaii.

(20) Project for flood risk management, Sarpy County, Nebraska.

(21) Project for aquatic ecosystem restoration, including habitat for endangered salmon, Columbia River Basin.

(22) Project for ecosystem restoration, flood risk management, and recreation, Newport, Kentucky.

(23) Project for flood risk management and water supply, Jenkins, Kentucky.

(24) Project for flood risk management, including riverbank stabilization, Columbus, Kentucky.

(25) Project for flood and coastal storm risk management, navigation, and ecosystem restoration, South Shore, Long Island, New York.

(26) Project for flood risk management, coastal storm risk management, navigation, ecosystem restoration, and water supply, Blind Brook, New York.

(27) Project for navigation, Cumberland River, Kentucky.

(28) Project for ecosystem restoration and water supply, Great Salt Lake, Utah.

(b) **PROJECT MODIFICATIONS.**—The Secretary is authorized to investigate the feasibility of the following modifications to the following projects:

(1) Modifications to the project for navigation, South Haven Harbor, Michigan, for turning basin improvements.

(2) Modifications to the project for navigation, Rollinson Channel and channel from Hatteras Inlet to Hatteras, North Carolina, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1174), to incorporate the ocean bar.

(3) Modifications to the project for flood control, Saint Francis River Basin, Missouri and Arkansas, authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 172, chapter 188), to provide flood risk management for the tributaries and drainage of Straight Slough, Craighead, Poinsett, and Cross Counties, Arkansas.

(4) Modifications to the project for flood risk management, Cedar River, Cedar Rapids, Iowa, authorized by section 7002(2) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1366), consistent with the City of Cedar Rapids, Iowa, Cedar River Flood Control System Master Plan.

(5) Modifications to the project for navigation, Savannah Harbor, Georgia, without evaluation of additional deepening.

(6) Modifications to the project for navigation, Honolulu Harbor, Hawaii, for navigation improvements and coastal storm risk management.

(7) Modifications to the project for navigation, Port of Ogdensburg, New York, including deepening.

(8) Modifications to the Huntington Local Protection Project, Huntington, West Virginia.

SEC. 5202. SPECIAL RULES.

(a) The studies authorized by paragraphs (12) and (13) of section 5201(a) shall be considered a continuation of the study that resulted in the Chief's Report for the project for Papillion Creek and Tributaries Lakes, Nebraska, signed January 24, 2022.

(b) The study authorized by section 5201(a)(17) shall be considered a resumption and a continuation of the general reevaluation initiated on December 30, 2003.

(c) In carrying out the study authorized by section 5201(a)(21), the Secretary shall only formulate measures and alternatives to be consistent with the authorized purposes of existing Federal projects while also maintaining the benefits of such projects.

(d) In carrying out the study authorized by section 5201(a)(25), the Secretary shall study the South Shore of Long Island, New York, as a whole system, including inlets that are Federal channels.

(e) The studies authorized by section 5201(b) shall be considered new phase investigations afforded the same treatment as a general reevaluation.

SEC. 5203. EXPEDITED COMPLETION OF STUDIES.

(a) **FEASIBILITY REPORTS.**—The Secretary shall expedite the completion of a feasibility study for each of the following projects, and if the Secretary determines that the project is justified in a completed report, may proceed directly to preconstruction planning, engineering, and design of the project:

(1) Modifications to the project for flood risk management, North Adams, Massachusetts, authorized by section 5 of the Act of June 22, 1936 (commonly known as the “Flood Control Act of 1936”) (49 Stat. 1572, chapter 688; 33 U.S.C. 701h), and section 3 of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 639, chapter 377), for flood risk management and ecosystem restoration.

(2) Project for coastal storm risk management, Charleston Peninsula, South Carolina.

(3) Project for flood and coastal storm risk management and ecosystem restoration, Boston North Shore, Revere, Saugus, Lynn, Maiden, and Everett, Massachusetts.

(4) Project for flood risk management, De Soto County, Mississippi.

(5) Project for coastal storm risk management, Chicago shoreline, Illinois.

(6) Project for flood risk management, Cave Buttes Dam, Arizona.

(7) Project for flood and coastal storm risk management, Chelsea, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(8) Project for ecosystem restoration, Herring River Estuary, Barnstable County, Massachusetts, authorized by a study resolution of the Committee on Transportation and Infrastructure of the House of Representatives dated July 23, 1997.

(9) Project for coastal storm risk management, ecosystem restoration, and navigation, Nauset Barrier Beach and inlet system, Chatham, Massachusetts, authorized by a study resolution of the Committee on Public Works of the Senate dated September 12, 1969.

(10) Project for flood risk management, East Hartford Levee System, Connecticut.

(11) Project for flood risk management, Rahway, New Jersey, authorized by section 336 of the Water Resources Development Act of 2020 (134 Stat. 2712).

(12) Project for coastal storm risk management, Sea Bright to Manasquan, New Jersey.

(13) Project for coastal storm risk management, Raritan Bay and Sandy Hook Bay, New Jersey.

(14) Project for coastal storm risk management, St. Tammany Parish, Louisiana.

(15) Project for ecosystem restoration, Fox River, Illinois, authorized by section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(16) Project for ecosystem restoration, Chicago River, Illinois.

(17) Project for ecosystem restoration, Lake Okeechobee, Florida.

(18) Project for ecosystem restoration, Western Everglades, Florida.

(19) Modifications to the project for navigation, Hilo Harbor, Hawaii.

(20) Project for flood risk management, Kanawha River Basin, West Virginia, Virginia, North Carolina.

(21) Modifications to the project for navigation, Auke Bay, Alaska.

(b) **POST-AUTHORIZATION CHANGE REPORTS.**—The Secretary shall expedite completion of a post-authorization change report for the following projects:

(1) Project for ecosystem restoration, Tres Rios, Arizona, authorized by section 101(b)(4)

of the Water Resources Development Act of 2000 (114 Stat. 2577).

(2) Project for coastal storm risk management, Surf City and North Topsail Beach, North Carolina, authorized by section 7002(3) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1367).

(3) Anchorage F modifications to the project for navigation, Norfolk Harbor and Channels, Virginia, authorized by section 201 of the Water Resources Development Act of 1986 (100 Stat. 4090) and modified by section 1403(a) of the Water Resources Development Act of 2018 (132 Stat. 3840).

(4) Project for navigation, Port Everglades, Florida, authorized by section 1401(1) of the Water Resources Development Act of 2016 (130 Stat. 1709).

(c) **WATERSHED AND RIVER BASIN ASSESSMENTS.**—The Secretary shall expedite the completion of the following assessments under section 729 of the Water Resources Development Act of 1986 (33 U.S.C. 2267a):

(1) Great Lakes Coastal Resiliency Study, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

(2) Ouachita-Black Rivers, Arkansas and Louisiana.

(3) Project for watershed assessment, Hawaii County, Hawaii.

(d) **DISPOSITION STUDY.**—The Secretary shall expedite the completion of the disposition study for the Los Angeles County Drainage Area under section 216 of the Flood Control Act of 1970 (33 U.S.C. 549a).

(e) **ADDITIONAL DIRECTION.**—The post-authorization change report for the project described in subsection (b)(3) shall be completed not later than December 31, 2023.

SEC. 5204. STUDIES FOR PERIODIC NOURISHMENT.

(a) **IN GENERAL.**—Section 156 of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “15” and inserting “50”; and

(B) in paragraph (2), by striking “15”;

(2) in subsection (e)—

(A) by striking “10-year period” and inserting “16-year period”; and

(B) by striking “6 years” and inserting “12 years”; and

(3) by adding at the end the following:

“(f) **TREATMENT OF STUDIES.**—A study carried out under subsection (b) shall be considered a new phase investigation afforded the same treatment as a general reevaluation.”.

(b) **INDIAN RIVER INLET SAND BYPASS PLANT.**—For purposes of the project for coastal storm risk management, Delaware Coast Protection, Delaware (commonly known as the “Indian River Inlet Sand Bypass Plant”), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), a study carried out under section 156(b) of the Water Resources Development Act of 1976 (42 U.S.C. 1962d–5f(b)) shall consider as an alternative for periodic nourishment continued reimbursement of the Federal share of the cost to the non-Federal interest for the project to operate and maintain a sand bypass plant.

SEC. 5205. NEPA REPORTING.

(a) **DEFINITIONS.**—In this section:

(1) **CATEGORICAL EXCLUSION.**—The term “categorical exclusion” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) **ENVIRONMENTAL ASSESSMENT.**—The term “environmental assessment” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(3) **ENVIRONMENTAL IMPACT STATEMENT.**—The term “environmental impact statement” means a detailed written statement

required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) **FINDING OF NO SIGNIFICANT IMPACT.**—The term “finding of no significant impact” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(5) **NEPA PROCESS.**—

(A) **IN GENERAL.**—The term “NEPA process” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(B) **PERIOD.**—For purposes of subparagraph (A), the NEPA process—

(i) begins on the date on which the Secretary initiates a project study; and

(ii) ends on the date on which the Secretary issues, with respect to the project study—

(I) a record of decision, including, if necessary, a revised record of decision;

(II) a finding of no significant impact; or

(III) a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

(6) **PROJECT STUDY.**—The term “project study” means a feasibility study for a project carried out pursuant to section 905 of the Water Resources Development Act of 1986 (33 U.S.C. 2282) for which a categorical exclusion, an environmental assessment, or an environmental impact statement is required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) **REPORTS.**—

(1) **NEPA DATA.**—

(A) **IN GENERAL.**—The Secretary shall carry out a process to track, and annually submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing, the information described in subparagraph (B).

(B) **INFORMATION DESCRIBED.**—The information referred to in subparagraph (A) is, with respect to the Corps of Engineers—

(i) the number of project studies for which a categorical exclusion was used during the reporting period;

(ii) the number of project studies for which the decision to use a categorical exclusion, to prepare an environmental assessment, or to prepare an environmental impact statement is pending on the date on which the report is submitted;

(iii) the number of project studies for which an environmental assessment was issued during the reporting period, broken down by whether a finding of no significant impact, if applicable, was based on mitigation;

(iv) the length of time the Corps of Engineers took to complete each environmental assessment described in clause (iii);

(v) the number of project studies pending on the date on which the report is submitted for which an environmental assessment is being drafted;

(vi) the number of project studies for which an environmental impact statement was issued during the reporting period;

(vii) the length of time the Corps of Engineers took to complete each environmental impact statement described in clause (vi); and

(viii) the number of project studies pending on the date on which the report is submitted for which an environmental impact statement is being drafted.

(2) **PUBLIC ACCESS TO NEPA REPORTS.**—The Secretary shall make publicly available each annual report required under paragraph (1).

SEC. 5206. GAO AUDIT OF PROJECTS OVER BUDGET OR BEHIND SCHEDULE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the factors and conditions for each ongoing water resources development project carried out by the Secretary for which—

(1) the current estimated total project cost of the project exceeds the original estimated total project cost of the project by not less than \$50,000,000; or

(2) the current estimated completion date of the project exceeds the original estimated completion date of the project by not less than 5 years.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a).

SEC. 5207. GAO STUDY ON PROJECT DISTRIBUTION.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct an analysis of the geographic distribution of annual and supplemental funding for water resources development projects carried out by the Secretary over the previous 10 fiscal years and the factors that have led to that distribution.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the analysis under subsection (a).

SEC. 5208. GAO AUDIT OF JOINT COSTS FOR OPERATIONS AND MAINTENANCE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a review of the practices of the Corps of Engineers with respect to the determination of joint costs associated with operations and maintenance of reservoirs owned and operated by the Secretary.

(b) **REPORT.**—The Comptroller General of the United States shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

SEC. 5209. GAO REVIEW OF CORPS OF ENGINEERS MITIGATION PRACTICES.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall carry out a review of the water resources development project mitigation practices of the Corps of Engineers.

(b) **CONTENT.**—The review under subsection (a) shall include an evaluation of—

(1) the implementation by the Corps of Engineers of the final rule issued on April 10, 2008, entitled “Compensatory Mitigation for Losses of Aquatic Resources” (73 Fed. Reg. 19594), including, at a minimum—

(A) the extent to which the final rule is consistently implemented by the districts of the Corps of Engineers; and

(B) the performance of each of the mitigation mechanisms included in the final rule; and

(2) opportunities to utilize alternative methods to satisfy mitigation requirements of water resources development projects, including, at a minimum, performance-based contracts.

(c) **REPORT.**—The Comptroller General of the United States shall submit to the Com-

mittee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the findings of the review under subsection (a) and any recommendations that result from the review.

(d) **DEFINITION OF PERFORMANCE-BASED CONTRACT.**—In this section, the term “performance-based contract” means a procurement mechanism by which the Corps of Engineers contracts with a public or private non-Federal entity for a specific mitigation outcome requirement, with payment to the entity linked to delivery of verifiable and successful mitigation performance.

SEC. 5210. SABINE-NECHES WATERWAY NAVIGATION IMPROVEMENT PROJECT, TEXAS.

The Secretary shall expedite the review and coordination of the feasibility study for the project for navigation, Sabine-Neches Waterway, Texas, under section 203(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2231(b)).

SEC. 5211. GREAT LAKES RECREATIONAL BOATING.

Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare, at full Federal expense, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report updating the findings of the report on the economic benefits of recreational boating in the Great Lakes basin prepared under section 455(c) of the Water Resources Development Act of 1999 (42 U.S.C. 1962d–21(c)).

SEC. 5212. CENTRAL AND SOUTHERN FLORIDA.

(a) **EVALUATION AND REPORT.**—

(1) **EVALUATION.**—On request and at the expense of the St. Johns River Water Management District, the Secretary shall evaluate the effects of deauthorizing the southernmost 3.5-mile reach of the L-73 levee, Section 2, Osceola County, Florida, on the functioning of the project for flood control and other purposes, Upper St. Johns River Basin, Central and Southern Florida, authorized by section 203 of the Flood Control Act of 1948 (62 Stat. 1176).

(2) **REPORT.**—In carrying out the evaluation under paragraph (1), the Secretary shall—

(A) prepare a report that includes the results of the evaluation, including—

(i) the advisability of deauthorizing the levee described in that paragraph; and

(ii) any recommendations for conditions that should be placed on a deauthorization to protect the interests of the United States and the public; and

(B) submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives the report under subparagraph (A) as part of the annual report submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d).

(b) **COMPREHENSIVE CENTRAL AND SOUTHERN FLORIDA STUDY.**—

(1) **IN GENERAL.**—The Secretary is authorized to carry out a feasibility study for resiliency and comprehensive improvements or modifications to existing water resources development projects in central and southern Florida, for the purposes of flood risk management, water supply, ecosystem restoration (including preventing saltwater intrusion), recreation, and related purposes.

(2) **REQUIREMENTS.**—In carrying out the feasibility study under paragraph (1), the Secretary—

(A) is authorized—

(i) to review the report of the Chief of Engineers for central and southern Florida

(House Document 643, 80th Congress, 2d Session), and other related reports of the Secretary; and

(ii) to recommend cost-effective structural and nonstructural projects for implementation that provide a systemwide approach for the purposes described in that paragraph; and

(B) shall ensure the study and any projects recommended under subparagraph (A)(ii) will not interfere with the efforts undertaken to carry out the Comprehensive Everglades Restoration Plan pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680; 121 Stat. 1268; 132 Stat. 3786).

SEC. 5213. INVESTMENTS FOR RECREATION AREAS.

(a) FINDINGS.—Congress finds the following:

(1) The Corps of Engineers operates more recreation areas than any other Federal or State agency, apart from the Department of the Interior.

(2) Nationally, visitors to nearly 600 dams and lakes, managed by the Corps of Engineers, spend an estimated \$12,000,000,000 per year and support 500,000 jobs.

(3) Lakes managed by the Corps of Engineers are economic drivers that support rural communities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Corps of Engineers should use all available authorities to promote and enhance development and recreational opportunities at lakes that are part of authorized civil works projects under the administrative jurisdiction of the Corps of Engineers.

(c) REPORT.—Not later than 180 days after the enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on investments needed to support recreational activities that are part of authorized water resources development projects under the administrative jurisdiction of the Corps of Engineers.

(d) REQUIREMENTS.—The report under subsection (c) shall include—

(1) a list of deferred maintenance projects, including maintenance projects relating to recreational facilities, sites, and associated access roads;

(2) a plan to fund the projects described in paragraph (1) over the 5-year period following the date of enactment of this Act;

(3) a description of efforts made by the Corps of Engineers to coordinate investments in recreational facilities, sites, and associated access roads with—

(A) State and local governments; or

(B) private entities; and

(4) an assessment of whether the modification of Federal contracting requirements could accelerate the availability of funds for the projects described in paragraph (1).

SEC. 5214. WESTERN INFRASTRUCTURE STUDY.

(a) DEFINITIONS OF NATURAL FEATURE AND NATURE-BASED FEATURE.—In this section, the terms “natural feature” and “nature-based feature” have the meanings given those terms in section 1184(a) of the WIIN Act (33 U.S.C. 2289a(a)).

(b) COMPREHENSIVE STUDY.—The Secretary shall conduct a comprehensive study (referred to in this section as the “study”) to evaluate the effectiveness of carrying out additional measures, including measures that utilize natural features or nature-based features at or upstream of reservoirs for the purposes of—

(1) sustaining operations in response to changing hydrological and climatic conditions;

(2) mitigating the risk of drought or floods, including the loss of storage capacity due to sediment accumulation;

(3) increasing water supply; or

(4) aquatic ecosystem restoration.

(c) STUDY FOCUS.—In conducting the study, the Secretary shall include all reservoirs owned and operated by the Secretary and reservoirs for which the Secretary has flood control responsibilities under section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 890, chapter 665; 33 U.S.C. 709), in the South Pacific Division of the Corps of Engineers.

(d) CONSULTATION AND USE OF EXISTING DATA.—

(1) CONSULTATION.—In conducting the study, the Secretary shall consult with applicable—

(A) Federal, State, and local agencies;

(B) Indian Tribes;

(C) non-Federal interests; and

(D) other stakeholders, as determined appropriate by the Secretary.

(2) USE OF EXISTING DATA AND PRIOR STUDIES.—To the maximum extent practicable and where appropriate, the Secretary may—

(A) use existing data provided to the Secretary by entities described in paragraph (1); and

(B) incorporate—

(i) relevant information from prior studies and projects carried out by the Secretary; and

(ii) the latest technical data and scientific approaches with respect to changing hydrological and climatic conditions.

(e) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes—

(1) the results of the study; and

(2) any recommendations on site-specific areas where additional study is recommended by the Secretary.

(f) SAVINGS PROVISION.—Nothing in this section provides authority to the Secretary to change the authorized purposes at any of the reservoirs described in subsection (c).

SEC. 5215. UPPER MISSISSIPPI RIVER AND ILLINOIS WATERWAY SYSTEM.

Section 8004(g) of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110–114) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

“(2) REPORT ON WATER LEVEL MANAGEMENT.—Not later than 1 year after the date of completion of the comprehensive plan for Mississippi River water level management under section 22 of the Water Resources Development Act of 1974 (42 U.S.C. 1962d–16), the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation report on opportunities identified in the comprehensive plan to expand the use of water level management on the Upper Mississippi River and Illinois Waterway System for the purpose of ecosystem restoration.”

SEC. 5216. WEST VIRGINIA HYDROPOWER.

(a) IN GENERAL.—For water resources development projects described in subsection (b), the Secretary is authorized—

(1) to evaluate the feasibility of modifications to such projects for the purposes of adding Federal hydropower or energy storage development; and

(2) to grant approval for the use of such projects for non-Federal hydropower or en-

ergy storage development in accordance with section 14 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Act of 1899”) (30 Stat. 1152, chapter 425; 33 U.S.C. 408).

(b) PROJECTS DESCRIBED.—The projects referred to in subsection (a) are the following:

(1) Sutton Dam, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(2) Hildebrand Lock and Dam, Monongahela County, West Virginia, authorized by section 101 of the River and Harbor Act of 1950 (64 Stat. 166, chapter 188).

(3) Bluestone Lake, Summers County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(4) R.D. Bailey Dam, Wyoming County, West Virginia, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1188).

(5) Stonewall Jackson Dam, Lewis County, West Virginia, authorized by section 203 of the Flood Control Act of 1966 (80 Stat. 1421).

(6) East Lynn Dam, Wayne County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(7) Burnsville Lake, Braxton County, West Virginia, authorized by section 5 of the Act of June 22, 1936 (49 Stat. 1586, chapter 688).

(c) DEMONSTRATION PROJECTS.—The authority for facility modifications under subsection (a) includes demonstration projects.

SEC. 5217. RECREATION AND ECONOMIC DEVELOPMENT AT CORPS FACILITIES IN APPALACHIA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a plan to implement the recreational and economic development opportunities identified by the Secretary in the report prepared under section 206 of the Water Resources Development Act of 2020 (134 Stat. 2680) at Corps of Engineers facilities located within a distressed or at-risk county (as described in subsection (a)(1) of that section) in Appalachia.

(b) CONSIDERATIONS.—In preparing the plan under subsection (a), the Secretary shall consider options for Federal funding, partnerships, and outgrants to Federal, State, and local governments, nonprofit organizations, and commercial businesses.

SEC. 5218. AUTOMATED FEE MACHINES.

For the purpose of mitigating adverse impacts to public access to outdoor recreation, to the maximum extent practicable, the Secretary shall consider alternatives to the use of automated fee machines for the collection of fees for the use of developed recreation sites and facilities in West Virginia.

SEC. 5219. LAKE CHAMPLAIN CANAL, VERMONT AND NEW YORK.

Section 5146 of the Water Resources Development Act of 2007 (121 Stat. 1255) is amended by adding at the end the following:

“(c) CLARIFICATIONS.—

“(1) IN GENERAL.—At the request of the non-Federal interest for the study of the Lake Champlain Canal Aquatic Invasive Species Barrier carried out under section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150; 134 Stat. 2652), the Secretary shall scope the phase II portion of that study to satisfy the feasibility determination under subsection (a).

“(2) DISPERSAL BARRIER.—A dispersal barrier constructed, maintained, or operated under this section may include—

“(A) physical hydrologic separation;

“(B) nonstructural measures;

“(C) deployment of technologies;

“(D) buffer zones; or

“(E) any combination of the approaches described in subparagraphs (A) through (D).”

SEC. 5220. REPORT ON CONCESSIONAIRE PRACTICES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on concessionaire lease practices by the Corps of Engineers.

(b) INCLUSIONS.—The report under subsection (a) shall include, at a minimum—

(1) an assessment of the reasonableness of the formula of the Corps of Engineers for calculating concessionaire rental rates, taking into account the operating margins for sales of food and fuel; and

(2) the process for assessing administrative fees to concessionaires across districts of the Corps of Engineers.

TITLE LIII—DEAUTHORIZATIONS, MODIFICATIONS, AND RELATED PROVISIONS**SEC. 5301. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.**

(a) ATLANTA, GEORGIA.—Section 219(e)(5) of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

(b) EASTERN SHORE AND SOUTHWEST VIRGINIA.—Section 219(f)(10)(A) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335; 121 Stat. 1255) is amended—

(1) by striking “\$20,000,000” and inserting “\$52,000,000”; and

(2) by striking “Accomac” and inserting “Accomack”.

(c) LAKES MARION AND MOULTRIE, SOUTH CAROLINA.—Section 219(f)(25) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 336; 130 Stat. 1677; 134 Stat. 2719) is amended by striking “\$110,000,000” and inserting “\$151,500,000”.

(d) LAKE COUNTY, ILLINOIS.—Section 219(f)(54) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221) is amended—

(1) in the paragraph heading, by striking “COOK COUNTY” and inserting “COOK COUNTY AND LAKE COUNTY”; and

(2) by striking “\$35,000,000” and inserting “\$100,000,000”.

(e) MADISON AND ST. CLAIR COUNTIES, ILLINOIS.—Section 219(f)(55) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 114 Stat. 2763A–221; 134 Stat. 2718) is amended by striking “\$45,000,000” and inserting “\$100,000,000”.

(f) CALAVERAS COUNTY, CALIFORNIA.—Section 219(f)(86) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking “\$3,000,000” and inserting “\$13,280,000”.

(g) LOS ANGELES COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1259) is amended by striking paragraph (93) and inserting the following:

“(93) LOS ANGELES COUNTY, CALIFORNIA.—

“(A) IN GENERAL.—\$38,000,000 for wastewater and water related infrastructure, Los Angeles County, California.

“(B) ELIGIBILITY.—The Water Replenishment District of Southern California may be eligible for assistance under this paragraph.”.

(h) MICHIGAN.—Section 219(f)(157) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1262) is amended—

(1) by striking “\$35,000,000 for” and inserting the following:

“(A) IN GENERAL.—\$85,000,000 for”; and

(2) by adding at the end the following:

“(B) ADDITIONAL PROJECTS.—Amounts made available under subparagraph (A) may

be used for design and construction projects for water-related environmental infrastructure and resource protection and development projects in Michigan, including for projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.”.

(i) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (250) and inserting the following:

“(250) MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$31,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach and vicinity, South Carolina.”.

(j) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1267) is amended by striking paragraph (251) and inserting the following:

“(251) NORTH MYRTLE BEACH AND VICINITY, SOUTH CAROLINA.—\$74,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach and vicinity, South Carolina.”.

(k) HORRY COUNTY, SOUTH CAROLINA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended by adding at the end the following:

“(274) HORRY COUNTY, SOUTH CAROLINA.—\$19,000,000 for environmental infrastructure, including ocean outfalls, Horry County, South Carolina.”.

(l) LANE COUNTY, OREGON.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (k)) is amended by adding at the end the following:

“(275) LANE COUNTY, OREGON.—\$20,000,000 for environmental infrastructure, Lane County, Oregon.”.

(m) PLACER COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (l)) is amended by adding at the end the following:

“(276) PLACER COUNTY, CALIFORNIA.—\$21,000,000 for environmental infrastructure, Placer County, California.”.

(n) ALAMEDA COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (m)) is amended by adding at the end the following:

“(277) ALAMEDA COUNTY, CALIFORNIA.—\$20,000,000 for environmental infrastructure, Alameda County, California.”.

(o) TEMECULA CITY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (n)) is amended by adding at the end the following:

“(278) TEMECULA CITY, CALIFORNIA.—\$18,000,000 for environmental infrastructure, Temecula City, California.”.

(p) YOLO COUNTY, CALIFORNIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (o)) is amended by adding at the end the following:

“(279) YOLO COUNTY, CALIFORNIA.—\$6,000,000 for environmental infrastructure, Yolo County, California.”.

(q) CLINTON, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (p)) is amended by adding at the end the following:

“(280) CLINTON, MISSISSIPPI.—\$13,600,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Clinton, Mississippi.”.

(r) OXFORD, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (q)) is amended by adding at the end the following:

“(281) OXFORD, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Oxford, Mississippi.”.

(s) MADISON COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (r)) is amended by adding at the end the following:

“(282) MADISON COUNTY, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Madison County, Mississippi.”.

(t) RANKIN COUNTY, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (s)) is amended by adding at the end the following:

“(283) RANKIN COUNTY, MISSISSIPPI.—\$10,000,000 for environmental infrastructure, including stormwater management, drainage systems, and water quality enhancement, Rankin County, Mississippi.”.

(u) MERIDIAN, MISSISSIPPI.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (t)) is amended by adding at the end the following:

“(284) MERIDIAN, MISSISSIPPI.—\$10,000,000 for wastewater infrastructure, including stormwater management, drainage systems, and water quality enhancement, Meridian, Mississippi.”.

(v) DELAWARE.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (u)) is amended by adding at the end the following:

“(285) DELAWARE.—\$50,000,000 for sewer, stormwater system improvements, storage treatment, environmental restoration, and related water infrastructure, Delaware.”.

(w) QUEENS, NEW YORK.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (v)) is amended by adding at the end the following:

“(286) QUEENS, NEW YORK.—\$20,000,000 for the design and construction of stormwater management and improvements to combined sewer overflows to reduce the risk of flood impacts, Queens, New York.”.

(x) GEORGIA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (w)) is amended by adding at the end the following:

“(287) GEORGIA.—\$75,000,000 for environmental infrastructure, Baldwin County, Bartow County, Floyd County, Haralson County, Jones County, Gilmer County, Towns County, Warren County, Lamar County, Lowndes County, Troup County, Madison County, Toombs County, Dade County, Bulloch County, Gordon County, Walker County, Dooly County, Butts County, Clarke County, Crisp County, Newton County, Bibb County, Baker County, Barrow County, Oglethorpe County, Peach County, Brooks County, Carroll County, Worth County, Jenkins County, Wheeler County, Calhoun County, Randolph County, Wilcox County, Stewart County, Telfair County, Clinch County, Hancock County, Ben Hill County, Jeff Davis County, Chattooga County, Lanier County, Brantley County, Charlton County, Tattnall County, Emanuel County, Mitchell County, Turner County, Bacon County, Terrell County, Macon County, Ware County, Bleckley County, Colquitt County, Washington County, Berrien County, Coffee County, Pulaski

County, Cook County, Atkinson County, Candler County, Taliaferro County, Evans County, Johnson County, Irwin County, Dodge County, Jefferson County, Appling County, Taylor County, Wayne County, Clayton County, Decatur County, Schley County, Sumter County, Early County, Webster County, Clay County, Upson County, Long County, Twiggs County, Dougherty County, Quitman County, Meriwether County, Stephens County, Wilkinson County, Murray County, Wilkes County, Elbert County, McDuffie County, Heard County, Marion County, Talbot County, Laurens County, Montgomery County, Echols County, Pierce County, Richmond County, Chattahoochee County, Screven County, Habersham County, Lincoln County, Burke County, Liberty County, Tift County, Polk County, Glascock County, Grady County, Jasper County, Banks County, Franklin County, Whitfield County, Treutlen County, Crawford County, Hart County, Georgia.”

(y) MARYLAND.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (x)) is amended by adding at the end the following:

“(288) MARYLAND.—\$100,000,000 for water, wastewater, and other environmental infrastructure, Maryland.”

(z) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (y)) is amended by adding at the end the following:

“(289) MILWAUKEE METROPOLITAN AREA, WISCONSIN.—\$4,500,000 for water-related infrastructure, resource protection and development, stormwater management, and reduction of combined sewer overflows, Milwaukee metropolitan area, Wisconsin.”

(aa) HAWAII.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (z)) is amended by adding at the end the following:

“(290) HAWAII.—\$75,000,000 for water-related infrastructure, resource protection and development, wastewater treatment, water supply, urban storm water conveyance, environmental restoration, and surface water protection and development, Hawaii.”

(bb) ALABAMA.—Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) (as amended by subsection (aa)) is amended by adding at the end the following:

“(291) ALABAMA.—\$50,000,000 for water, wastewater, and other environmental infrastructure, Alabama.”

(cc) MISSISSIPPI.—Section 592(g) of the Water Resources Development Act of 1999 (113 Stat. 380; 123 Stat. 2851) is amended by striking “\$200,000,000” and inserting “\$300,000,000”.

(dd) CENTRAL NEW MEXICO.—Section 593(h) of the Water Resources Development Act of 1999 (113 Stat. 381; 119 Stat. 2255) is amended by striking “\$50,000,000” and inserting “\$100,000,000”.

(ee) NORTH DAKOTA AND OHIO.—Section 594 of the Water Resources Development Act of 1999 (113 Stat. 381; 121 Stat. 1140; 121 Stat. 1944) is amended by adding at the end the following:

“(i) AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.—In addition to amounts authorized under subsection (h), there is authorized to be appropriated to carry out this section \$100,000,000, to be divided between the States referred to in subsection (a).”

(ff) WESTERN RURAL WATER.—Section 595(i) of the Water Resources Development Act of 1999 (113 Stat. 383; 134 Stat. 2719) is amended—

(1) in paragraph (1), by striking “\$435,000,000” and inserting “\$490,000,000”; and

(2) in paragraph (2), by striking “\$150,000,000” and inserting “\$200,000,000”.

(gg) LAKE CHAMPLAIN WATERSHED, VERMONT AND NEW YORK.—Section 542 of the Water Resources Development Act of 2000 (114 Stat. 2671; 121 Stat. 1150) is amended—

(1) in subsection (b)(2)(C), by striking “planning” and inserting “clean water infrastructure planning, design, and construction”; and

(2) in subsection (g), by striking “\$32,000,000” and inserting “\$100,000,000”.

(hh) TEXAS.—Section 5138 of the Water Resources Development Act of 2007 (121 Stat. 1250) is amended—

(1) in subsection (b), by striking “, as identified by the Texas Water Development Board”; and

(2) in subsection (e)(3), by inserting “and construction” after “design work”;

(3) by redesignating subsection (g) as subsection (i); and

(4) by inserting after subsection (f) the following:

“(g) NONPROFIT ENTITIES.—In accordance with section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project carried out under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

“(h) CORPS OF ENGINEERS EXPENSES.—Not more than 10 percent of the amounts made available to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.”

SEC. 5302. SOUTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 340 of the Water Resources Development Act of 1992 (106 Stat. 4856) is amended—

(1) in the section heading, by striking “ENVIRONMENTAL RESTORATION INFRASTRUCTURE AND RESOURCE PROTECTION DEVELOPMENT PILOT PROGRAM”; and

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

“(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—In this section, the term ‘southern West Virginia’ means the counties of Boone, Braxton, Cabell, Calhoun, Clay, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Putnam, Raleigh, Roane, Summers, Wayne, Webster, Wirt, and Wyoming, West Virginia.”

(b) CLERICAL AMENDMENT.—The table of contents contained in section 1(b) of the Water Resources Development Act of 1992 (106 Stat. 4799) is amended by striking the item relating to section 340 and inserting the following:

“Sec. 340. Southern West Virginia.”

SEC. 5303. NORTHERN WEST VIRGINIA.

(a) IN GENERAL.—Section 571 of the Water Resources Development Act of 1999 (113 Stat. 371; 121 Stat. 1257; 134 Stat. 2719) is amended—

(1) in the section heading, by striking “CENTRAL” and inserting “NORTHERN”; and

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

“(a) DEFINITION OF NORTHERN WEST VIRGINIA.—In this section, the term ‘northern West Virginia’ means the counties of Barbour, Berkeley, Brooke, Doddridge, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Wetzell, and Wood, West Virginia.”

(3) in subsection (b), by striking “central” and inserting “northern”; and

(4) in subsection (c), by striking “central” and inserting “northern”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Water Resources Development Act of 1999 (113 Stat. 269) is amended by striking the item relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”

SEC. 5304. LOCAL COOPERATION AGREEMENTS, NORTHERN WEST VIRGINIA.

Section 219(f)(272) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 334; 121 Stat. 1268) is amended—

(1) by striking “\$20,000,000 for water and wastewater” and inserting the following:

“(A) IN GENERAL.—\$20,000,000 for water and wastewater”; and

(2) by adding at the end the following:

“(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at the request of a non-Federal interest for a project or a separable element of a project that receives assistance under this paragraph, the Secretary may adopt a model agreement developed in accordance with section 571(e) of the Water Resources Development Act of 1999 (113 Stat. 371).”

SEC. 5305. SPECIAL RULE FOR CERTAIN BEACH NOURISHMENT PROJECTS.

(a) IN GENERAL.—In the case of a water resources development project described in subsection (b), the Secretary shall—

(1) fund, at full Federal expense, any incremental increase in cost to the project that results from a legal requirement to use a borrow source determined by the Secretary to be other than the least-cost option; and

(2) exclude the cost described in paragraph (1) from the cost-benefit analysis for the project.

(b) AUTHORIZED WATER RESOURCES DEVELOPMENT PROJECTS DESCRIBED.—An authorized water resources development project referred to in subsection (a) is any of the following:

(1) The Townsends Inlet to Cape May Inlet, New Jersey, coastal storm risk management project, authorized by section 101(a)(26) of the Water Resources Development Act of 1999 (113 Stat. 278).

(2) The Folly Beach, South Carolina, coastal storm risk management project, authorized by section 501(a) of the Water Resources Development Act of 1986 (100 Stat. 4136) and modified by section 108 of the Energy and Water Development Appropriations Act, 1992 (105 Stat. 520).

(3) The Carolina Beach and Vicinity, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(4) The Wrightsville Beach, North Carolina, coastal storm risk management project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1182) and modified by section 401(7) of the Water Resources Development Act of 2020 (134 Stat. 2741).

(5) A project for coastal storm risk management for any shore included in a project described in this subsection that is specifically authorized by Congress on or after the date of enactment of this Act.

(6) Emergency repair and restoration of any project described in this subsection under section 5 of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n).

(c) SAVINGS PROVISION.—Nothing in this section limits the eligibility for, or availability of, Federal expenditures or financial assistance for any water resources development project, including any beach nourishment or renourishment project, under any other provision of Federal law.

SEC. 5306. COASTAL COMMUNITY FLOOD CONTROL AND OTHER PURPOSES.

Section 103(k)(4) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting appropriately;

(2) in the matter preceding clause (i) (as so redesignated), by striking “Notwithstanding” and inserting the following:

“(A) IN GENERAL.—Notwithstanding”;

(3) in subparagraph (A) (as so redesignated)—

(A) in clause (i) (as so redesignated)—

“(i) by striking “\$200 million” and inserting “\$200,000,000”; and

(ii) by striking “and” at the end;

(B) in clause (ii) (as so redesignated)—

(i) by inserting “an amount equal to % of” after “repays”; and

(ii) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(iii) the non-Federal interest repays the balance of remaining principal by June 1, 2032.”; and

(4) by adding at the end the following:

“(B) REPAYMENT OPTIONS.—Repayment of a non-Federal contribution under subparagraph (A)(iii) may be satisfied through the provision by the non-Federal interest of fish and wildlife mitigation for one or more projects or separable elements, if the Secretary determines that—

“(i) the non-Federal interest has incurred costs for the provision of mitigation that—

“(I) equal or exceed the amount of the required repayment; and

“(II) are in excess of any required non-Federal contribution for the project or separable element for which the mitigation is provided; and

“(ii) the mitigation is integral to the project for which it is provided.”.

SEC. 5307. MODIFICATIONS.

(a) IN GENERAL.—The following modifications to studies and projects are authorized:

(1) MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.—The Federal share of the cost of the project for ecosystem restoration, Mississippi River Gulf Outlet, Louisiana, authorized by section 7013(a)(4) of the Water Resources Development Act of 2007 (121 Stat. 1281), shall be 90 percent.

(2) GREAT LAKES AND MISSISSIPPI RIVER INTERBASIN PROJECT, BRANDON ROAD, WILL COUNTY, ILLINOIS.—Section 402(a)(1) of the Water Resources Development Act of 2020 (134 Stat. 2742) is amended by striking “80 percent” and inserting “90 percent”.

(3) LOWER MISSISSIPPI RIVER COMPREHENSIVE MANAGEMENT STUDY.—Section 213 of the Water Resources Development Act of 2020 (134 Stat. 2687) is amended by adding at the end the following:

“(j) COST-SHARE.—The Federal share of the cost of the comprehensive study described in subsection (a), and any feasibility study described in subsection (e), shall be 90 percent.”.

(4) PORT OF NOME, ALASKA.—

(A) IN GENERAL.—The Secretary shall carry out the project for navigation, Port of Nome, Alaska, authorized by section 401(1) of the Water Resources Development Act of 2020 (134 Stat. 2733).

(B) COST-SHARE.—The Federal share of the cost of the project described in subparagraph (A) shall be 90 percent.

(5) CHICAGO SHORELINE PROTECTION.—The project for storm damage reduction and shore protection, Lake Michigan, Illinois, from Wilmette, Illinois, to the Illinois-Indiana State line, authorized by section 101(a)(12) of the Water Resources Development Act of 1996 (110 Stat. 3664), is modified to authorize the Secretary to provide 65 per-

cent of the cost of the locally preferred plan, as described in the Report of the Chief of Engineers dated April 14, 1994, for the construction of the following segments of the project:

(A) Shoreline revetment at Morgan Shoal.

(B) Shoreline revetment at Promontory Point.

(6) LOWER MUD RIVER, MILTON, WEST VIRGINIA.—

(A) IN GENERAL.—Notwithstanding section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), the Federal share of the cost of the project for flood control, Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), and modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612) and section 3170 of the Water Resources Development Act of 2007 (121 Stat. 1154), shall be 90 percent.

(B) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For the project described in subparagraph (A), the Secretary shall include in the cost of the project, and credit toward the non-Federal share of that cost, the value of land, easements, and rights-of-way provided by the non-Federal interest for the project, including the value of land, easements, and rights-of-way required for the project that are owned or held by the non-Federal interest or other non-Federal public body.

(C) ADDITIONAL ELIGIBILITY.—Unless otherwise directed in an Act making annual appropriations for the Corps of Engineers for a fiscal year in which the Secretary has determined an additional appropriation is required to continue or complete construction of the project described in subparagraph (A), the project shall be eligible for additional funding appropriated by that Act in the Construction account of the Corps of Engineers—

(i) without a new investment decision; and

(ii) on the same terms as a project that is not the project described in subparagraph (A).

(7) SOUTH SHORE STATEN ISLAND, NEW YORK.—The Federal share of any portion of the cost to design and construct the project for coastal storm risk management, South Shore Staten Island, New York, authorized by section 5401(3), that exceeds the estimated total project cost specified in the project partnership agreement for the project, signed by the Secretary on February 15, 2019, shall be 90 percent.

(b) AGREEMENTS.—

(1) STUDIES AND PROJECTS WITH MULTIPLE NON-FEDERAL INTERESTS.—At the request of the applicable non-Federal interests for the project described in section 402(a) of the Water Resources Development Act of 2020 (134 Stat. 2742) and for the studies described in subsection (j) of section 213 of that Act (134 Stat. 2687), the Secretary shall not require those non-Federal interests to be jointly and severally liable for all non-Federal obligations in the project partnership agreement for the project or in the feasibility cost share agreements for the studies.

(2) SOUTH SAN FRANCISCO BAY SHORELINE, CALIFORNIA.—

(A) IN GENERAL.—Except for funds required for a betterment or for a locally preferred plan, the Secretary shall not require the non-Federal interest for the project for flood risk management, ecosystem restoration, and recreation, South San Francisco Bay Shoreline, California, authorized by section 1401(6) of the Water Resources Development Act of 2016 (130 Stat. 1714), to contribute funds under an agreement entered into prior to the date of enactment of this Act in excess of the total cash contribution required from the non-Federal interest for the project under section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

(B) REQUIREMENT.—The Secretary shall not, at any time, defer, suspend, or terminate construction of the project described in subparagraph (A) solely on the basis of a determination by the Secretary that an additional appropriation is required to cover the Federal share of the cost to complete construction of the project, if Federal funds in an amount determined by the Secretary to be sufficient to continue construction of the project remain available in the allocation for the project under the Long-Term Disaster Recovery Investment Plan for amounts appropriated under the heading “CONSTRUCTION” under the heading “CORPS OF ENGINEERS—CIVIL—DEPARTMENT OF THE ARMY” in title IV of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123; 132 Stat. 76).

SEC. 5308. PORT FOURCHON, LOUISIANA, DREDGED MATERIAL DISPOSAL PLAN.

The Secretary shall determine that the dredged material disposal plan recommended in the document entitled “Port Fourchon Belle Pass Channel Deepening Project Section 203 Feasibility Study (January 2019, revised January 2020)” is the least cost, environmentally acceptable dredged material disposal plan for the project for navigation, Port Fourchon Belle Passe Channel, Louisiana, authorized by section 403(a)(4) of the Water Resources Development Act of 2020 (134 Stat. 2743).

SEC. 5309. DELAWARE SHORE PROTECTION AND RESTORATION.

(a) DELAWARE BENEFICIAL USE OF DREDGED MATERIAL FOR THE DELAWARE RIVER, DELAWARE.—

(1) IN GENERAL.—The project for coastal storm risk management, Delaware Beneficial Use of Dredged Material for the Delaware River, Delaware, authorized by section 401(3) of the Water Resources Development Act of 2020 (134 Stat. 2736) (referred to in this subsection as the “project”), is modified—

(A) to direct the Secretary to implement the project using alternative borrow sources to the Delaware River, Philadelphia to the Sea, project, Delaware, New Jersey, Pennsylvania, authorized by the Act of June 25, 1910 (chapter 382, 36 Stat. 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68 Stat. 1249; 72 Stat. 297); and

(B) until the Secretary implements the modification under subparagraph (A), to authorize the Secretary, at the request of a non-Federal interest, to carry out initial construction or periodic nourishments at any site included in the project under—

(i) section 1122 of the Water Resources Development Act of 2016 (33 U.S.C. 2326 note; Public Law 114-322); or

(ii) section 204(d) of the Water Resources Development Act of 1992 (33 U.S.C. 2326(d)).

(2) TREATMENT.—If the Secretary determines that a study is required to carry out paragraph (1)(A), the study shall be considered to be a continuation of the study that formulated the project.

(3) COST-SHARE.—The Federal share of the cost of the project, including the cost of any modifications carried out under subsection (a)(1), shall be 90 percent.

(b) INDIAN RIVER INLET SAND BYPASS PLANT, DELAWARE.—

(1) IN GENERAL.—The Indian River Inlet Sand Bypass Plant, Delaware, coastal storm risk management project (referred to in this subsection as the “project”), authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182), is modified to authorize the Secretary, at the request of a non-Federal interest, to provide periodic nourishment through dedicated dredging or other means to maintain or restore the functioning of the project when—

(A) the sand bypass plant is inoperative; or

(B) operation of the sand bypass plant is insufficient to maintain the functioning of the project.

(2) REQUIREMENTS.—A cycle of periodic nourishment provided pursuant to paragraph (1) shall be subject to the following requirements:

(A) COST-SHARE.—The non-Federal share of the cost of a cycle shall be the same percentage as the non-Federal share of the cost to operate the sand bypass plant.

(B) DECISION DOCUMENT.—If the Secretary determines that a decision document is required to support a request for funding for the Federal share of a cycle, the decision document may be prepared using funds made available to the Secretary for construction or for investigations.

(C) TREATMENT.—

(i) DECISION DOCUMENT.—A decision document prepared under subparagraph (B) shall not be subject to a new investment determination.

(ii) CYCLES.—A cycle shall be considered continuing construction.

(c) DELAWARE EMERGENCY SHORE RESTORATION.—

(1) IN GENERAL.—The Secretary is authorized to repair or restore any beach or any federally authorized hurricane or shore protective structure or project located in the State of Delaware pursuant to section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)), if—

(A) the structure, project, or beach is damaged by wind, wave, or water action associated with a storm of any magnitude; and

(B) the damage prevents the adequate functioning of the structure, project, or beach.

(2) BENEFIT-COST ANALYSIS.—The Secretary shall determine that the benefits attributable to the objectives set forth in section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962-2) and section 904(a) of the Water Resources Development Act of 1986 (33 U.S.C. 2281(a)) exceed the cost for work carried out under this subsection.

(3) SAVINGS PROVISION.—The authority provided by this subsection shall be in addition to any authority provided by section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) to repair or restore a beach or federally authorized hurricane or shore protection structure or project located in the State of Delaware damaged or destroyed by wind, wave, or water action of other than an ordinary nature.

(d) INDIAN RIVER INLET AND BAY, DELAWARE.—In carrying out major maintenance of the project for navigation, Indian River Inlet and Bay, Delaware, authorized by the Act of August 26, 1937 (50 Stat. 846, chapter 832), and section 2 of the Act of March 2, 1945 (59 Stat. 14, chapter 19), the Secretary shall repair, restore, or relocate any non-Federal facility or other infrastructure, that has been damaged, in whole or in part, by the deterioration or failure of the project.

(e) REPROGRAMMING FOR COASTAL STORM RISK MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Secretary may reprogram amounts made available for a coastal storm risk management project to use such amounts for the project for coastal storm risk management, Indian River Inlet Sand Bypass Plant, Delaware, authorized by section 869 of the Water Resources Development Act of 1986 (100 Stat. 4182).

(2) LIMITATIONS.—

(A) IN GENERAL.—The Secretary may carry out not more than 2 reprogramming actions under paragraph (1) for each fiscal year.

(B) AMOUNT.—For each fiscal year, the Secretary may reprogram—

(i) not more than \$100,000 per reprogramming action; and

(ii) not more than \$200,000 for each fiscal year.

SEC. 5310. GREAT LAKES ADVANCE MEASURES ASSISTANCE.

Section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)) (as amended by section 5112(2)), is amended by adding at the end the following:

“(7) SPECIAL RULE.—

“(A) IN GENERAL.—The Secretary shall not deny a request from the Governor of a State to provide advance measures assistance under this subsection to reduce the risk of damage from rising water levels in the Great Lakes solely on the basis that the damage is caused by erosion.

“(B) FEDERAL SHARE.—Assistance provided by the Secretary pursuant to a request under subparagraph (A) may be at full Federal expense if the assistance is to construct advanced measures to a temporary construction standard.”.

SEC. 5311. REHABILITATION OF EXISTING LEVEES.

Section 3017(e) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 3303a note; Public Law 113-121) is amended—

(1) by striking “this subsection” and inserting “this section”; and

(2) by striking “10 years” and inserting “20 years”.

SEC. 5312. PILOT PROGRAM FOR CERTAIN COMMUNITIES.

(a) PILOT PROGRAMS ON THE FORMULATION OF CORPS OF ENGINEERS PROJECTS IN RURAL COMMUNITIES AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—Section 118 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260) is amended—

(1) in subsection (b)(2)(C), by striking “10”; and

(2) in subsection (c)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “make a recommendation to Congress on up to 10 projects” and inserting “recommend projects to Congress”; and

(B) by adding at the end the following:

“(5) RECOMMENDATIONS.—In recommending projects under paragraph (2), the Secretary shall include such recommendations in the next annual report submitted to Congress under section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) after the date of enactment of the Water Resources Development Act of 2022.”.

(b) PILOT PROGRAM FOR CAPS IN SMALL OR DISADVANTAGED COMMUNITIES.—Section 165(a) of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260) is amended—

(1) in paragraph (2)(B), by striking “a total of 10”; and

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

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

“(4) MAXIMUM FEDERAL AMOUNT.—For a project carried out under this subsection, the maximum Federal amount, if applicable, shall be increased by the commensurate amount of the non-Federal share that would otherwise be required for the project under the applicable continuing authority program.”.

SEC. 5313. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED PUMP STATIONS.

Section 133 of the Water Resources Development Act of 2020 (33 U.S.C. 2327a) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) ELIGIBLE PUMP STATION.—The term ‘eligible pump station’ means a pump station that—

“(A) is a feature of a federally authorized flood or coastal storm risk management project; or

“(B) if inoperable, would impair drainage of water from areas interior to a federally authorized flood or coastal storm risk management project.”;

(2) by striking subsection (b) and inserting the following:

“(b) AUTHORIZATION.—The Secretary may carry out rehabilitation of an eligible pump station, if the Secretary determines that—

“(1) the pump station has a major deficiency; and

“(2) the rehabilitation is feasible.”; and

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

“(f) PRIORITIZATION.—To the maximum extent practicable, the Secretary shall prioritize the provision of assistance under this section to economically disadvantaged communities.”.

SEC. 5314. CHESAPEAKE BAY ENVIRONMENTAL RESTORATION AND PROTECTION PROGRAM.

Section 510(a)(2) of the Water Resources Development Act of 1996 (110 Stat. 3759; 128 Stat. 1317) is amended—

(1) in subparagraph (B), by inserting “and streambanks” after “shorelines”; and

(2) in subparagraph (E), by striking “and” at the end;

(3) by redesignating subparagraph (F) as subparagraph (H); and

(4) by inserting after subparagraph (E) the following:

“(F) wastewater treatment and related facilities;

“(G) stormwater and drainage systems; and”.

SEC. 5315. EVALUATION OF HYDROLOGIC CHANGES IN SOURIS RIVER BASIN.

The Secretary is authorized to evaluate hydrologic changes affecting the agreement entitled “Agreement Between the Government of Canada and the United States of America for Water Supply and Flood Control in The Souris River Basin”, signed in 1989.

SEC. 5316. MEMORANDUM OF UNDERSTANDING RELATING TO BALDHILL DAM, NORTH DAKOTA.

The Secretary may enter into a memorandum of understanding with the non-Federal interest for the Red River Valley Water Supply Project to accommodate flows for downstream users through Baldhill Dam, North Dakota.

SEC. 5317. UPPER MISSISSIPPI RIVER RESTORATION PROGRAM.

Section 1103(e)(3) of the Water Resources Development Act of 1986 (33 U.S.C. 652(e)(3)) is amended by striking “\$40,000,000” and inserting “\$75,000,000”.

SEC. 5318. HARMFUL ALGAL BLOOM DEMONSTRATION PROGRAM.

Section 128(c) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended by inserting “the Upper Mississippi River and its tributaries,” after “New York.”.

SEC. 5319. COLLETON COUNTY, SOUTH CAROLINA.

Section 221(a)(4)(C)(i) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(a)(4)(C)(i)) shall not apply to construction carried out by the non-Federal interest before the date of enactment of this Act for the project for hurricane and storm damage risk reduction, Colleton County, South Carolina, authorized by section 1401(3) of the Water Resources Development Act of 2016 (130 Stat. 1711).

SEC. 5320. ARKANSAS RIVER CORRIDOR, OKLAHOMA.

Section 3132 of the Water Resources Development Act of 2007 (121 Stat. 1141) is amended by striking subsection (b) and inserting the following:

“(b) **AUTHORIZED COST.**—The Secretary is authorized to carry out construction of a project under this section at a total cost of \$128,400,000, with the cost shared in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213).

“(c) **ADDITIONAL FEASIBILITY STUDIES AUTHORIZED.**—

“(1) **IN GENERAL.**—The Secretary is authorized to carry out feasibility studies for purposes of recommending to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives additional projects under this section.

“(2) **TREATMENT.**—An additional feasibility study carried out under this subsection shall be considered a continuation of the feasibility study that formulated the project carried out under subsection (b).”.

SEC. 5321. ABANDONED AND INACTIVE NONCOAL MINE RESTORATION.

Section 560 of the Water Resources Development Act of 1999 (33 U.S.C. 2336) is amended—

(1) in subsection (c), by inserting “or on land taken into trust by the Secretary of the Interior on behalf of, and for the benefit of, an Indian Tribe” after “land owned by the United States”; and

(2) in subsection (f), by striking “\$30,000,000” and inserting “\$50,000,000”.

SEC. 5322. ASIAN CARP PREVENTION AND CONTROL PILOT PROGRAM.

Section 509(a)(2) of the Water Resources Development Act of 2020 (33 U.S.C. 610 note; Public Law 116-260) is amended—

(1) in subparagraph (A), by striking “or Tennessee River Watershed” and inserting “, Tennessee River Watershed, or Tombigbee River Watershed”; and

(2) in subparagraph (C)(i), by inserting “, of which not less than 1 shall be carried out on the Tennessee-Tombigbee Waterway” before the period at the end.

SEC. 5323. FORMS OF ASSISTANCE.

Section 592(b) of the Water Resources Development Act of 1999 (113 Stat. 379) is amended by striking “and surface water resource protection and development” and inserting “surface water resource protection and development, stormwater management, drainage systems, and water quality enhancement”.

SEC. 5324. DEBRIS REMOVAL, NEW YORK HARBOR, NEW YORK.

(a) **IN GENERAL.**—Beginning on the date of enactment of this Act, the project for New York Harbor collection and removal of drift, authorized by section 91 of the Water Resources Development Act of 1974 (88 Stat. 39), and deauthorized pursuant to section 6001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 579b) (as in effect on the day before the date of enactment of the WIIN Act (130 Stat. 1628)), is authorized to be carried out by the Secretary.

(b) **FEASIBILITY STUDY.**—The Secretary shall carry out, and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of, a feasibility study for the project described in subsection (a).

SEC. 5325. INVASIVE SPECIES MANAGEMENT.

Section 104 of the River and Harbor Act of 1958 (33 U.S.C. 610) is amended—

(1) in subsection (b)(2)(A)(ii)—

(A) by striking “\$50,000,000” and inserting “\$75,000,000”; and

(B) by striking “2024” and inserting “2028”; and

(2) in subsection (g)(2)—
(A) in subparagraph (A)—

(i) by striking “water quantity or water quality” and inserting “water quantity, water quality, or ecosystems”; and

(ii) by inserting “the Lake Erie Basin, the Ohio River Basin,” after “the Upper Snake River Basin,”; and

(B) in subparagraph (B), by inserting “, hydrilla (*Hydrilla verticillata*),” after “*angustifolia*”.

SEC. 5326. WOLF RIVER HARBOR, TENNESSEE.

Beginning on the date of enactment of this Act, the project for navigation, Wolf River Harbor, Tennessee, authorized by title II of the Act of June 16, 1933 (48 Stat. 200, chapter 90) (commonly known as the “National Industrial Recovery Act”), and modified by section 203 of the Flood Control Act of 1958 (72 Stat. 308), is modified to reduce the authorized dimensions of the project, such that the remaining authorized dimensions are a 250-foot-wide, 9-foot-depth channel with a center line beginning at a point 35.139634, -90.062343 and extending approximately 8,500 feet to a point 35.160848, -90.050566.

SEC. 5327. MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA.

The matter under the heading “MISSOURI RIVER MITIGATION, MISSOURI, KANSAS, IOWA, AND NEBRASKA” in section 601(a) of the Water Resources Development Act of 1986 (100 Stat. 4143; 121 Stat. 1155), as modified by section 334 of the Water Resources Development Act of 1999 (113 Stat. 306), is amended by adding at the end the following: “When acquiring land to meet the requirements of fish and wildlife mitigation, the Secretary may consider incidental flood risk management benefits.”.

SEC. 5328. INVASIVE SPECIES MANAGEMENT PILOT PROGRAM.

Section 104(f)(4) of the River and Harbor Act of 1958 (33 U.S.C. 610(f)(4)) is amended by striking “2024” and inserting “2026”.

SEC. 5329. NUECES COUNTY, TEXAS, CONVEYANCES.

(a) **IN GENERAL.**—On receipt of a written request of the Port of Corpus Christi, the Secretary shall—

(1) review the land owned and easements held by the United States for purposes of navigation in Nueces County, Texas; and

(2) convey to the Port of Corpus Christi or, in the case of an easement, release to the owner of the fee title to the land subject to such easement, without consideration, all such land and easements described in paragraph (1) that the Secretary determines are no longer required for project purposes.

(b) **CONDITIONS.**—

(1) **QUITCLAIM DEED.**—Any conveyance of land under this section shall be by quitclaim deed.

(2) **TERMS AND CONDITIONS.**—The Secretary may subject any conveyance or release of easement under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) **ADMINISTRATIVE COSTS.**—In accordance with section 2695 of title 10, United States Code, the Port of Corpus Christi shall be responsible for the costs incurred by the Secretary to convey land or release easements under this section.

(d) **WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.**—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land or release of easements under this section.

SEC. 5330. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.

As part of the authority of the Secretary to carry out the project for flood damage re-

duction, bank stabilization, and sediment and erosion control, Yazoo Basin, Mississippi Delta Headwaters, Mississippi, authorized by the matter under the heading “ENHANCEMENT OF WATER RESOURCE BENEFITS AND FOR EMERGENCY DISASTER WORK” in title I of Public Law 98-8 (97 Stat. 22), the Secretary may carry out emergency maintenance activities, as the Secretary determines to be necessary, for features of the project completed before the date of enactment of this Act.

SEC. 5331. ECOSYSTEM RESTORATION, HUDSON-RARITAN ESTUARY, NEW YORK AND NEW JERSEY.

(a) **IN GENERAL.**—The Secretary may carry out additional feasibility studies for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, including an examination of measures and alternatives at Baisley Pond Park and the Richmond Terrace Wetlands.

(b) **TREATMENT.**—A feasibility study carried out under subsection (a) shall be considered a continuation of the study that formulated the project for ecosystem restoration, Hudson-Raritan Estuary, New York and New Jersey, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740).

SEC. 5332. TIMELY REIMBURSEMENT.

(a) **DEFINITION OF COVERED PROJECT.**—In this section, the term “covered project” means a project for navigation authorized by section 1401(1) of the WIIN Act (130 Stat. 1708).

(b) **REIMBURSEMENT REQUIRED.**—In the case of a covered project for which the non-Federal interest has advanced funds for construction of the project, the Secretary shall reimburse the non-Federal interest for advanced funds that exceed the non-Federal share of the cost of construction of the project as soon as practicable after the completion of each individual contract for the project.

SEC. 5333. NEW SAVANNAH BLUFF LOCK AND DAM, GEORGIA AND SOUTH CAROLINA.

Section 1319(c) of the WIIN Act (130 Stat. 1704) is amended by striking paragraph (2) and inserting the following:

“(2) **COST-SHARE.**—

“(A) **IN GENERAL.**—The costs of construction of a Project feature constructed pursuant to paragraph (1) shall be determined in accordance with section 101(a)(1)(B) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(a)(1)(B)).

“(B) **SAVINGS PROVISION.**—Any increase in costs for the Project due to the construction of a Project feature described in subparagraph (A) shall not be included in the total project cost for purposes of section 902 of the Water Resources Development Act of 1986 (33 U.S.C. 2280).”.

SEC. 5334. LAKE TAHOE BASIN RESTORATION, NEVADA AND CALIFORNIA.

(a) **DEFINITION.**—In this section, the term “Lake Tahoe Basin” means the entire watershed drainage of Lake Tahoe including that portion of the Truckee River 1,000 feet downstream from the United States Bureau of Reclamation dam in Tahoe City, California.

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary may establish a program for providing environmental assistance to non-Federal interests in Lake Tahoe Basin.

(c) **FORM OF ASSISTANCE.**—Assistance under this section may be in the form of planning, design, and construction assistance for water-related environmental infrastructure and resource protection and development projects in Lake Tahoe Basin—

(1) urban stormwater conveyance, treatment and related facilities;

(2) watershed planning, science and research;

(3) environmental restoration; and
(4) surface water resource protection and development.

(d) **PUBLIC OWNERSHIP REQUIREMENT.**—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) **LOCAL COOPERATION AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) **REQUIREMENTS.**—Each local cooperation agreement entered into under this subsection shall provide for the following:

(A) **PLAN.**—Development by the Secretary, in consultation with appropriate Federal and State and Regional officials, of appropriate environmental documentation, engineering plans and specifications.

(B) **LEGAL AND INSTITUTIONAL STRUCTURES.**—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) **COST SHARING.**—

(A) **IN GENERAL.**—The Federal share of project costs under each local cooperation agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) **CREDIT FOR DESIGN WORK.**—The non-Federal interest shall receive credit for the reasonable costs of planning and design work completed by the non-Federal interest before entering into a local cooperation agreement with the Secretary for a project.

(C) **LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations provided by the non-Federal interest toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(D) **OPERATION AND MAINTENANCE.**—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(f) **APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.**—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section for the period beginning with fiscal year 2005, \$50,000,000, to remain available until expended.

(h) **REPEAL.**—Section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942), is repealed.

(i) **TREATMENT.**—The program authorized by this section shall be considered a continuation of the program authorized by section 108 of division C of the Consolidated Appropriations Act, 2005 (118 Stat. 2942) (as in effect on the day before the date of enactment of this Act).

SEC. 5335. ADDITIONAL ASSISTANCE FOR EASTERN SANTA CLARA BASIN, CALIFORNIA.

Section 111 of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by section 1(a)(4) of the Consolidated Appropriations Act, 2001 (114 Stat. 2763; 114 Stat. 2763A–224; 121 Stat. 1209)), is amended—

(1) in subsection (a), by inserting “and volatile organic compounds” after “perchlorates”; and

(2) in subsection (b)(3), by inserting “and volatile organic compounds” after “perchlorates”.

SEC. 5336. TRIBAL PARTNERSHIP PROGRAM.

Section 203 of the Water Resources Development Act of 2000 (33 U.S.C. 2269) is amended—

(1) in subsection (a), by striking “(25 U.S.C. 450b)” and inserting “(25 U.S.C. 5304)”; and

(2) in subsection (b)—

(A) in paragraph (2)(A)—

(i) by inserting “or coastal storm” after “flood”; and

(ii) by inserting “including erosion control,” after “reduction.”;

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

“(C) **FEDERAL INTEREST DETERMINATION.**—The first \$100,000 of the costs of a study under this section shall be at full Federal expense.”;

(C) in paragraph (4)—

(i) in subparagraph (A), by striking “\$18,500,000” and inserting “\$26,000,000”; and

(ii) in subparagraph (B), by striking “\$18,500,000” and inserting “\$26,000,000”; and

(D) by adding at the end the following:

“(5) **PROJECT JUSTIFICATION.**—Notwithstanding any other provision of law or requirement for economic justification established under section 209 of the Flood Control Act of 1970 (42 U.S.C. 1962–2) for a project (other than a project for ecosystem restoration), the Secretary may implement a project under this section if the Secretary determines that the project will—

“(A) significantly reduce potential flood or coastal storm damages, which may include or be limited to damages due to shoreline erosion or riverbank or streambank failures;

“(B) improve the quality of the environment;

“(C) reduce risks to life safety associated with the damages described in subparagraph (A); and

“(D) improve the long-term viability of the community.”;

(3) in subsection (d)(5)(B)—

(A) by striking “non-Federal” and inserting “Federal”; and

(B) by striking “50 percent” and inserting “100 percent”; and

(4) in subsection (e), by striking “2024” and inserting “2033”.

SEC. 5337. SURPLUS WATER CONTRACTS AND WATER STORAGE AGREEMENTS.

Section 1046(c) of the Water Resources Reform and Development Act of 2014 (128 Stat. 1254; 132 Stat. 3784; 134 Stat. 2715) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

SEC. 5338. COPAN LAKE, OKLAHOMA.

(a) **IN GENERAL.**—The Secretary shall amend Contract DACW56-81-C-0114 between the United States and the Copan Public Works Authority (referred to in this section as the “Authority”), entered into on June 22, 1981, for the utilization by the Authority of storage space for water supply in Copan Lake, Oklahoma (referred to in this section as the “project”)—

(1) to release to the United States all rights of the Authority to utilize 4,750 acre-feet of future use water storage space; and

(2) to relieve the Authority from all financial obligations, to include the initial project investment costs and the accumulated interest on unpaid project investment costs, for the volume of water storage space described in paragraph (1).

(b) **REQUIREMENT.**—During the 2-year period beginning on the effective date of execution of the contract amendment under subsection (a), the Secretary shall—

(1) provide the City of Bartlesville, Oklahoma, with the right of first refusal to con-

tract for the utilization of storage space for water supply for any portion of the storage space that was released by the Authority under subsection (a); and

(2) ensure that the City of Bartlesville, Oklahoma, shall not pay more than 110 percent of the initial project investment cost per acre-foot of storage for the acre-feet of storage space sought under an agreement under paragraph (1).

SEC. 5339. ENHANCED DEVELOPMENT PROGRAM.

The Secretary shall fully implement opportunities for enhanced development at Oklahoma Lakes under the authorities provided in section 3134 of the Water Resources Development Act of 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164 of the Water Resources Development Act of 2020 (134 Stat. 2668).

SEC. 5340. ECOSYSTEM RESTORATION COORDINATION.

(a) **IN GENERAL.**—In carrying out the project for ecosystem restoration, South Fork of the South Branch of the Chicago River, Bubbly Creek, Illinois, authorized by section 401(5) of the Water Resources Development Act of 2020 (134 Stat. 2740), the Secretary shall coordinate to the maximum extent practicable with the Administrator of the Environmental Protection Agency, State environmental agencies, and regional coordinating bodies responsible for the remediation of toxics.

(b) **SAVINGS PROVISION.**—Nothing in this section extends liability to the Secretary for any remediation of toxics present at the project site referred to in subsection (a) prior to the date of authorization of that project.

SEC. 5341. ACEQUIAS IRRIGATION SYSTEMS.

Section 1113 of the Water Resources Development Act of 1986 (100 Stat. 4232) is amended—

(1) in subsection (b)—

(A) by striking “(b) Subject to section 903(a) of this Act, the Secretary is authorized and directed to undertake” and inserting the following:

“(b) **AUTHORIZATION.**—Subject to section 903(a), the Secretary shall carry out”; and

(B) by striking “canals” and all that follows through “25 percent.” and inserting the following: “channels attendant to the operations of the community ditch and Acequia systems in New Mexico that—

“(1) are declared to be a political subdivision of the State; or

“(2) belong to a federally recognized Indian Tribe.”;

(2) by redesignating subsection (c) as subsection (e);

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

“(c) **INCLUSIONS.**—The measures described in subsection (b) shall, to the maximum extent practicable—

“(1) ensure greater resiliency of diversion structures, including to flow variations, prolonged drought conditions, invasive plant species, and threats from changing hydrological and climatic conditions; or

“(2) support research, development, and training for innovative management solutions, including those for controlling invasive aquatic plants that affect Acequias.

“(d) **COSTS.**—

“(1) **TOTAL COST.**—The measures described in subsection (b) shall be carried out at a total cost of \$80,000,000.

“(2) **COST SHARING.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the non-Federal share of the cost of carrying out the measures described in subsection (b) shall be 25 percent.

“(B) **SPECIAL RULE.**—In the case of a project benefitting an economically disadvantaged community (as defined pursuant

to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)), the Federal share of the cost of carrying out the measures described in subsection (b) shall be 90 percent.”; and

(4) in subsection (e) (as so redesignated)—

(A) in the first sentence—

(i) by striking “(e) The Secretary is further authorized and directed to” and inserting the following:

“(e) PUBLIC ENTITY STATUS.—

“(1) IN GENERAL.—The Secretary shall”; and

(ii) by inserting “or belong to a federally recognized Indian Tribe within the State of New Mexico” after “that State”; and

(B) in the second sentence, by striking “This public entity status will allow the officials of these Acequia systems” and inserting the following:

“(2) EFFECT.—The public entity status provided pursuant to paragraph (1) shall allow the officials of the Acequia systems described in that paragraph”.

SEC. 5342. ROGERS COUNTY, OKLAHOMA.

(a) CONVEYANCE.—The Secretary is authorized to convey to the City of Tulsa-Rogers County Port Authority (referred to in this section as the “Port Authority”), for fair market value, all right, title, and interest of the United States in and to the Federal land described in subsection (b).

(b) FEDERAL LAND DESCRIBED.—

(1) IN GENERAL.—The Federal land to be conveyed under this section is the approximately 176 acres of Federal land located on the following 3 parcels in Rogers County, Oklahoma:

(A) Parcel 1 includes U.S. tract 119 (partial), U.S. tract 123, U.S. tract 120, U.S. tract 125, and U.S. tract 118 (partial).

(B) Parcel 2 includes U.S. tract 124 (partial) and U.S. tract 128 (partial).

(C) Parcel 3 includes U.S. tract 128 (partial).

(2) DETERMINATION REQUIRED.—

(A) IN GENERAL.—Subject to paragraph (1) and subparagraphs (B), (C), and (D), the Secretary shall determine the exact property description and acreage of the Federal land to be conveyed under this section.

(B) REQUIREMENT.—In making the determination under subparagraph (A), the Secretary shall reserve from conveyance such easements, rights-of-way, and other interests as the Secretary determines to be necessary and appropriate to ensure the continued operation of the McClellan-Kerr Arkansas River navigation project, including New Graham Lock and Dam 18 as a part of that project, as authorized under the comprehensive plan for the Arkansas River Basin by section 3 of the Act of June 28, 1938 (52 Stat. 1218, chapter 795), and section 10 of the Flood Control Act of 1946 (60 Stat. 647, chapter 596) and where applicable the provisions of the River and Harbor Act of 1946 (60 Stat. 634, chapter 595) and modified by section 108 of the Energy and Water Development Appropriation Act, 1988 (Public Law 100-202; 101 Stat. 1329-112), and section 136 of the Energy and Water Development Appropriations Act, 2004 (Public Law 108-137; 117 Stat. 1842).

(C) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—A conveyance under this section shall not affect the jurisdiction of the Secretary under section 10 of the Act of March 3, 1899 (commonly known as the “Rivers and Harbors Act of 1899”) (30 Stat. 1151, chapter 425; 33 U.S.C. 403) with respect to the Federal land conveyed.

(D) SURVEY REQUIRED.—The exact acreage and the legal description of any Federal land conveyed under this section shall be determined by a survey that is satisfactory to the Secretary.

(c) APPLICABILITY.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(d) COSTS.—The Port Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance.

(e) HOLD HARMLESS.—

(1) IN GENERAL.—The Port Authority shall hold the United States harmless from any liability with respect to activities carried out on or after the date of the conveyance under this section on the Federal land conveyed.

(2) LIMITATION.—The United States shall remain responsible for any liability incurred with respect to activities carried out before the date of the conveyance under this section on the Federal land conveyed.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such additional terms and conditions as the Secretary considers necessary and appropriate to protect the interests of the United States.

SEC. 5343. WATER SUPPLY STORAGE REPAIR, REHABILITATION, AND REPLACEMENT COSTS.

Section 301(b) of the Water Supply Act of 1958 (43 U.S.C. 390b(b)) is amended, in the fourth proviso, by striking the second sentence and inserting the following: “For Corps of Engineers projects, all annual operation and maintenance costs for municipal and industrial water supply storage under this section shall be reimbursed from State or local interests on an annual basis, and all repair, rehabilitation, and replacement costs shall be reimbursed from State or local interests (1) without interest, during construction of the repair, rehabilitation, or replacement, (2) with interest, in lump sum on the completion of the repair, rehabilitation, or replacement, or (3) at the request of the State or local interest, with interest, over a period of not more than 25 years beginning on the date of completion of the repair, rehabilitation, or replacement, with repayment contracts providing for recalculation of the interest rate at 5-year intervals. At the request of the State or local interest, the Secretary of the Army shall amend a repayment contract entered into under this section on or before the date of enactment of this sentence for the purpose of incorporating the terms and conditions described in paragraph (3) of the preceding sentence.”.

SEC. 5344. NON-FEDERAL PAYMENT FLEXIBILITY.

Section 103(l) of the Water Resources Development Act of 1986 (33 U.S.C. 2213(l)) is amended—

(1) by striking the subsection designation and heading and all that follows through “At the request of” in the first sentence and inserting the following:

“(1) DELAY OF PAYMENT.—

“(1) INITIAL PAYMENT.—At the request of”; and

(2) by adding at the end the following:

“(2) INTEREST.—

“(A) IN GENERAL.—At the request of any non-Federal interest, the Secretary may waive the accrual of interest on any non-Federal cash contribution under this section or section 101 for a project for a period of not more than 1 year if the Secretary determines that—

“(i) the waiver will contribute to the ability of the non-Federal interest to make future contributions; and

“(ii) the non-Federal interest is in good standing under terms agreed to under subsection (k)(1).

“(B) LIMITATIONS.—The Secretary may grant not more than 1 waiver under subparagraph (A) for the same project.”.

SEC. 5345. NORTH PADRE ISLAND, CORPUS CHRISTI BAY, TEXAS.

The project for ecosystem restoration, North Padre Island, Corpus Christi Bay, Texas, constructed by the Secretary prior to the date of enactment of this Act under section 556 of the Water Resources Development Act of 1999 (113 Stat. 353), shall not be eligible for repair and restoration assistance under section 5(a) of the Act of August 18, 1941 (commonly known as the “Flood Control Act of 1941”) (55 Stat. 650, chapter 377; 33 U.S.C. 701n(a)).

SEC. 5346. WAIVER OF NON-FEDERAL SHARE OF DAMAGES RELATED TO CERTAIN CONTRACT CLAIMS.

In a case in which the Armed Services Board of Contract Appeals or a court of competent jurisdiction rendered a decision on a date that was at least 20 years before the date of enactment of this Act awarding damages to a contractor relating to the adjudication of claims arising from the construction of general navigation features of a project carried out under section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577), notwithstanding the terms of the Project Partnership Agreement, the Secretary shall waive payment of the share of the non-Federal interest of such damages, including attorney’s fees, if the Secretary—

(1) terminated construction of the project prior to completion of all features; and

(2) has not collected payment from the non-Federal interest before the date of enactment of this Act.

SEC. 5347. ALGIERS CANAL LEVEES, LOUISIANA.

In accordance with section 328 of the Water Resources Development Act of 1999 (113 Stat. 304; 121 Stat. 1129), the Secretary shall resume operation, maintenance, repair, rehabilitation, and replacement of the Algiers Canal Levees, Louisiana, at full Federal expense.

SEC. 5348. ISRAEL RIVER ICE CONTROL PROJECT, LANCASTER, NEW HAMPSHIRE.

Beginning on the date of enactment of this Act, the project for flood control, Israel River, Lancaster, New Hampshire, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) is no longer authorized.

SEC. 5349. CITY OF EL DORADO, KANSAS.

The Secretary shall amend Contract DACW56-72-C-0220, between the United States and the City of El Dorado, Kansas, entered into on June 30, 1972, for the utilization by the City of storage space for water supply in El Dorado Lake, Kansas, to change the method of calculation of the interest charges that began accruing on June 30, 1991, on the investment costs for the 72,087 acre-feet of future use storage space, from compounding interest annually to charging simple interest annually on the principal amount, until—

(1) the City desires to convert the future use storage space to present use; and

(2) the principal amount plus the accumulated interest becomes payable pursuant to the terms of the Contract.

SEC. 5350. UPPER MISSISSIPPI RIVER PROTECTION.

Section 2010 of the Water Resources Reform and Development Act of 2014 (128 Stat. 1270; 132 Stat. 3812) is amended by adding at the end the following:

“(f) LIMITATION.—The Secretary shall not recommend deauthorization of the Upper St. Anthony Falls Lock and Dam unless the Secretary identifies a willing and capable non-Federal public entity to assume ownership of the lock and dam.

“(g) MODIFICATION.—The Secretary is authorized to investigate the feasibility of modifying the Upper St. Anthony Falls Lock and Dam to add ecosystem restoration, including the prevention and control of invasive species, as an authorized purpose.”.

SEC. 5351. REGIONAL CORPS OF ENGINEERS OFFICE, CORPUS CHRISTI, TEXAS.

(a) IN GENERAL.—At such time as new facilities are available to the Corps of Engineers, and subject to this section, the Secretary shall convey to the Port of Corpus Christi Authority, by deed and without warranty, all right, title, and interest of the United States in and to the property described in subsection (c).

(b) CONSIDERATION.—Consideration for the conveyance under subsection (a) shall be determined by an appraisal, satisfactory to the Secretary, of the market value of the property conveyed.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (a) is the land known as “Tract 100” and “Tract 101”, including improvements on that land, in Corpus Christi, Texas, and described as follows:

(1) TRACT 100.—The 1.89 acres, more or less, as conveyed by the Nueces County Navigation District No. 1 of Nueces County, Texas, to the United States by instrument dated October 16, 1928, and recorded at Volume 193, pages 1 and 2, in the Deed Records of Nueces County, Texas.

(2) TRACT 101.—The 0.53 acres as conveyed by the City of Corpus Christi, Nueces County, Texas, to the United States by instrument dated September 24, 1971, and recorded at Volume 318, pages 523 and 524, in the Deed Records of Nueces County, Texas.

(3) IMPROVEMENTS.—

(A) Main Building (RPUID AO-C-3516), constructed January 9, 1974.

(B) Garage, vehicle with 5 bays (RPUID AO-C-3517), constructed January 9, 1985.

(C) Bulkhead, Upper (RPUID AO-C-2658), constructed January 1, 1941.

(D) Bulkhead, Lower (RPUID AO-C-3520), constructed January 1, 1933.

(E) Bulkhead Fence (RPUID AO-C-3521), constructed January 9, 1985.

(F) Bulkhead Fence (RPUID AO-C-3522), constructed January 9, 1985.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Before conveying the land described in subsection (c) to the Port of Corpus Christi Authority, the Secretary shall ensure that the conditions of buildings and facilities meet applicable requirements under Federal law, as determined by the Secretary.

(2) IMPROVEMENTS.—Improvements to conditions of buildings and facilities on the land described in subsection (c), if any, shall be incorporated into the consideration required under subsection (b).

(3) COSTS OF CONVEYANCE.—In addition to the fair market value for property rights conveyed, the Port of Corpus Christi Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the conveyance under subsection (a).

SEC. 5352. PILOT PROGRAM FOR GOOD NEIGHBOR AUTHORITY ON CORPS OF ENGINEERS LAND.**(a) DEFINITIONS.—In this section:**

(1) AUTHORIZED RESTORATION SERVICES.—The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land; and

(B) by the Secretary or Governor pursuant to a good neighbor agreement.

(2) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means land within the State that is administered by the Corps of Engineers.

(B) EXCLUSIONS.—The term “Federal land” does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by an

Act of Congress or a Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(3) FOREST, RANGELAND, AND WATERSHED SERVICES.—

(A) IN GENERAL.—The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect-infected and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) EXCLUSIONS.—The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a road that is necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(ii) construction, alteration, repair or replacement of public buildings or public works.

(4) GOOD NEIGHBOR AGREEMENT.—The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and Governor under subsection (b)(1)(A) to carry out authorized restoration services under this section.

(5) GOVERNOR.—The term “Governor” means the Governor or any other appropriate executive official of the State.

(6) ROAD.—The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(7) STATE.—The term “State” means the State of Idaho.

(b) GOOD NEIGHBOR AGREEMENTS.—**(1) GOOD NEIGHBOR AGREEMENTS.—**

(A) IN GENERAL.—The Secretary may carry out a pilot program to enter into good neighbor agreements with the Governor to carry out authorized restoration services in the State in accordance with this section.

(B) PUBLIC AVAILABILITY.—The Secretary shall make each good neighbor agreement available to the public.

(C) ADMINISTRATIVE COSTS.—The Governor shall provide, and the Secretary may accept and expend, funds to cover the costs of the Secretary to enter into and administer a good neighbor agreement.

(D) TERMINATION.—The pilot program under subparagraph (A) shall terminate on October 1, 2028.

(2) TIMBER SALES.—

(A) APPROVAL OF SILVICULTURE PRESCRIPTIONS AND MARKING GUIDES.—The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(B) TREATMENT OF REVENUE.—Except as provided in subparagraph (C), funds received from the sale of timber by the Governor under a good neighbor agreement shall be retained and used by the Governor to carry out authorized restoration services under the good neighbor agreement.

(C) EXCESS REVENUE.—

(i) IN GENERAL.—Any funds remaining after carrying out subparagraph (B) that are in excess of the amount provided by the Governor to the Secretary under paragraph (1)(C) shall be returned to the Secretary.

(ii) APPLICABILITY OF CERTAIN PROVISIONS.—Funds returned to the Secretary under clause (i) shall be subject to the first part of section 5 of the Act of June 13, 1902 (commonly known as the “Rivers and Harbors Ap-

propriations Act of 1902”) (32 Stat. 373, chapter 1079; 33 U.S.C. 558).

(3) RETENTION OF NEPA RESPONSIBILITIES.—Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to the Governor.

SEC. 5353. SOUTHEAST DES MOINES, SOUTHWEST PLEASANT HILL, IOWA.

(a) PROJECT MODIFICATIONS.—The project for flood risk management and other purposes, Red Rock Dam and Lake, Des Moines River, Iowa (referred to in this section as the “Red Rock Dam Project”), authorized by section 10 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (58 Stat. 896, chapter 665), and the project for flood risk management, Des Moines Local Flood Protection, Des Moines River, Iowa (referred to in this section as “Flood Protection Project”), authorized by section 10 of that Act (58 Stat. 896, chapter 665), shall be modified as follows, subject to a new or amended agreement between the Secretary and the non-Federal interest for the Flood Protection Project, the City of Des Moines, Iowa (referred to in this section as the “City”), in accordance with section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b):

(1) That portion of the Red Rock Dam Project consisting of the segment of levee from Station 15+88.8W to Station 77+43.7W shall be transferred to the Flood Protection Project.

(2) The relocated levee improvement constructed by the City, from Station 77+43.7W to approximately Station 20+00, shall be included in the Flood Protection Project.

(b) FEDERAL EASEMENT CONVEYANCES.—

(1) The Secretary is authorized to convey the following easements, acquired by the Federal Government for the Red Rock Dam Project, to the City to become part of the Flood Protection Project in accordance with subsection (a):

(A) Easements identified as Tracts 3215E-1, 3235E, and 3227E.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(2) On counter-execution of the new or amended agreement pursuant to the Federal easement conveyances under paragraph (1), the Secretary is authorized to convey the following easements, by quitclaim deed, without consideration, acquired by the Federal Government for the Red Rock Dam project, to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority and no longer required for the Red Rock Dam Project or for the Des Moines Local Flood Protection Project:

(A) Easements identified as Tracts 3200E, 3202E-1, 3202E-2, 3202E-4, 3203E-2, 3215E-3, 3216E-1, and 3216E-5.

(B) Easements identified as Partial Tracts 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

(3) All real property interests conveyed under this subsection shall be subject to the standard release of easement disposal process. All administrative fees associated with the transfer of the subject easements to the City or to the Des Moines Metropolitan Wastewater Reclamation Authority will be borne by the transferee.

SEC. 5354. MIDDLE RIO GRANDE FLOOD PROTECTION, BERNALILLO TO BELEN, NEW MEXICO.

In the case of the project for flood risk management, Middle Rio Grande, Bernalillo to Belen, New Mexico, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735), the non-Federal share of the cost of the project shall be the percentage described in section 103(a)(2) of the Water Resources Development Act of

1986 (33 U.S.C. 2213(a)(2)) (as in effect on the day before the date of enactment of the Water Resources Development Act of 1996 (110 Stat. 3658)).

SEC. 5355. COMPREHENSIVE EVERGLADES RESTORATION PLAN, FLORIDA.

(a) IN GENERAL.—Section 601(e)(5) of the Water Resources Development Act of 2000 (114 Stat. 2685; 132 Stat. 3786) is amended by striking subparagraph (E) and inserting the following:

“(E) PERIODIC MONITORING.—

“(i) IN GENERAL.—To ensure that the contributions of the non-Federal sponsor equal 50 percent proportionate share for projects in the Plan, during each period of 5 fiscal years, beginning on October 1, 2022, the Secretary shall, for each project—

“(I) monitor the non-Federal provision of cash, in-kind services, and land; and

“(II) manage, to the maximum extent practicable, the requirement of the non-Federal sponsor to provide cash, in-kind services, and land.

“(ii) OTHER MONITORING.—The Secretary shall conduct monitoring under clause (i) separately for the preconstruction engineering and design phase and the construction phase for each project in the Plan.

“(iii) CLARIFICATION.—Not later than 90 days after the end of each fiscal year, the Secretary shall provide to the non-Federal sponsor a financial accounting of non-Federal contributions under clause (i)(I) for such fiscal year.

“(iv) LIMITATION.—As applicable, and after including consideration of all expenditures and obligations incurred by the non-Federal sponsor for land and in-kind services for an authorized project for which a project partnership agreement has not been executed, the Secretary shall only require a cash contribution from the non-Federal sponsor to satisfy the cost share requirements of this subsection on the last day of each period of 5 fiscal years under clause (i).”

(b) UPDATE.—The Secretary and the South Florida Water Management District shall revise the Master Agreement for the Comprehensive Everglades Restoration Plan, executed in 2009 pursuant to section 601 of the Water Resources Development Act of 2000 (114 Stat. 2680), to reflect the amendment made by subsection (a).

SEC. 5356. MAINTENANCE DREDGING PERMITS.

(a) IN GENERAL.—The Secretary shall, to the maximum extent practicable and appropriate, prioritize the reissuance of any regional general permit for maintenance dredging that expired prior to May 1, 2021.

(b) SAVINGS PROVISION.—Nothing in this section affects, preempts, or interferes with any obligation to comply with the provisions of any Federal or State environmental law, including—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(3) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 5357. PUGET SOUND NEARSHORE ECOSYSTEM RESTORATION, WASHINGTON.

In carrying out the project for ecosystem restoration, Puget Sound, Washington, authorized by section 1401(4) of the Water Resources Development Act of 2016 (130 Stat. 1713), the Secretary shall consider the removal and replacement of the Highway 101 causeway and bridges at the Duckabush River Estuary site to be a project feature the costs of which are shared as construction.

SEC. 5358. TRIBAL ASSISTANCE.

(a) CLARIFICATION OF EXISTING AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in consultation with the

heads of relevant Federal agencies, the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes and Bands of the Yakama Nation, Nez Perce Tribe, and the Confederated Tribes of the Umatilla Indian Reservation, shall revise and carry out the village development plan for Dalles Dam, Columbia River, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188) to address adverse impacts to Indian villages, housing sites, and related structures as a result of the construction of Bonneville Dam, McNary Dam, and John Day Dam, Washington and Oregon.

(2) EXAMINATION.—Before carrying out the requirements of paragraph (1), the Secretary shall conduct an examination and assessment of the extent to which Indian villages, housing sites, and related structures were displaced or destroyed by the construction of the following projects:

(A) Bonneville Dam, Oregon, as authorized by the first section of the Act of August 30, 1935 (49 Stat. 1038, chapter 831) and the first section and section 2(a) of the Act of August 20, 1937 (50 Stat. 731, chapter 720; 16 U.S.C. 832, 832a(a)).

(B) McNary Dam, Washington and Oregon, as authorized by section 2 of the Act of March 2, 1945 (commonly known as the “River and Harbor Act of 1945”) (59 Stat. 22, chapter 19).

(C) John Day Dam, Washington and Oregon, as authorized by section 204 of the Flood Control Act of 1950 (64 Stat. 179, chapter 188).

(3) REQUIREMENTS.—The village development plan under paragraph (1) shall include, at a minimum—

(A) an evaluation of sites on both sides of the Columbia River;

(B) an assessment of suitable Federal land and land owned by the States of Washington and Oregon; and

(C) an estimated cost and tentative schedule for the construction of each housing development.

(4) LOCATION OF ASSISTANCE.—The Secretary may provide housing and related assistance under this subsection at 1 or more sites in the States of Washington and Oregon.

(b) PROVISION OF ASSISTANCE ON FEDERAL LAND.—The Secretary may construct housing or provide related assistance on land owned by the United States under the village development plan under subsection (a)(1).

(c) ACQUISITION AND DISPOSAL OF LAND.—

(1) IN GENERAL.—Subject to subsection (d), the Secretary may acquire land or interests in land for the purpose of providing housing and related assistance under the village development plan under subsection (a)(1).

(2) ADVANCE ACQUISITION.—Acquisition of land or interests in land under paragraph (1) may be carried out in advance of completion of all required documentation and clearances for the construction of housing or related improvements on the land or on the interests in land.

(3) DISPOSAL OF UNSUITABLE LAND.—If the Secretary determines that any land or interest in land acquired by the Secretary under this section in advance of completion of all required documentation for the construction of housing or related improvements is unsuitable for that housing or for those related improvements, the Secretary may—

(A) dispose of the land or interest in land by sale; and

(B) credit the proceeds to the appropriation, fund, or account used to purchase the land or interest in land.

(d) LIMITATION.—The Secretary shall only acquire land from willing landowners in carrying out this section.

(e) CONFORMING AMENDMENT.—Section 1178(c) of the Water Resources Development Act of 2016 (130 Stat. 1675; 132 Stat. 3781) is repealed.

SEC. 5359. RECREATIONAL OPPORTUNITIES AT CERTAIN PROJECTS.

(a) DEFINITIONS.—In this section:

(1) COVERED PROJECT.—The term “covered project” means any of the following projects of the Corps of Engineers:

(A) Ball Mountain Lake, Vermont.

(B) Townshend Lake, Vermont.

(2) RECREATION.—The term “recreation” includes downstream whitewater recreation that is dependent on operations, recreational fishing, and boating at a covered project.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should—

(1) ensure that, to the extent compatible with other project purposes, each covered project is operated in such a manner as to protect and enhance recreation associated with the covered project; and

(2) manage land at each covered project to improve opportunities for recreation at the covered project.

(c) MODIFICATION OF WATER CONTROL PLANS.—The Secretary may modify, or undertake temporary deviations from, the water control plan for a covered project in order to enhance recreation, if the Secretary determines the modifications or deviations—

(1) will not adversely affect other authorized purposes of the covered project; and

(2) will not result in significant adverse impacts to the environment.

SEC. 5360. REHABILITATION OF CORPS OF ENGINEERS CONSTRUCTED DAMS.

Section 1177 of the Water Resources Development Act of 2016 (33 U.S.C. 467f-2 note; Public Law 114-322) is amended by adding at the end the following:

“(g) SPECIAL RULE.—Notwithstanding subsection (c), the non-Federal share of the cost to rehabilitate Waterbury Dam, Washington County, Vermont, under this section, including the cost of any required study, shall be the same share assigned to the non-Federal interest for the cost of initial construction of Waterbury Dam.”

SEC. 5361. SOUTH FLORIDA ECOSYSTEM RESTORATION TASK FORCE.

Section 528(f)(1)(J) of the Water Resources Development Act of 1996 (110 Stat. 3771) is amended—

(1) by striking “2 representatives” and inserting “3 representatives”; and

(2) by inserting “at least 1 of which shall be a representative of the Florida Department of Environmental Protection and at least 1 of which shall be a representative of the Florida Fish and Wildlife Conservation Commission,” after “Florida.”

SEC. 5362. NEW MADRID COUNTY HARBOR, MISSOURI.

Section 509(a) of the Water Resources Development Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat. 2679) is amended by adding at the end the following:

“(18) Second harbor at New Madrid County Harbor, Missouri.”

SEC. 5363. TRINITY RIVER AND TRIBUTARIES, TEXAS.

Section 1201(7) of the Water Resources Development Act of 2018 (132 Stat. 3802) is amended by inserting “flood risk management, and ecosystem restoration,” after “navigation.”

SEC. 5364. REND LAKE, CARLYLE LAKE, AND LAKE SHELBYVILLE, ILLINOIS.

(a) IN GENERAL.—Not later than 90 days after the date on which the Secretary receives a request from the Governor of Illinois to terminate a contract described in subsection (c), the Secretary shall amend the contract to release to the United States all rights of the State of Illinois to utilize water

storage space in the reservoir project to which the contract applies.

(b) RELIEF OF CERTAIN OBLIGATIONS.—On execution of an amendment described in subsection (a), the State of Illinois shall be relieved of the obligation to pay the percentage of the annual operation and maintenance expense, the percentage of major replacement cost, and the percentage of major rehabilitation cost allocated to the water supply storage specified in the contract for the reservoir project to which the contract applies.

(c) CONTRACTS.—Subsection (a) applies to the following contracts between the United States and the State of Illinois:

(1) Contract DACW43–88–C–0088, entered into on September 23, 1988, for utilization of storage space for water supply in Rend Lake, Illinois.

(2) Contract DA–23–065–CIVENG–65–493, entered into on April 28, 1965, for utilization of storage space for water supply in Rend Lake, Illinois.

(3) Contract DACW43–83–C–0008, entered into on July 6, 1983, for utilization of storage space in Carlyle Lake, Illinois.

(4) Contract DACW43–83–C–0009, entered into on July 6, 1983, for utilization of storage space in Lake Shelbyville, Illinois.

SEC. 5365. FEDERAL ASSISTANCE.

Section 1328(c) of the America’s Water Infrastructure Act of 2018 (132 Stat. 3826) is amended by striking “4 years” and inserting “8 years”.

SEC. 5366. LAND TRANSFER AND TRUST LAND FOR CHOCTAW NATION OF OKLAHOMA.

(a) TRANSFER.—

(1) IN GENERAL.—Subject to paragraph (2) and for the consideration described in subsection (c), the Secretary shall transfer to the Secretary of the Interior the land described in subsection (b) to be held in trust for the benefit of the Choctaw Nation.

(2) CONDITIONS.—The land transfer under this subsection shall be subject to the following conditions:

(A) The transfer—

(i) shall not interfere with the operation by the Corps of Engineers of the Sardis Lake Project or any other authorized civil works project; and

(ii) shall be subject to such other terms and conditions as the Secretary determines to be necessary and appropriate to ensure the continued operation of the Sardis Lake Project or any other authorized civil works project.

(B) The Secretary shall retain the right to inundate with water the land transferred to the Choctaw Nation under this subsection as necessary to carry out an authorized purpose of the Sardis Lake Project or any other civil works project.

(C) No gaming activities may be conducted on the land transferred under this subsection.

(b) LAND DESCRIPTION.—

(1) IN GENERAL.—The land to be transferred pursuant to subsection (a) is the approximately 247 acres of land located in Sections 18 and 19 of T2N R18E, and Sections 5 and 8 of T2N R19E, Pushmataha County, Oklahoma, generally depicted as “USACE” on the map entitled “Sardis Lake – Choctaw Nation Proposal” and dated February 22, 2022.

(2) SURVEY.—The exact acreage and legal descriptions of the land to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary and the Secretary of the Interior.

(c) CONSIDERATION.—The Choctaw Nation shall pay—

(1) to the Secretary an amount that is equal to the fair market value of the land transferred under subsection (a), as determined by the Secretary, which funds may be accepted and expended by the Secretary; and

(2) all costs and administrative expenses associated with the transfer of land under subsection (a), including the costs of—

(A) the survey under subsection (b)(2);

(B) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(C) any coordination necessary with respect to requirements related to endangered species, cultural resources, clean water, and clean air.

SEC. 5367. LAKE BARKLEY, KENTUCKY, LAND CONVEYANCE.

(a) IN GENERAL.—The Secretary is authorized to convey to the Eddyville Riverport Authority (referred to in this section as the

“Authority”), for fair market value, all right, title, and interest of the United States in and to approximately 2.2 acres of land adjacent to the southwestern boundary of the port facilities of the Authority at the Barkley Dam and Lake Barkley, Kentucky, project, authorized by the River and Harbor Act of 1946 (60 Stat. 636, Public Law 79–525).

(b) CONDITIONS.—

(1) QUITCLAIM DEED.—Any conveyance of land under this section shall be by quitclaim deed.

(2) RESERVATION OF RIGHTS.—The Secretary shall reserve from a conveyance of land under this section such easements, rights-of-way, or other interests as the Secretary determines to be necessary and appropriate to the ensure the continued operation of the project described in subsection (a).

(3) TERMS AND CONDITIONS.—The Secretary may subject any conveyance under this section to such terms and conditions as the Secretary determines necessary and advisable to protect the United States.

(c) ADMINISTRATIVE COSTS.—The Authority shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with a conveyance under this section.

(d) WAIVER OF REAL PROPERTY SCREENING REQUIREMENTS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance of land under this section.

TITLE LIV—WATER RESOURCES INFRASTRUCTURE

SEC. 5401. PROJECT AUTHORIZATIONS.

The following projects for water resources development and conservation and other purposes, as identified in the reports titled “Report to Congress on Future Water Resources Development” submitted to Congress pursuant to section 7001 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2282d) or otherwise reviewed by Congress, are authorized to be carried out by the Secretary substantially in accordance with the plans, and subject to the conditions, described in the respective reports or decision documents designated in this section:

(1) NAVIGATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AK	Elim Subsistence Harbor	March 12, 2021	Federal: \$74,905,000 Non-Federal: \$1,896,000 Total: \$76,801,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles	October 14, 2021; May 31, 2022	Federal: \$73,533,500 Non-Federal: \$74,995,500 Total: \$148,529,000
3. WA	Tacoma Harbor Navigation Improvement	May 26, 2022	Federal: \$120,701,000 Non-Federal: \$174,627,000 Total: \$295,328,000
4. NY, NJ	New Jersey Harbor Deepening Channel Improvement	June 3, 2022	Federal: \$2,124,561,500 Non-Federal: \$3,439,337,500 Total: \$5,563,899,000

(2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. AL	Selma	October 7, 2021	Federal: \$15,533,100 Non-Federal: \$8,363,900 Total: \$23,897,000
2. CA	Lower Cache Creek, Yolo County, Woodland, and Vicinity	June 21, 2021	Federal: \$215,152,000 Non-Federal: \$115,851,000 Total: \$331,003,000
3. OR	Portland Metro Levee System	August 20, 2021	Federal: \$77,111,100 Non-Federal: \$41,521,300 Total: \$118,632,400
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: \$91,491,400 Non-Federal: \$52,156,300 Total: \$143,647,700
5. AL	Valley Creek, Bessemer and Birmingham	October 29, 2021	Federal: \$17,725,000 Non-Federal: \$9,586,000 Total: \$27,311,000
6. PR	Rio Guanajibo	May 24, 2022	Federal: \$110,974,500 Non-Federal: \$59,755,500 Total: \$170,730,000

(3) HURRICANE AND STORM DAMAGE RISK REDUCTION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CT	Fairfield and New Haven Counties	January 19, 2021	Federal: \$92,937,000 Non-Federal: \$50,043,000 Total: \$142,980,000
2. PR	San Juan Metro	September 16, 2021	Federal: \$245,418,000 Non-Federal: \$131,333,000 Total: \$376,751,000
3. FL	Florida Keys, Monroe County	September 24, 2021	Federal: \$1,513,531,000 Non-Federal: \$814,978,000 Total: \$2,328,509,000
4. FL	Okaloosa County	October 7, 2021	Initial Federal: \$19,822,000 Initial Non-Federal: \$11,535,000 Initial Total: \$31,357,000 Renourishment Federal: \$71,045,000 Renourishment Non-Federal: \$73,787,000 Renourishment Total: \$144,832,000

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
5. SC	Folly Beach	October 26, 2021	Initial Federal: \$45,490,000 Initial Non-Federal: \$5,054,000 Initial Total: \$50,544,000 Renourishment Federal: \$164,424,000 Renourishment Non-Federal: \$26,767,000 Renourishment Total: \$191,191,000
6. FL	Pinellas County	October 29, 2021	Initial Federal: \$8,627,000 Initial Non-Federal: \$5,332,000 Initial Total: \$13,959,000 Renourishment Federal: \$92,000,000 Renourishment Non-Federal: \$101,690,000 Renourishment Total: \$193,690,000
7. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach	October 27, 2016	Federal: \$371,310,000 Non-Federal: \$199,940,000 Total: \$571,250,000
8. LA	Upper Barataria Basin	January 28, 2022	Federal: \$1,005,001,000 Non-Federal: \$541,155,000 Total: \$1,546,156,000
9. LA	South Central Coast, St. Martin, St. Mary, and Iberia Parishes	June 23, 2022	Federal: \$594,600,000 Non-Federal: \$320,169,000 Total: \$914,769,000

(4) HURRICANE AND STORM DAMAGE REDUCTION AND ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. TX	Coastal Texas Protection and Restoration Feasibility Study	September 16, 2021	Federal: \$19,237,894,000 Non-Federal: \$11,668,393,000 Total: \$30,906,287,000

(5) ECOSYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. CA	Prado Basin Ecosystem Restoration, San Bernardino, Riverside and Orange Counties	April 22, 2021	Federal: \$33,976,000 Non-Federal: \$18,294,000 Total: \$52,270,000
2. KY	Three Forks of Beargrass Creek	May 24, 2022	Federal: \$72,138,000 Non-Federal: \$48,998,000 Total: \$121,135,000

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Report or Decision Document	D. Estimated Costs
1. LA	Lake Pontchartrain and Vicinity	December 16, 2021	Federal: \$807,000,000 Non-Federal: \$434,000,000 Total: \$1,241,000,000
2. LA	West Bank and Vicinity	December 17, 2021	Federal: \$431,000,000 Non-Federal: \$232,000,000 Total: \$663,000,000
3. GA	Brunswick Harbor, Glynn County	March 11, 2022	Federal: \$10,774,500 Non-Federal: \$3,594,500 Total: \$14,369,000
4. DC	Washington, DC and Vicinity	July 22, 2021	Federal: \$17,740,000 Non-Federal: \$0 Total: \$17,740,000
5. MI	Soo Locks, Sault Ste. Marie	June 6, 2022	Federal: \$2,932,116,000 Non-Federal: \$0 Total: \$2,932,116,000
6. WA	Howard A. Hanson Dam Additional Water Storage	May 19, 2022	Federal: \$815,207,000 Non-Federal: \$39,979,000 Total: \$855,185,000
7. MO	Critical Infrastructure Cyber Security — Mandatory Center of Expertise Lab and Office Facility	January 13, 2020	Federal: \$5,956,404 Non-Federal: \$0 Total: \$5,956,404
8. FL	Central and Southern Florida, Indian River Lagoon	May 31, 2022	Federal: \$2,500,686,000 Non-Federal: \$2,500,686,000 Total: \$5,001,372,000

SEC. 5402. STORM DAMAGE PREVENTION AND REDUCTION, COASTAL EROSION, AND ICE AND GLACIAL DAMAGE, ALASKA.

(a) IN GENERAL.—The Secretary shall establish a program to carry out structural and nonstructural projects for storm damage prevention and reduction, coastal erosion, and ice and glacial damage in the State of Alaska, including—

- (1) relocation of affected communities; and
- (2) construction of replacement facilities.

(b) COST SHARE.—The non-Federal interest shall share in the cost to study, design, and construct a project carried out under this section in accordance with sections 103 and 105 of the Water Resources Development Act of 1986 (33 U.S.C. 2213, 2215), except that, in the case of a project benefitting an economically disadvantaged community (as defined pursuant to section 160 of the Water Resources Development Act of 2020 (33 U.S.C. 2201 note; Public Law 116-260)), the non-Federal share shall be 10 percent.

(c) REPEAL.—Section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851), is repealed.

(d) TREATMENT.—The program authorized by subsection (a) shall be considered a continuation of the program authorized by section 116 of the Energy and Water Development and Related Agencies Appropriations Act, 2010 (123 Stat. 2851) (as in effect on the

day before the date of enactment of this Act).

SEC. 5403. EXPEDITED COMPLETION OF PROJECTS.

The Secretary shall expedite completion of the following projects:

(1) Project for flood risk management, Cumberland, Maryland, restoration and rewatering of the Chesapeake and Ohio Canal, authorized by section 580 of the Water Resources Development Act of 1999 (113 Stat. 375).

(2) Project for flood risk management, Tulsa and West-Tulsa Levee System, Tulsa County, Oklahoma, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(3) Project for flood risk management, Little Colorado River at Winslow, Navajo County, Arizona, authorized by section 401(2) of the Water Resources Development Act of 2020 (134 Stat. 2735).

(4) Project for flood risk management, Rio De Flag, Flagstaff, Arizona, authorized by section 101(b)(3) of the Water Resources Development Act of 2000 (114 Stat. 2576).

(5) Project for flood risk management, Rose and Palm Garden Washes, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(6) Project for ecosystem restoration, El Corazon, Arizona, authorized by section 206

of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(7) Projects for ecosystem restoration, Chesapeake Bay Comprehensive Water Resources and Restoration Plan, Chesapeake Bay Environmental Restoration and Protection Program, authorized by section 510 of the Water Resources Development Act of 1996 (110 Stat. 3759).

(8) Projects authorized under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835; 110 Stat. 3757; 113 Stat. 334; 121 Stat. 1258).

(9) Projects authorized under section 8004 of the Water Resources Development Act of 2007 (33 U.S.C. 652 note; Public Law 110-114).

(10) Projects authorized under section 519 of the Water Resources Development Act of 2000 (114 Stat. 2653).

(11) Project for flood risk management, Lower Santa Cruz River, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(12) Project for flood risk management, McCormick Wash, Arizona, authorized by section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s).

(13) Project for navigation, including maintenance and channel deepening, McClellan-Kerr Arkansas River Navigation System.

(14) Project for dam safety modifications, Bluestone Dam, West Virginia.

(15) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Branford Harbor and Branford River, Branford, Connecticut, authorized by the first section of the Act of June 13, 1902 (32 Stat. 333, chapter 1079).

(16) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Guilford Harbor and Sluice Channel, Connecticut.

(17) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Milford Harbor, Connecticut.

(18) Assistance for ecosystem restoration, Lower Yellowstone Intake Diversion Dam, Montana, authorized by section 3109 of the Water Resources Development Act of 2007 (121 Stat. 1135).

(19) Project for mitigation of shore damage from navigation works, Camp Ellis Beach, Saco, Maine, pursuant to section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i).

(20) Project for ecosystem restoration, Lower Blackstone River, Rhode Island, pursuant to section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(21) Project for navigation, Kentucky Lock Addition, Kentucky.

(22) Maintenance dredging of the Federal channel for the project for navigation, Columbia, Snake, and Clearwater Rivers, Oregon, Washington, and Idaho, authorized by section 2 of the Act of March 2, 1945 (59 Stat. 21, chapter 19), at the Port of Clarkston, Washington, and the Port of Lewiston, Idaho.

(23) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Back Channels and Sagamore Creek, Portsmouth, New Castle, and Rye, New Hampshire, authorized by section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577).

(24) Maintenance dredging and other authorized activities to address the impacts of shoaling affecting the project for navigation, Portsmouth Harbor and Piscataqua River, Portsmouth, New Castle, and Newington, New Hampshire, and Kittery and Elliot, Maine, authorized by section 101 of the River and Harbor Act of 1962 (76 Stat. 1173).

SEC. 5404. SPECIAL RULES.

(a) The following conditions apply to the project described in section 5403(19):

(1) The project is authorized to be carried out under section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i) at a Federal cost of \$45,000,000.

(2) The project may include Federal participation in periodic nourishment.

(3) For purposes of subsection (b) of section 111 of the River and Harbor Act of 1968 (33 U.S.C. 426i), the Secretary shall determine that the navigation works to which the shore damages are attributable were constructed at full Federal expense.

(b) The following conditions apply to the project described in section 5403(20):

(1) The project is authorized to be carried out under section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330) at a Federal cost of \$15,000,000.

(2) If the Secretary includes in the project a measure on Federal land under the jurisdiction of another Federal agency, the Secretary may enter into an agreement with the Federal agency that provides for the Secretary—

(A) to construct the measure; and

(B) to operate and maintain the measure using funds provided to the Secretary by the non-Federal interest for the project.

(3) If the Secretary includes in the project a measure for fish passage at a dam licensed

for hydropower, the Secretary shall include in the project costs all costs for the measure, except that those costs that are in excess of the costs to provide fish passage at the dam if hydropower improvements were not in place shall be a 100 percent non-Federal expense.

SEC. 5405. CHATTAHOOCHEE RIVER PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide environmental assistance to non-Federal interests in the Chattahoochee River Basin.

(2) FORM.—The assistance under paragraph (1) shall be in the form of design and construction assistance for water-related resource protection and restoration projects affecting the Chattahoochee River Basin, based on the comprehensive plan under subsection (b), including projects for—

(A) sediment and erosion control;

(B) protection of eroding shorelines;

(C) ecosystem restoration, including restoration of submerged aquatic vegetation;

(D) protection of essential public works;

(E) beneficial uses of dredged material; and

(F) other related projects that may enhance the living resources of the Chattahoochee River Basin.

(b) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Chattahoochee River Basin restoration plan to guide the implementation of projects under subsection (a)(2).

(2) COORDINATION.—The restoration plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and nongovernmental organizations.

(3) PRIORITIZATION.—The restoration plan described in paragraph (1) shall give priority to projects eligible under subsection (a)(2) that will also improve water quality or quantity or use natural hydrological features and systems.

(c) AGREEMENT.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Chattahoochee River Basin restoration plan described in subsection (b).

(2) REQUIREMENTS.—Each agreement entered into under this subsection shall provide for—

(A) the development by the Secretary, in consultation with appropriate Federal, State, and local officials, of a resource protection and restoration plan, including appropriate engineering plans and specifications and an estimate of expected resource benefits; and

(B) the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(d) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2)(B), the Federal share of the total project costs of each agreement entered into under this section shall be 75 percent.

(2) NON-FEDERAL SHARE.—

(A) VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations

provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the total project costs.

(B) OPERATION AND MAINTENANCE COSTS.—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(e) COOPERATION.—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(C) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(D) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(f) PROTECTION OF RESOURCES.—A project established under this section shall be carried out using such measures as are necessary to protect environmental, historic, and cultural resources.

(g) PROJECT CAP.—The total cost of a project carried out under this section may not exceed \$15,000,000.

(h) SAVINGS PROVISION.—Nothing in this section—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of this Act regarding water quality or water quantity.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$90,000,000.

SEC. 5406. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.

(a) DEFINITION.—In this section, the term “Lower Mississippi River Basin” means the portion of the Mississippi River that begins at the confluence of the Ohio River and flows to the Gulf of Mexico, and its tributaries and distributaries.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a program to provide assistance to non-Federal interests in the Lower Mississippi River Basin.

(2) FORM.—

(A) IN GENERAL.—The assistance under paragraph (1) shall be in the form of design and construction assistance for flood or coastal storm risk management or aquatic ecosystem restoration projects in the Lower Mississippi River Basin, based on the comprehensive plan under subsection (c).

(B) ASSISTANCE.—Projects under subparagraph (A) may include measures for—

(i) sediment control;

(ii) protection of eroding riverbanks and streambanks and shorelines;

(iii) channel modifications;

(iv) beneficial uses of dredged material; or

(v) other related projects that may enhance the living resources of the Lower Mississippi River Basin.

(c) COMPREHENSIVE PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary, in cooperation with State and local governmental officials and affected stakeholders, shall develop a comprehensive Lower Mississippi River Basin plan to guide the implementation of projects under subsection (b)(2).

(2) **COORDINATION.**—The plan described in paragraph (1) shall, to the maximum extent practicable, consider and avoid duplication of any ongoing or planned actions of other Federal, State, and local agencies and non-governmental organizations.

(3) **PRIORITIZATION.**—To the maximum extent practicable, the plan described in paragraph (1) shall give priority to projects eligible under subsection (b)(2) that will also improve water quality, reduce hypoxia in the Lower Mississippi River or Gulf of Mexico, or use a combination of structural and non-structural measures.

(d) **AGREEMENT.**—

(1) **IN GENERAL.**—Before providing assistance under this section, the Secretary shall enter into an agreement with a non-Federal interest for the design and construction of a project carried out pursuant to the comprehensive Lower Mississippi River Basin plan described in subsection (c).

(2) **REQUIREMENTS.**—Each agreement entered into under this subsection shall provide for the establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation and maintenance of the project by the non-Federal interest.

(e) **COST SHARING.**—

(1) **FEDERAL SHARE.**—The Federal share of the cost to design and construct a project under each agreement entered into under this section shall be 75 percent.

(2) **NON-FEDERAL SHARE.**—

(A) **VALUE OF LAND, EASEMENTS, RIGHTS-OF-WAY, AND RELOCATIONS.**—In determining the non-Federal contribution toward carrying out an agreement entered into under this section, the Secretary shall provide credit to a non-Federal interest for the value of land, easements, rights-of-way, and relocations provided by the non-Federal interest, except that the amount of credit provided for a project under this paragraph may not exceed 25 percent of the cost to design and construct the project.

(B) **OPERATION AND MAINTENANCE COSTS.**—The non-Federal share of the costs of operation and maintenance of activities carried out under an agreement under this section shall be 100 percent.

(f) **COOPERATION.**—In carrying out this section, the Secretary shall cooperate with—

(1) the heads of appropriate Federal agencies, including—

(A) the Secretary of Agriculture;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(C) the heads of such other Federal agencies as the Secretary determines to be appropriate; and

(2) agencies of a State or political subdivision of a State.

(g) **PROJECT CAP.**—The total cost of a project carried out under this section may not exceed \$15,000,000.

(h) **REPORT.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that describes the results of the program under this section, including a recommendation on whether the program should be reauthorized.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$90,000,000.

SEC. 5407. FORECAST-INFORMED RESERVOIR OPERATIONS.

(a) **IN GENERAL.**—The Secretary is authorized to carry out a research study pilot program at 1 or more dams owned and operated by the Secretary in the North Atlantic Division of the Corps of Engineers to assess the

viability of forecast-informed reservoir operations in the eastern United States.

(b) **REPORT.**—Not later than 1 year after completion of the research study pilot program under subsection (a), the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study pilot program.

SEC. 5408. MISSISSIPPI RIVER MAT SINKING UNIT.

The Secretary shall expedite the replacement of the Mississippi River mat sinking unit.

SEC. 5409. SENSE OF CONGRESS RELATING TO OKATIBBEE LAKE.

It is the sense of Congress that—

(1) there is significant shoreline sloughing and erosion at the Okatibbee Lake portion of the project for flood protection, Chunky Creek, Chickasawhay and Pascagoula Rivers, Mississippi, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1183), which has the potential to impact infrastructure, damage property, and put lives at risk; and

(2) addressing shoreline sloughing and erosion at a project of the Secretary, including at a location leased by non-Federal entities such as Okatibbee Lake, is an activity that is eligible to be carried out by the Secretary as part of the operation and maintenance of the project.

SA 5904. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INITIATIVES TO INCREASE DIVERSITY IN THE OFFICER CORPS OF THE ARMED FORCES.

(a) **REPORT ON INITIATIVES.**—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 setting forth a comprehensive description and assessment of the initiatives currently being undertaken by the military service academies to increase diversity among the officers corps of the Armed Forces. The report shall include efforts undertaken by Diversity and Recruitment Officers of each of the military service academies to recruit in title I high schools.

(b) **RELEASE OF INFORMATION ON APPLICANTS AND ANNUAL CLASSES.**—The Superintendent of each military service academy shall adopt the approach taken by the Superintendent of the United States Military Academy in releasing to the congressional defense committees in a public manner the following:

(1) The manner in which each annual class of cadets or midshipmen is scored for admission.

(2) The racial and ethnic makeup of each annual class of cadets or midshipmen.

(c) **MILITARY SERVICE ACADEMY DEFINED.**—In this section, the term “military service academy” means the following:

(1) The United States Military Academy.

(2) The United States Naval Academy.

(3) The United States Air Force Academy.
(4) The United States Coast Guard Academy.

SA 5905. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 606. REIMBURSEMENT FOR TRANSPORTATION OF PETS FOR MEMBERS MAKING A PERMANENT CHANGE OF STATION.

Section 453 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(h) **REIMBURSEMENT FOR TRANSPORTATION OF PETS FOR MEMBERS MAKING A PERMANENT CHANGE OF STATION.**—

“(1) **PET QUARANTINE FEES.**—The Secretary concerned may reimburse a member of a uniformed service who is ordered to make a permanent change of station for mandatory pet quarantine fees for household pets, but not to exceed \$550 per change of station, when the member incurs the fees incident to such change of station.

“(2) **TRANSPORTATION TO OR FROM DUTY STATION ABROAD.**—The Secretary concerned may reimburse a member of a uniformed service who is ordered to make a permanent change of station between a duty station in the United States and a duty station in a foreign country for transportation of household pets in an amount not to exceed \$4,000 per change of station.”.

SA 5906. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. PILOT PROGRAM ON DOULA SUPPORT FOR VETERANS.

(a) **FINDINGS.**—Congress finds the following:

(1) There are approximately 2,300,000 women within the veteran population in the United States.

(2) The number of women veterans using services from the Veterans Health Administration has increased by 28.8 percent from 423,642 in 2014 to 545,670 in 2019.

(3) During the period of 2010 through 2015, the use of maternity services from the Veterans Health Administration increased by 44 percent.

(4) Although prenatal care and delivery is not provided in facilities of the Department of Veterans Affairs, pregnant women seeking care from the Department for other conditions may also need emergency care and require coordination of services through the

Veterans Community Care Program under section 1703 of title 38, United States Code.

(5) The number of unique women veteran patients with an obstetric delivery paid for by the Department increased by 1,778 percent from 200 deliveries in 2000 to 3,756 deliveries in 2015.

(6) The number of women age 35 years or older with an obstetric delivery paid for by the Department increased 16-fold from fiscal year 2000 to fiscal year 2015.

(7) A study in 2010 found that veterans returning from Operation Enduring Freedom and Operation Iraqi Freedom who experienced pregnancy were twice as likely to have a diagnosis of depression, anxiety, posttraumatic stress disorder, bipolar disorder, or schizophrenia as those who had not experienced a pregnancy.

(8) The number of women veterans of reproductive age seeking care from the Veterans Health Administration continues to grow (more than 185,000 as of fiscal year 2015).

(b) PROGRAM.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish a pilot program to furnish doula services to covered veterans through eligible entities by expanding the Whole Health model of the Department of Veterans Affairs, or successor model, to measure the impact that doula support services have on birth and mental health outcomes of pregnant veterans (in this section referred to as the “pilot program”).

(2) CONSIDERATION.—In carrying out the pilot program, the Secretary shall consider all types of doulas, including traditional and community-based doulas.

(3) CONSULTATION.—In designing and implementing the pilot program, the Secretary shall consult with stakeholders, including—

(A) organizations representing veterans, including veterans that are disproportionately impacted by poor maternal health outcomes;

(B) community-based health care professionals, including doulas, and other stakeholders; and

(C) experts in promoting health equity and combating racial bias in health care settings.

(4) GOALS.—The goals of the pilot program are the following:

(A) To improve—

(i) maternal, mental health, and infant care outcomes;

(ii) integration of doula support services into the Whole Health model of the Department, or successor model; and

(iii) the experience of women receiving maternity care from the Department, including by increasing the ability of a woman to develop and follow her own birthing plan.

(B) To reengage veterans with the Department after giving birth.

(c) LOCATIONS.—The Secretary shall carry out the pilot program in—

(1) the three Veterans Integrated Service Networks of the Department that have the highest percentage of female veterans enrolled in the patient enrollment system of the Department established and operated under section 1705(a) of title 38, United States Code, compared to the total number of enrolled veterans in such Network; and

(2) the three Veterans Integrated Service Networks that have the lowest percentage of female veterans enrolled in the patient enrollment system compared to the total number of enrolled veterans in such Network.

(d) OPEN PARTICIPATION.—The Secretary shall allow any eligible entity or covered veteran interested in participating in the pilot program to participate in the pilot program.

(e) SERVICES PROVIDED.—

(1) IN GENERAL.—Under the pilot program, a covered veteran shall receive not more than 10 sessions of care from a doula under the Whole Health model of the Department, or successor model, under which a doula works as an advocate for the veteran alongside the medical team for the veteran.

(2) SESSIONS.—Sessions covered under paragraph (1) shall be as follows:

(A) Three or four sessions before labor and delivery.

(B) One session during labor and delivery.

(C) Three or four sessions after postpartum, which may be conducted via the mobile application for VA Video Connect.

(f) ADMINISTRATION OF PILOT PROGRAM.—

(1) IN GENERAL.—The Office of Women's Health of the Department of Veterans Affairs, or successor office (in this section referred to as the “Office”), shall—

(A) coordinate services and activities under the pilot program;

(B) oversee the administration of the pilot program; and

(C) conduct onsite assessments of medical facilities of the Department that are participating in the pilot program.

(2) GUIDELINES FOR VETERAN-SPECIFIC CARE.—The Office shall establish guidelines under the pilot program for training doulas on military sexual trauma and post traumatic stress disorder.

(3) AMOUNTS FOR CARE.—The Office may recommend to the Secretary appropriate payment amounts for care and services provided under the pilot program, which shall not exceed \$3,500 per doula per veteran.

(g) DOULA SERVICE COORDINATOR.—

(1) IN GENERAL.—The Secretary, in consultation with the Office, shall establish a Doula Service Coordinator within the functions of the Maternity Care Coordinator at each medical facility of the Department that is participating in the pilot program.

(2) DUTIES.—A Doula Service Coordinator established under paragraph (1) at a medical facility shall be responsible for—

(A) working with eligible entities, doulas, and covered veterans participating in the pilot program; and

(B) managing payment between eligible entities and the Department under the pilot program.

(3) TRACKING OF INFORMATION.—A doula providing services under the pilot program shall report to the applicable Doula Service Coordinator after each session conducted under the pilot program.

(4) COORDINATION WITH WOMEN'S PROGRAM MANAGER.—A Doula Service Coordinator for a medical facility of the Department shall coordinate with the women's program manager for that facility in carrying out the duties of the Doula Service Coordinator under the pilot program.

(h) TERM OF PILOT PROGRAM.—The Secretary shall conduct the pilot program for a period of 5 years.

(i) TECHNICAL ASSISTANCE.—The Secretary shall establish a process to provide technical assistance to eligible entities and doulas participating in the pilot program.

(j) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each year in which the pilot program is carried out, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the pilot program.

(2) FINAL REPORT.—As part of the final report submitted under paragraph (1), the Secretary shall include recommendations on whether the model studied in the pilot program

should be continued or more widely adopted by the Department.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, for each of fiscal years 2023 through 2028, such sums as may be necessary to carry out this section.

(1) DEFINITIONS.—In this section:

(1) COVERED VETERAN.—The term “covered veteran” means a pregnant veteran or a formerly pregnant veteran (with respect to sessions post-partum) who is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that provides medically accurate, comprehensive maternity services to covered veterans under the laws administered by the Secretary, including under the Veterans Community Care Program under section 1703 of title 38, United States Code.

(3) VA VIDEO CONNECT.—The term “VA Video Connect” means the program of the Department of Veterans Affairs to connect veterans with their health care team from anywhere, using encryption to ensure a secure and private session.

SA 5907. Mr. BOOKER (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SECTION 1239. MODIFICATION TO ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE RUSSIAN FEDERATION.

Section 1234(b) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 134 Stat. 3936) is amended—

(1) by redesignating paragraph (24) as paragraph (25); and

(2) by inserting after paragraph (23) the following:

“(24) A detailed description of—

“(A) the manner in which Russian private military companies are being used to advance the political, economic, and military interests of the Government of the Russian Federation;

“(B) the direct or indirect threats such companies pose to United States security interests;

“(C) the manner in which sanctions currently in place to impede or deter such companies from continuing to carry out malign activities have impacted the behavior of such companies;

“(D) all foreign persons engaged significantly with such companies; and

“(E) human rights abuses committed by such companies, including an assessment as to whether such abuses are carried out in support of local actors.”.

SA 5908. Mr. WYDEN (for himself, Mr. LEAHY, and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and

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

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

SEC. 1262. REPORT ON ENTITIES CONNECTED TO FOREIGN PERSONS IDENTIFIED AS INVOLVED IN THE MURDER OF JAMAL KHASHOGGI.

(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 heads of appropriate agencies, shall submit to the appropriate congressional committees a report on private, commercial, and nongovernmental entities, including non-profit foundations, controlled in whole or in part by any foreign person named in the Office of the Director of National Intelligence report titled “Assessing the Saudi Government’s Role in the Killing of Jamal Khashoggi”, dated February 11, 2021.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) A description of entities described in that subsection.

(2) A detailed assessment of the roles, if any, such entities played in the murder of Jamal Khashoggi or any other gross violations of internationally recognized human rights.

(3) A certification of whether any such entity is subject to sanctions pursuant to the Global Magnitsky Human Rights Accountability Act (22 U.S.C. 10101 et seq.).

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

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 5909. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORITY OF U.S. CUSTOMS AND BORDER PROTECTION TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.

(a) IN GENERAL.—Section 412 of the Homeland Security Act of 2002 (6 U.S.C. 212) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “consolidate, discontinue,” and inserting “discontinue”; and

(ii) by inserting after “reduce the staffing level” the following: “below the optimal

staffing level determined in the most recent Resource Allocation Model required by section 301(h) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(h))”; and

(B) in paragraph (2), by inserting “, National Account Managers” after “Financial Systems Specialists”; and

(2) by adding at the end the following:

“(d) AUTHORITY TO CONSOLIDATE, MODIFY, OR REORGANIZE CUSTOMS REVENUE FUNCTIONS.—

“(1) IN GENERAL.—The Commissioner of U.S. Customs and Border Protection may, subject to subsection (b), consolidate, modify, or reorganize customs revenue functions delegated to the Commissioner under subsection (a), including by adding such functions to existing positions or establishing new or modifying existing job series, grades, titles, or classifications for personnel, and associated support staff, performing such functions.

“(2) POSITION CLASSIFICATION STANDARDS.—At the request of the Commissioner, the Director of the Office of Personnel Management shall establish new position classification standards for any new positions established by the Commissioner under paragraph (1).”.

(b) TECHNICAL CORRECTION.—Section 412(a)(1) of the Homeland Security Act of 2002 (6 U.S.C. 212(a)(1)) is amended by striking “403(a)(1)” and inserting “403(1)”.

SA 5910. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10 ____ . SELECTIVE SERVICE REGISTRATION NONCOMPLIANCE REPORT.

(a) DEFINITION.—In this section, the term “selective service registration requirement” means the requirement to register under section 3 of the Military Selective Service Act (50 U.S.C. 3802).

(b) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to Congress, and make publicly available, a report on the demographics of individuals reported by the Director of Selective Service to have failed to comply with the selective service registration requirements during the period beginning on January 1, 2002, and ending on December 31, 2022.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide—

(A) a statistical breakdown of the racial, ethnic, and socio-economic demographics of individuals reported to have failed to comply with the selective service registration requirements;

(B) a summary of which populations are most likely to fail to comply with the selective service registration requirements; and

(C) explanations for potential limitations or biases of the data available to the Attorney General regarding failure to comply with the selective service registration requirements that could affect the report or the representation of the demographics of those who failed to comply.

(3) PROTECTION OF INFORMATION.—The report submitted under paragraph (1) shall not contain any personal identifying information.

(c) AUTHORITY TO SURVEY.—If the Attorney General does not have sufficient authority to collect data or information to complete the report required under subsection (b)(1), the Attorney General may conduct a targeted survey jointly with the Director of the Bureau of the Census, the Director of Selective Service, or both of individuals reported to have failed to comply with the selective service registration requirements to gather sufficient demographic information to complete the report.

SA 5911. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike sections 521 and 522 and insert the following:

SEC. 521. REPEAL OF MILITARY SELECTIVE SERVICE ACT.

(a) REPEAL.—The Military Selective Service Act (50 U.S.C. 3801 et seq.) is repealed.

(b) TRANSFERS IN CONNECTION WITH REPEAL.—Notwithstanding the proviso in section 10(a)(4) of the Military Selective Service Act (50 U.S.C. 3809(a)(4)), the Office of Selective Service Records shall not be reestablished upon the repeal of the Act. Not later than 180 days after the date of the enactment of this Act, the assets, contracts, property, and records held by the Selective Service System, and the unexpended balances of any appropriations available to the Selective Service System, shall be transferred to the Administrator of General Services upon the repeal of the Act. The Director of the Office of Personnel Management shall assist officers and employees of the Selective Service System to transfer to other positions in the executive branch.

(c) EFFECT ON EXISTING SANCTIONS.—

(1) Notwithstanding any other provision of law, a person may not be denied a right, privilege, benefit, or employment position under Federal law on the grounds that the person failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a).

(2) A State, political subdivision of a State, or political authority of two or more States may not enact or enforce a law, regulation, or other provision having the force and effect of law to penalize or deny any privilege or benefit to a person who failed to present himself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a). In this section, “State” means a State, the District of Columbia, and a territory or possession of the United States.

(3) Failing to present oneself for and submit to registration under section 3 of the Military Selective Service Act (50 U.S.C. 3802), before the repeal of that Act by subsection (a), shall not be reason for any entity of the United States Government to determine that a person lacks good moral character or is unsuited for any privilege or benefit.

(d) CONSCIENTIOUS OBJECTORS.—Nothing contained in this section shall be construed to undermine or diminish the rights of conscientious objectors under laws and regulations of the United States.

SA 5912. Mr. WYDEN (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. TRAINING FOR NATIONAL GUARD PERSONNEL ON WILDFIRE RESPONSE AND PROVISION OF NECESSARY EQUIPMENT.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of the Air Force shall, in consultation with the Chief of the National Guard Bureau, provide support for training of appropriate personnel of the National Guard on wildfire response and prevention and necessary equipment for such response and prevention, with preference given to military installations with the highest wildfire suppression need.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Defense for each year \$20,000,000 to carry out subsection (a).

SA 5913. Mr. WYDEN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF PRIOR USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term “cannabis” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term “eligibility for access to classified information” has the meaning given such term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(3) INITIATION OF A NATIONAL SECURITY VETTING PROCESS.—The term “initiation of a national security vetting process” means the process that commences once an individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions, or successor form.

(b) PROHIBITION.—Notwithstanding any other provision of law, use of cannabis by an

individual that occurs prior to the individual’s initiation of a national security vetting process shall not be determinative to adjudications of the individual’s eligibility for access to classified information or eligibility to hold a sensitive position.

SA 5914. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PROHIBITION ON DENIAL OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION SOLELY BECAUSE OF USE OF CANNABIS.

(a) DEFINITIONS.—In this section:

(1) CANNABIS.—The term “cannabis” has the meaning given the term “marihuana” in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term “eligibility for access to classified information” has the meaning given such term in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a)).

(b) PROHIBITION.—Notwithstanding any other provision of law, use of cannabis by an individual shall not be determinative to adjudications of the individual’s eligibility for access to classified information or eligibility to hold a sensitive position.

SA 5915. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. MODIFICATION OF AUTHORITY OF PRESIDENT UNDER EXPORT CONTROL REFORM ACT OF 2018.

Section 1753(a)(2)(F) of the Export Control Reform Act of 2019 (50 U.S.C. 4812(a)(2)(F)) is amended by inserting “, security, or” before “intelligence”.

SA 5916. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 322. LIMITATION ON MODIFICATION OF TRAINING ACTIVITIES IN OREGON PURSUANT TO RECORD OF DECISION FOR ENVIRONMENTAL IMPACT STATEMENT RELATING TO MOUNTAIN HOME AIR FORCE BASE, IDAHO.

The Secretary of the Air Force shall ensure that any record of decision issued by the Secretary for the Airspace Optimization for Readiness Environmental Impact Statement for Mountain Home Air Force Base, Idaho, does not modify existing training regimes and activities of the Air Force in Oregon until the Secretary, in coordination with the United States Geological Survey and the Oregon Department of Fish and Wildlife, has conducted and then analyzed in a supplemental draft environmental impact statement comprehensive, primary research on the effects of real noise, the risk of wildfire from the use of flares, and the risk of water pollution from the use of chaff from current and proposed future military training on wildlife and human communities in the Mountain Home Military Operations Area in Oregon.

SA 5917. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

“SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

“(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

“(1) IN GENERAL.—The Secretary shall, in coordination with the heads of the appropriate Federal agencies, identify categories of personal data of covered individuals that could—

“(A) be exploited by foreign governments; and

“(B) if exported, reexported, or in-country transferred in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

“(2) LIST REQUIRED.—In identifying categories of personal data of covered individuals under paragraph (1), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

“(A) identify an initial list of such categories not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023; and

“(B) as appropriate thereafter and not less frequently than every 5 years, add categories to, remove categories from, or modify categories on, that list.

“(3) ESTABLISHMENT OF THRESHOLD.—

“(A) ESTABLISHMENT.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall establish a threshold for determining when the export, reexport, or in-country transfer (in the aggregate) of the personal data of covered individuals by one person to or in a restricted country could harm the national security of the United States.

“(B) NUMBER OF COVERED INDIVIDUALS AFFECTED.—The threshold established under subparagraph (A) shall be the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of not less than 10,000 covered individuals and not more than 1,000,000 covered individuals.

“(C) CATEGORY THRESHOLDS.—The Secretary, in coordination with the heads of the appropriate Federal agencies, may establish a threshold under subparagraph (A) for each category of personal data identified under paragraph (1).

“(D) UPDATES.—The Secretary, in coordination with the heads of the appropriate Federal agencies—

“(i) may update the threshold established under subparagraph (A) as appropriate; and

“(ii) shall reevaluate the threshold not less frequently than every 5 years.

“(E) TREATMENT OF PERSONS UNDER COMMON OWNERSHIP AS ONE PERSON.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

“(i) all exports, reexports, or in-country transfers involving personal data conducted by persons under the ownership or control of the same person shall be aggregated to that person; and

“(ii) that person shall be liable for any export, reexport, or in-country transfer in violation of this section.

“(F) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall seek to balance the need to protect personal data from exploitation by foreign governments against the likelihood of—

“(i) impacting legitimate business activities, research activities, and other activities that do not harm the national security of the United States; or

“(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

“(4) DETERMINATION OF PERIOD FOR PROTECTION.—The Secretary, in coordination with the heads of the appropriate Federal agencies, shall determine, for each category of personal data identified under paragraph (1), the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required to be able to protect that category of data from decryption to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

“(5) USE OF INFORMATION; CONSIDERATIONS.—In carrying out this subsection (including with respect to the list required under paragraph (2)), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

“(A) use multiple sources of information, including—

“(i) publicly available information;

“(ii) classified information, including relevant information provided by the Director of National Intelligence;

“(iii) information relating to reviews and investigations of transactions 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);

“(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and any categories of sensitive personal data added to such section after such date of enactment;

“(v) information provided by the advisory committee established pursuant to paragraph (7); and

“(vi) the recommendations (which the Secretary shall request) of—

“(I) privacy experts identified by the National Academy of Sciences; and

“(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

“(B) take into account—

“(i) the significant quantity of personal data of covered individuals that has already been stolen or acquired by foreign governments;

“(ii) the harm to United States national security caused by the theft or acquisition of that personal data;

“(iii) the potential for further harm to United States national security if that personal data were combined with additional sources of personal data;

“(iv) the fact that non-sensitive personal data, when analyzed in the aggregate, can reveal sensitive personal data; and

“(v) the commercial availability of inferred and derived data.

“(6) NOTICE AND COMMENT PERIOD.—The Secretary shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

“(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

“(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

“(C) establishing or updating the threshold under paragraph (3); or

“(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required under paragraph (4) to be able to protect such a category of data from decryption.

“(7) ADVISORY COMMITTEE.—

“(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

“(B) MEMBERSHIP.—The committee established pursuant to subparagraph (A) shall include the following members selected by the Secretary:

“(i) Experts on privacy and cybersecurity.

“(ii) Representatives of private sector companies and industry associations.

“(iii) Representatives of civil society groups.

“(C) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

“(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

“(A) IN GENERAL.—In carrying out this subsection, the Secretary may not treat anonymized personal data differently than identifiable personal data if the individuals to which the anonymized personal data relates could reasonably be identified using other sources of data.

“(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be reasonably identified using other sources of data.

“(9) SENSE OF CONGRESS ON IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—It is the sense of Congress that, in identifying categories of personal data of covered individuals under paragraph (1), the Secretary should, to the extent reasonably possible and in coordination with the Secretary of the Treasury, harmonize those categories with the categories of sensitive personal data described in paragraph (5)(A)(iv).

“(b) COMMERCE CONTROLS.—

“(1) CONTROLS REQUIRED.—Beginning 18 months after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export, reexport, or in-country transfer of covered personal data), as appropriate, or by publishing additional regulations.

“(2) LEVELS OF CONTROL.—

“(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

“(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3);

“(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

“(I) after consideration of the matters described in subparagraph (B); and

“(II) in coordination with the heads of the appropriate Federal agencies; and

“(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

“(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

“(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

“(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

“(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

“(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

“(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

“(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

“(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

“(i) IN GENERAL.—The Secretary shall—

“(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a manner that exceeds the threshold established under subsection (a)(3); and

“(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

“(ii) LIST REQUIRED.—

“(I) IN GENERAL.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

“(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

“(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

“(bb) shall review that list not less frequently than every 5 years.

“(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

“(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

“(ii) LIST REQUIRED.—

“(I) IN GENERAL.—Not later than one year after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B) and subject to clause (iii), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

“(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

“(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

“(bb) shall review that list not less frequently than every 5 years.

“(iii) CONGRESSIONAL REVIEW.—

“(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the

appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

“(II) JOINT RESOLUTION OF DISAPPROVAL.—

“(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term ‘joint resolution of disapproval’ means a joint resolution the matter after the resolving clause of which is as follows: ‘That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on ____’, with the blank space being filled with the appropriate date.

“(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting ‘the Committee on Banking, Housing, and Urban Affairs’ for ‘the Committee on the Judiciary’ each place it appears.

“(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

“(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

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

“(3) REVIEW OF LICENSE APPLICATIONS.—

“(A) IN GENERAL.—The Secretary shall, consistent with the provisions of section 1756 and in coordination with the heads of the appropriate Federal agencies—

“(i) review applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

“(ii) establish procedures for conducting the review of such applications.

“(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

“(4) EXCEPTIONS.—

“(A) IN GENERAL.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

“(i) The export, reexport, or in-country transfer by an individual of covered personal data that specifically pertains to that individual.

“(ii) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the service could not possibly be performed (as defined by the Secretary in regulations) without the export, re-

export, or in-country transfer of that personal data.

“(iii) The export, reexport, or in-country transfer of personal data that is encrypted if—

“(I) the encryption key or other information necessary to decrypt the data is not exported, reexported, or transferred to a restricted country or (except as provided in subparagraph (B)) a national of a restricted country; and

“(II) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

“(iv) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

“(B) EXCEPTION FOR CERTAIN NATIONALS OF RESTRICTED COUNTRIES.—Subparagraph (A)(iii)(I) does not apply with respect to an individual who is a national of a restricted country if the individual is also a citizen of the United States or a noncitizen described in subsection (k)(5)(C).

“(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the Secretary, in coordination with the heads of the appropriate Federal agencies, as appropriate—

“(1) may not regulate or restrict the publication or sharing of—

“(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

“(B) information about a matter of public interest; or

“(C) consistent with the goal of protecting the national security of the United States, any other information the publication of which is protected by the First Amendment to the Constitution of the United States; and

“(2) shall consult with the appropriate congressional committees.

“(d) PENALTIES.—

“(1) LIABLE PERSONS.—

“(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section and subsequently did export, reexport, or in-country transfer such data.

“(B) EXCEPTIONS AND CLARIFICATIONS.—

“(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

“(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without being directed to do so by the owner or user of the device who installed the application, the developer of the application,

and not the owner or user of the device, is liable for any violation of this section.

“(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) with respect to a person for a violation of this section, the court shall consider—

“(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section;

“(B) any harm that resulted from the violation; and

“(C) the intent of the person in committing the violation.

“(e) REPORT TO CONGRESS.—

“(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

“(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

“(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

“(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—

“(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the information specified in paragraph (2), with respect to each application—

“(A) for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

“(B) with respect to which the Secretary made a decision in the preceding 90-day period.

“(2) INFORMATION SPECIFIED.—The information specified in this paragraph with respect to an application described in paragraph (1) is the following:

“(A) The name of the applicant.

“(B) The date of the application.

“(C) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

“(D) The categories of covered personal data the applicant sought to export, reexport, or transfer.

“(E) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

“(F) Whether the application was approved or denied.

“(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

“(h) CITIZENSHIP DETERMINATIONS BY PERSONS PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

“(i) FEES.—

“(1) IN GENERAL.—Notwithstanding section 1756(c), the Secretary may, to the extent provided in advance in appropriations Acts, assess and collect a fee, in an amount determined by the Secretary in regulations, with respect to each application for a license submitted under subsection (b).

“(2) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under paragraph (1) shall—

“(A) be credited as offsetting collections to the account providing appropriations for activities carried out under this section;

“(B) be available, to the extent and in the amounts provided in advance in appropriations Acts, to the Secretary solely for use in carrying out activities under this section; and

“(C) remain available until expended.

“(j) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this section.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each of the appropriate Federal agencies participating in carrying out this section such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

“(1) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

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

“(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) APPROPRIATE FEDERAL AGENCIES.—The term ‘appropriate Federal agencies’ means the following:

“(A) The Department of Defense.

“(B) The Department of State.

“(C) The Department of Justice.

“(D) The Department of the Treasury.

“(E) The Office of the Director of National Intelligence.

“(F) The Cybersecurity and Infrastructure Security Agency.

“(G) The Consumer Financial Protection Bureau.

“(H) The Federal Trade Commission.

“(I) The Federal Communications Commission.

“(J) The Department of Health and Human Services.

“(K) Such other Federal agencies as the Secretary considers appropriate.

“(3) COVERED INDIVIDUAL.—The term ‘covered individual’, with respect to personal data, means an individual who, at the time the data is acquired—

“(A) is located in the United States; or

“(B) is—

“(i) located outside the United States or whose location cannot be determined; and

“(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

“(4) COVERED PERSONAL DATA.—The term ‘covered personal data’ means the categories of personal data of covered individuals identified pursuant to subsection (a).

“(5) EXPORT.—

“(A) IN GENERAL.—The term ‘export’, with respect to covered personal data, includes—

“(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

“(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to

whether the release or transfer was intended to be to a noncitizen.

“(B) EXCEPTIONS.—The term ‘export’ does not include—

“(i) the publication of covered personal data on the internet in a manner that makes the data discoverable by and accessible to any member of the general public; or

“(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

“(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen who is authorized to be employed in the United States.

“(D) TRANSMISSIONS THROUGH RESTRICTED COUNTRIES.—

“(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and except as provided in clause (iii), the term ‘export’ includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

“(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

“(I) the data is encrypted as described in subsection (b)(4)(A)(iii); or

“(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

“(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data directly or indirectly through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

“(6) IN-COUNTRY TRANSFER; REEXPORT.—The terms ‘in-country transfer’ and ‘reexport’, with respect to personal data, shall have the meanings given those terms in regulations prescribed by the Secretary.

“(7) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms ‘lawfully admitted for permanent residence’ and ‘national’ have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

“(8) NONCITIZEN.—The term ‘noncitizen’ means an individual who is not a citizen or national of the United States.

“(9) RESTRICTED COUNTRY.—The term ‘restricted country’ means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3).”

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “; and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) to restrict, notwithstanding section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(1)) in a quantity and a manner that could harm the national security of the United States.”; and

(2) in paragraph (2), by adding at the end the following:

“(H) To prevent the exploitation of personal data of United States citizens and

other covered individuals (as defined in section 1758A(1)) in a quantity and a manner that could harm the national security of the United States.”.

(c) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—Section 1754 of the Export Control Reform Act of 2018 (50 U.S.C. 4813) is amended—

(1) in subsection (a)(14), by inserting “and subject to subsection (g)” after “as warranted”; and

(2) by adding at the end the following:

“(g) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—The Secretary may create under subsection (a)(14) exceptions to licensing requirements under section 1758A only for the export, reexport, or in-country transfer of covered personal data (as defined in subsection (l) of that section) by a Federal department or agency.”.

(d) RELATIONSHIP TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 1754(b) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(b)) is amended by inserting “(other than section 1758A)” after “this part”.

SA 5918. Mr. WYDEN (for himself, Mr. DAINES, Mr. MARKEY, Mr. LEE, Mr. SCHATZ, Mr. PAUL, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place XV, insert the following:

SEC. 15 . REPORT ON PURCHASE AND USE BY DEPARTMENT OF DEFENSE OF LOCATION DATA GENERATED BY AMERICANS' PHONES AND THEIR INTERNET METADATA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees and make available to the public on an internet website of the Department of Defense a report that—

(1) identifies each covered entity that is currently, or during the five year period ending on the date of the enactment of this Act was, without a court order—

(A) obtaining in exchange for anything of value any covered records; and

(B) intentionally retaining or intentionally using such covered records; and

(2) for each covered entity identified pursuant to paragraph (1), identifies—

(A) each category of covered record the covered entity, without a court order, is obtaining or obtained, in exchange for anything of value;

(B) whether the covered entity intentionally retained or is intentionally retaining each category of covered records pursuant to subparagraph (A);

(C) whether the covered entity intentionally uses or used each category of covered records identified pursuant to subparagraph (A); and

(D) whether such obtaining, retention, and use ceased before the date of the enactment of this Act or is ongoing.

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

(c) DETERMINATION OF PARTIES TO A COMMUNICATION.—In determining under this section whether a party to a communication is likely to be located inside or outside the United States, the Secretary shall consider the Internet Protocol (IP) address used by the party to the communication, but may also consider other information known to the Secretary.

(d) DEFINITIONS.—In this section:

(1) The term “covered entities” means the Defense Agencies, Department of Defense activities, and components of the Department that—

(A) are under the authority, direction, and control of the Under Secretary of Defense for Intelligence and Security; or

(B) over which the Under Secretary exercises planning, policy, funding, or strategic oversight authority.

(2) The term “covered records” includes the following:

(A) Location data generated by phones that are likely to be located in the United States.

(B) Domestic phone call records.

(C) International phone call records.

(D) Domestic text message records.

(E) International text message records.

(F) Domestic netflow records.

(G) International netflow records.

(H) Domestic Domain Name System records.

(I) International Domain Name System records.

(J) Other types of domestic internet metadata.

(K) Other types of international internet metadata.

(3) The term “domestic” means a telephone or an internet communication in which all parties to the communication are likely to be located in the United States.

(4)(A) The term “international” means a telephone or an internet communication in which one or more parties to the communication are likely to be located in the United States and one or more parties to the communication are likely to be located outside the United States.

(B) The term “international” does not include a telephone or an internet communication in which all parties to the communication are likely to be located outside the United States.

(5) The term “obtain in exchange for anything of value” means to obtain by purchasing, to receive in connection with services being provided for consideration, or to otherwise obtain in exchange for consideration, including an access fee, service fee, maintenance fee, or licensing fee.

(6)(A) Except as provided in subparagraph (B), the term “retain” means the storage of a covered record.

(B) The term “retain” does not include the temporary storage of a covered record that will be, but has not yet been, subjected to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

(7)(A) Except as provided in subparagraph (B), the term “use”, with respect to a covered record, includes analyzing, processing, or sharing the covered record.

(B) The term “use” does not include subjecting the covered record to a process in which the covered record, which is part of a larger compilation containing records that are not covered records, are identified and deleted.

SA 5919. 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 F of title X, add the following:

SEC. 1064. REPORT ON LAND HELD BY ENTITIES CONNECTED TO THE PEOPLE'S REPUBLIC OF CHINA NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE IN THE UNITED STATES.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing land held by covered entities within 25 miles of a military installation or military airspace in the United States—

(1) as of the date of the report; and

(2) as of the date that is 5 years before such date of enactment.

(b) COORDINATION WITH OTHER AGENCIES.—In preparing the report required by subsection (a), the Secretary may coordinate with the heads of other Federal agencies to ensure the completeness and accuracy of the information used to prepare the report.

(c) COVERED ENTITY DEFINED.—In this section, the term “covered entity” means any entity that—

(1) is headquartered in the People's Republic of China;

(2) is owned, directed, controlled, financed, or influenced directly or indirectly by the Government of the People's Republic of China, the Chinese Communist Party, or the military of the People's Republic of China, including any entity for which the Government of the People's Republic of China, the Chinese Communist Party, or the military of the People's Republic of China has the ability, through ownership of a majority or a dominant minority of the total outstanding voting interest in the entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide for the entity in an important manner; or

(3) is a parent, subsidiary, or affiliate of any entity described in paragraph (2).

SA 5920. Mr. SCOTT of South Carolina (for himself and Mr. TOOMEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . MANAGEMENT OF BOARD OF DIRECTORS OF FDIC.

Section 2 of the Federal Deposit Insurance Act (12 U.S.C. 1812) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—The management of the Corporation shall be vested in a Board of Directors consisting of 5 members who shall be

appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, 1 of whom shall have State bank supervisory experience.”;

(2) in subsection (c)—

(A) by striking paragraph (3) and inserting the following:

“(3) CONTINUATION OF SERVICE.—The Chairperson, Vice Chairperson, and each appointed member may continue to serve after the expiration of the term of office to which such member was appointed until the earlier of—

“(A) the date on which a successor has been appointed and qualified; or

“(B) the date on which the next session of Congress subsequent to the expiration of such term expires.”; and

(B) by adding at the end the following:

“(4) LIMITATION.—No appointed member shall serve more than 12 years—

“(A) including any service described in paragraph (2); and

“(B) not including any service described in paragraph (3).”;

(3) by striking subsection (d) and inserting the following:

“(d) VACANCY.—Any vacancy on the Board of Directors shall be filled in the manner in which the original appointment was made.”;

(4) in subsection (e)(2)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) be the Director or any other officer of the Bureau of Consumer Financial Protection; or

“(D) be the Comptroller of the Currency or any other officer of the Office of the Comptroller of the Currency.”; and

(5) in subsection (f)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

SA 5921. Mr. SCOTT of South Carolina (for himself and Mr. WARNOCK) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2868. BASING DECISION SCORECARD CONSISTENCY.

Section 2883(h) of the Military Construction Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 1781b note) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

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

“(3) COORDINATION WITH SECRETARY OF DEFENSE.—In establishing a scorecard under this subsection, the Secretary of the military department concerned shall coordinate with the Secretary of Defense to ensure consistency among the military departments.”.

SA 5922. 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 A of title VI, add the following:

SEC. 606. REPORT ON ADEQUACY OF COST-OF-LIVING ALLOWANCE.

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report—

(1) reviewing the adequacy and effectiveness of the cost-of-living allowance paid under section 403b of title 37, United States Code, to members of the uniformed services living in high cost areas in the continental United States, taking into consideration—

(A) the rising costs of non-housing-related expenses, such as utilities, childcare, and other expenses incurred by such members; and

(B) units in living areas known to be high cost that may not otherwise be identified as meeting the current qualifications for the cost-of-living allowance;

(2) assessing—

(A) the methods the Secretary of Defense uses to determine the appropriate price index to use as the basis for determining the amount of the cost-of-living allowance; and

(B) whether or not those methods should be changed periodically to adjust for periods of inflation;

(3) reviewing the feasibility of the 8 percent threshold requirement under subsection (c) of section 403b of title 37, United States Code, to determine if adjustments should be made to that threshold in order to accurately capture additional high cost areas; and

(4) making recommendations with respect to the matters described in paragraphs (1), (2), and (3).

SA 5923. Mr. BOOZMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ RESTORATION, OPERATION, AND MAINTENANCE OF THE BATTLE OF THE BULGE MONUMENT BY THE AMERICAN BATTLE MONUMENTS COMMISSION.

(a) IN GENERAL.—After an agreement is made between the Government of the Kingdom of Belgium and the United States Government, the Battle of the Bulge Monument, formerly the Mardasson Memorial, in the Kingdom of Belgium shall be treated, for purposes of section 2104 of title 36, United States Code, as a cemetery for which it was decided under such section that the cemetery will become a permanent cemetery and the American Battle Monuments Commission shall restore, operate, and maintain the

Battle of the Bulge Monument (to the degree the Commission considers appropriate) under such section in cooperation with the Government of the Kingdom of Belgium.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for the period of fiscal years 2023 through 2025—

(1) \$30,000,000 for site preparation, design, planning, construction, and associated administrative costs for the restoration of the monument described in subsection (a); and

(2) amounts necessary to operate and maintain the monument described in subsection (a).

SA 5924. Mr. SCOTT of South Carolina (for himself, Ms. HASSAN, and Mr. HAGERTY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. REPEAL OF SUNSET PROVISION OF IRAN SANCTIONS ACT OF 1996.

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

(1) The Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) requires the imposition of sanctions with respect to Iran's illicit weapons programs, conventional weapons and ballistic missile development, and support for terrorism, including Iran's Revolutionary Guards Corps.

(2) The Government of Iran has acquired destabilizing conventional weapons systems from the Russian Federation and other malign actors, and is funneling weapons and financial support to its terrorist proxies throughout the Middle East, threatening allies and partners of the United States, such as Israel.

(b) STATEMENT OF POLICY.—It is the policy of the United States to fully implement and enforce the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(c) REPEAL OF SUNSET.—Section 13 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) is amended—

(1) in the section heading, by striking “; SUNSET”;

(2) by striking “(a) EFFECTIVE DATE.—”; and

(3) by striking subsection (b).

SA 5925. 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 XVI, insert the following:

SEC. _____. REPORT ON TACTICAL SCALABLE MOBILE AD-HOC NETWORK AND OTHER COMMERCIAL MOBILE AD-HOC NETWORKS.

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the progress made in developing the Tactical Scalable Mobile (TSM) ad-hoc network of the Army.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include the following:

(1) A description of the efforts to improve the networking function while on the move, data throughput, and ease of integration with Combined Joint All-Domain Command and Control (C-JADC2) of the Tactical Scalable Mobile network.

(2) A description of the efforts to utilize the Tactical Scalable Mobile network to consolidate the nationwide network architecture in the exit from Afghanistan.

(3) A description of how the Army provides off and on ramps of technology to its capability sets.

(4) Identification of any impediments that limit the ability of the Army to consider other commercial-off-the-shelf mobile ad-hoc network technologies that have previously been or are currently being assessed.

(5) An assessment of other mobile ad-hoc network capabilities in use today that are complimentary of existing single channel ground and airborne radio systems and legacy, disparate communications-based systems.

(6) An assessment of the resilience of the Tactical Scalable Mobile network and other mobile ad-hoc network technologies against electronic attack.

(7) An assessment of the current fleet of vehicles, aircraft, and tactical operations centers not included in the capability set aligned units that would benefit from non-developmental mobile ad-hoc networks.

SA 5926. 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 F of title X, add the following:

SEC. 1064. REVIEW AND BRIEFING ON USE OF ARMY STRATEGIC MANAGEMENT SYSTEM TO TRACK AND DISPLAY SEXUAL HARASSMENT AND SEXUAL ASSAULT DATA.

(a) **REVIEW AND BRIEFING REQUIRED.**—Not later than March 1, 2023, the Secretary of the Army shall conduct a review, and provide a briefing to the congressional defense committees, on the use by the Sexual Harassment/Assault Response and Prevention Office of the Strategic Management System to track and display sexual harassment and sexual assault data.

(b) **ELEMENTS.**—The review and briefing required by subsection (a) shall include the following:

(1) An inventory of total Army users of the Strategic Management System tool during the 10 years preceding the date of the enactment of this Act.

(2) An overview of the past 3 contracts the Army issued for the Strategic Management System tool.

(3) A description of the Army's plan to utilize the Strategic Management System tool across Army installations to better track and mitigate incidents of sexual harassment and sexual assault.

(4) A justification for the difference of increased Army end user utilization of the Strategic Management System and the declining long-term resource allocation to the Strategic Management System at the program office level.

(5) A breakdown of Strategic Management System requirements across the Army enterprise and a funding plan to meet those requirements.

(6) Any other matters the Secretary considers relevant.

(c) **INCORPORATION OF VIEWPOINTS.**—The review and briefing required by subsection (a) shall incorporate the viewpoints and participation of the following Army organizations:

(1) The Sexual Harassment/Assault Response and Prevention Office.

(2) The Office of Business Transformation.

(3) The Army Contracting Command.

SA 5927. Mr. TILLIS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. MODIFICATION OF COOPERATIVE LOGISTIC SUPPORT AGREEMENTS: NATO COUNTRIES.

Section 2350d of title 10, United States Code, is amended—

(1) in the section heading, by striking “**logistic support**” and inserting “**acquisition and logistics support**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “logistics support” and inserting “acquisition and logistics support”; and

(ii) in subparagraph (B), by striking “logistic support” and inserting “acquisition and logistics support”; and

(B) in paragraph (2)(B), by striking “logistics support” and inserting “armaments and logistics support”; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Partnership Agreement” and inserting “Partnership Agreement or Arrangement”;

(B) in paragraph (1)—

(i) by striking “supply and acquisition of logistics support in Europe for requirements” and inserting “supply, services, support, and acquisition, including armaments for requirements”; and

(ii) by striking “supply and acquisition are appropriate” and inserting “supply, services, support, and acquisition are appropriate”; and

(C) in paragraph (2), by striking “logistics support” each place it appears and inserting “acquisition and logistics support”.

SA 5928. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON IMPACT OF GLOBAL CRITICAL MINERAL AND METAL RESERVES ON UNITED STATES MILITARY EQUIPMENT SUPPLY CHAINS.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the impact of the current and future supply of global critical mineral and metal reserves on the United States military equipment supply chains; and

(2) the feasibility of public-private partnerships to foster supply chain resilience through strategic investments.

(b) **ELEMENTS.**—The report required by subsection (a) shall include—

(1) an assessment of the efforts of the People's Republic of China and the Russian Federation to acquire global reserves of critical minerals and metals, including reserves of lithium, tungsten, tantalum, cobalt, and molybdenum;

(2) a description of the efforts of the Department of Defense to procure critical minerals and metals;

(3) a description of planned investments by the Department to ensure the resiliency and security of the United States military supply chains requiring critical minerals and metals;

(4) an assessment of the feasibility of engagement initiated by the Department with public-private partnerships to consult and coordinate in a concerted effort to improve information sharing with respect to development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves; and

(5) an assessment of the feasibility of loan guarantees provided by the Department to private industry to enable significant strategic investments in development and mining projects, production technologies, and refining facilities relating to securing supply chains of critical minerals and metal reserves.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form and include a classified annex.

SA 5929. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. REPORTS ON PRODUCTION, INTERNATIONAL TRANSPORT, AND SEIZURE OF CERTAIN ILLICIT DRUGS.

(a) **FINDINGS.**—Congress finds the following:

(1) In January 2020, the Drug Enforcement Agency named China as the primary source

of United States-bound, illicit, fentanyl-related substances.

(2) Although China instituted domestic controls in 2018 and 2019 on the production and exportation of fentanyl, some of its variants, and two precursors known as NPP and 4-ANPP, and the United Nations Commission on Narcotic Drugs recently voted unanimously in favor of controlling 4-AP and two other precursors, China has not yet expanded its class scheduling to include many fentanyl precursors, such as 4-AP, which continue to be trafficked to second countries in which they are used in the final production of United States-bound fentanyl and other synthetic opioids.

(3) According to the Commission on Combating Synthetic Opioid Trafficking Final Report, which was published in February 2022, illicit fentanyl and related analogues entering the United States are now primarily trafficked across the southern border from Mexico, where drug cartels use precursors from China to manufacture these deadly substances.

(4) The Joint Interagency Task Force West, which is part of United States Indo-Pacific Command, uses military and law enforcement capabilities to combat drug-related transnational crime in the Asia-Pacific Region, including by supporting law enforcement in efforts to reduce the illicit flow of drugs and precursors originating in Asia and intended for markets in the United States.

(5) From June 2020 through May 2021, more than 100,000 Americans died from drug overdoses, roughly two-thirds of which involved synthetic opioids, such as fentanyl and related analogues.

(b) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services of the Senate;

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

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

(D) the Committee on Armed Services of the House of Representatives;

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

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

(2) CHINA.—The term “China” means the People’s Republic of China.

(3) PRECURSORS.—The term “precursors” means chemicals used in the illicit production of fentanyl and related synthetic opioid variants.

(c) REPORT ON CHINA’S SCHEDULING OF FENTANYL AND SYNTHETIC OPIOID PRECURSORS AND STEPS TO COMBAT FENTANYL PRODUCTION AND TRAFFICKING IN CHINA.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Director of the Joint Interagency Task Force West and in consultation with the Secretary of State and the Attorney General, shall submit to the appropriate committees of Congress an unclassified written report, with a classified annex, that includes—

(1) a description of United States Government efforts to secure implementation by the Chinese Government of international narcotics controls regarding unregulated fentanyl precursors, such as 4-AP; and

(2) a plan for future steps the United States Government will take to combat illicit fentanyl production and trafficking originating in China.

(d) ANNUAL REPORT ON DRUG SEIZURES.—Not later than 6 months after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense, acting through the Director of the Joint Inter-

agency Task Force West and in coordination with the Drug Enforcement Agency, the Office of National Drug Control Policy, U.S. Customs and Border Protection, the Department of Homeland Security, the Department of Justice, the Coast Guard, the Centers for Disease Control and Prevention, the Office of the United States Trade Representative, the Office of the Director of National Intelligence, the Central Intelligence Agency, the Department of State, the United States Postal Service, and any other relevant agency, shall submit a report to the appropriate committees of Congress that describes—

(1) with respect to illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors that originated in the Asia-Pacific region and have been seized at the United States borders and ports of entry—

(A) the source countries from which such drugs originated and the third party countries through which such drugs traveled;

(B) the methods used for transporting such drugs from the Asia-Pacific region to the United States borders and ports of entry;

(C) the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors; and

(D) the lethality of the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized;

(2) with respect to illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors that originated in the Asia-Pacific region and have been seized within the United States—

(A) the source countries from which such drugs originated and the third party countries through which such drugs traveled;

(B) the methods used for transporting such drugs from the Asia-Pacific region to the United States borders and ports of entry;

(C) the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized; and

(D) the lethality of the amounts of illicit fentanyl, fentanyl analogues, synthetic opioids, the precursors for illicit fentanyl, fentanyl analogues, or synthetic opioids, methamphetamine, or methamphetamine precursors seized; and

(3) the activities conducted by Chinese entities and nationals in furtherance of illicit fentanyl production in Mexico for drug trafficking purposes.

SA 5930. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. REPORT ON DEFENSE ADVANCED MANUFACTURING CAPABILITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on identifying, evaluating, and manufacturing the fundamental materials and processes related to future Air Force assets operating at very high velocities in extreme environmental conditions.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) An assessment of current research and development plans related to the materials and manufacturing processes directed towards flight critical components for future Air Force vehicles operating in extreme environments, including operating environments of temperatures exceeding 3000 degrees Fahrenheit, high aerodynamic forces, and significant variations in atmospheric conditions.

(2) An assessment of how the Air Force is prioritizing early state research, development, and demonstration in materials and manufacturing for extreme environments, to include development of new processes for increasing performance, decreasing cost, and lead time for complex geometries and exotic materials needed for future Air Force assets.

(3) An assessment of efforts made by the Air Force to maintain, or increase, a secure, classified industrial research and manufacturing base that prevents the loss of intellectual property theft to foreign entities.

(4) An assessment of the effect of the continuation of current research and development collaborations between the Air Force research laboratories and the National Laboratories of the Department of Energy in order to achieve these results.

(5) The feasibility of the Air Force leveraging the Manufacturing Demonstration Facility of the Department of Energy and the National Laboratories of the Department in order to achieve these results.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form and include a classified annex.

SA 5931. Mr. SCOTT of South Carolina submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. _____. HELPING STARTUPS CONTINUE TO GROW.

(a) DEFINITIONS.—

(1) SECURITIES ACT OF 1933.—Section 2(a)(19)(B) of the Securities Act of 1933 (15 U.S.C. 77b(a)(19)(B)) is amended by striking “fifth” and inserting “tenth”.

(2) SECURITIES EXCHANGE ACT OF 1934.—Section 3(a)(80)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(80)(B)) is amended by striking “fifth” and inserting “tenth”.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Securities Exchange Commission shall issue an interim final rule carrying out the amendment made by subsection (a).

(2) DEFINITIONS.—In amending the definition of emerging growth company, as required under paragraph (1), the Securities

Exchange Commission shall not make or solicit feedback on alterations to the definition of emerging growth company to narrow the definition or increase their regulatory obligations or restrictions of emerging growth companies.

SA 5932. Mr. SCOTT of South Carolina (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. COI ELIMINATION ACT.

(a) **SHORT TITLE.**—This section may be cited as the “COI Elimination Act”.

(b) **ABOLITION AND RESTRICTION.**—

(1) **STATEMENT OF POLICY.**—It is the policy of the United States—

(A) to seek the abolition of the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel; and

(B) to combat systemic anti-Israel bias at the United Nations Human Rights Council and other international fora.

(2) **ABOLITION OF CERTAIN UNITED NATIONS GROUPS.**—Section 721(b) of the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001, enacted by reference pursuant to section 1000(a)(7) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2000 (Public Law 106-113) (22 U.S.C. 287 note) is amended by striking “; and the Division on Public Information on the Question of Palestine” and inserting “; and the Division on Public Information on the Question of Palestine”; and the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel”.

(3) **WITHHOLDING OF FUNDS.**—Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (Public Law 98-164; 22 U.S.C. 287e note) is amended—

(A) in subsection (a)

(i) in paragraph (6), by striking “and” after the semicolon;

(ii) in paragraph (7), by striking the period and inserting “; and”; and

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

“(8) 22 percent of the amount budgeted for the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, unless the Secretary of State submits to Congress a certification that the United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel has been abolished.”; and

(B) by adding at the end the following:

“(e) If the Secretary of State submits to Congress a certification under paragraph (8) of subsection (a), the United States shall, subject to available appropriations, provide to the United Nations an amount equal to the total amount of funds withheld in accordance with such paragraph during the current and any prior year.”.

SA 5933. Mr. PORTMAN (for himself, Ms. KLOBUCHAR, and Mr. PETERS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SECTION 10. REQUIREMENT FOR INFORMATION SHARING AGREEMENTS.

(a) **SHORT TITLE.**—This section may be cited as the “Intragovernmental Cybersecurity Information Sharing Act”.

(b) **APPROPRIATE OFFICIALS DEFINED.**—In this section, the term “appropriate officials” means—

(1) the Majority Leader, Minority Leader, and the Secretary of the Senate with respect to an agreement with the Sergeant at Arms and Doorkeeper of the Senate; and

(2) the Speaker, the Minority Leader, and the Sergeant at Arms of the House of Representatives with respect to an agreement with the Chief Administrative Officer of the House of Representatives.

(c) **REQUIREMENT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the President, the Sergeant at Arms and Doorkeeper of the Senate, and the Chief Administrative Officer of the House of Representatives, in consultation with the appropriate officials, shall enter into 1 or more cybersecurity information sharing agreements to enhance collaboration between the executive branch and Congress on implementing cybersecurity measures to improve the protection of legislative branch information technology.

(2) **DELEGATION.**—If the President delegates the duties under paragraph (1), the designee of the President shall coordinate with appropriate Executive agencies (as defined in section 105 of title 5, United States Code, including the Executive Office of the President) and the appropriate officers in the executive branch in entering any agreement described in paragraph (1).

(d) **ELEMENTS.**—The parties to a cybersecurity information sharing agreement under subsection (c) shall jointly develop such elements of the agreement as the parties find appropriate, which may include—

(1) direct and timely sharing of technical indicators and contextual information on cyber threats and vulnerabilities, and the means for such sharing;

(2) direct and timely sharing of classified and unclassified reports on cyber threats and activities consistent with the protection of sources and methods;

(3) seating of cybersecurity personnel of the Office of the Sergeant at Arms and Doorkeeper of the Senate or the Office of the Chief Administrative Officer of the House of Representatives at cybersecurity operations centers; and

(4) any other elements the parties find appropriate.

(e) **BRIEFING TO CONGRESS.**—Not later than 210 days after the date of enactment of this Act, and at least annually thereafter, the President shall brief the Committee on Homeland Security and Governmental Affairs and the Committee on Rules and Administration of the Senate, the Committee on Homeland Security and the Committee on

House Administration of the House of Representatives, and the appropriate officials on the status of the implementation of the agreements required under subsection (c).

SA 5934. Mr. PADILLA proposed an amendment to the bill S. 3092, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes; as follows:

On page 19, line 16, strike “Red Flag” and all that follows through “technologies,” on line 18 and insert “forecasts and data, including information that supports the Red Flag Warnings of the National Oceanic and Atmospheric Administration and similar weather alert and notification methods.”.

On page 21, line 19, strike “CULTURAL COMPETENCY” and insert “EFFECTIVE COMMUNICATION”.

On page 22, strike lines 2 through 15 and insert the following:

“(b) **EFFECTIVE COMMUNICATION.**—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing professional counseling services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

SEC. 8. CASE MANAGEMENT EFFECTIVE COMMUNICATION.

On page 22, strike line 23 and all that follows through page 23, line 9, and insert the following:

“(b) **EFFECTIVE COMMUNICATION.**—The President shall, in consultation with affected States, local governments, and Indian tribal governments and cultural experts, ensure that any individual providing case management services to victims of a major disaster as authorized under subsection (a), including those working for nonprofit partners and recovery organizations, is appropriately trained to address impacts from major disasters in communities, and to individuals, with socio-economically disadvantaged backgrounds.”.

On page 25, strike line 8 and all that follows through page 27, line 8, and insert the following:

SEC. 11. INCREASED CAP FOR EMERGENCY DECLARATIONS BASED ON REGIONAL COST OF LIVING.

On page 27, strike lines 15 and 16 and insert the following:

SEC. 12. FACILITATING DISPOSAL OF TEMPORARY TRANSPORTABLE HOUSING UNITS TO SURVIVORS.

On page 28, strike lines 1 through 12 and insert the following:

SEC. 13. DEADLINE ON CODE ENFORCEMENT AND MANAGEMENT COST ELIGIBILITY.

(a) **IN GENERAL.**—Section 406(a)(2)(D) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(a)(2)(D)) is amended by striking “180 days” and inserting “1 year”.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SEC. 14. PERMIT APPLICATIONS FOR TRIBAL UPGRADES TO EMERGENCY OPERATIONS CENTERS.

(a) **IN GENERAL.**—Section 614(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196c(a)) is amended—

(1) by inserting “and Indian tribal governments” after “grants to States”; and

(2) by striking “State and local” and inserting “State, local, and Tribal”.

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall apply with respect to amounts appropriated on or after the date of enactment of this Act.

SA 5935. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. EMPOWERING HOMELAND SECURITY INVESTIGATIONS TO COUNTER DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) **IN GENERAL.**—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

“SEC. 437. COUNTERING DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

“(a) **PROGRAM ESTABLISHED.**—The Secretary shall establish a program that provides special agents of the Department described in subsection (c) and any State, tribal, or local law enforcement officers designated by the Secretary with the powers and authorities given to customs officers described in section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) to prevent the smuggling, trafficking, manufacture, and sale of drugs by transnational criminal organizations engaged in cross-border criminal operations, which shall be exercised in the performance of the special agents’ existing functions related to customs and criminal law enforcement.

“(b) **INTERAGENCY COORDINATION AND DECONFLICTION.**—The Secretary shall ensure that the special agents authorized through the program established pursuant to subsection (a) conduct investigative data deconflation, target data deconflation, and event deconflation with Federal, State, tribal, and local law enforcement agencies, including the Drug Enforcement Administration, during the course of criminal and customs investigations described in subsection (a), to more effectively coordinate investigative activity and ensure officer and agent safety.

“(c) **SCOPE.**—The authority granted to special agents under subsection (a) is limited to special agents who have successfully completed—

“(1) the Federal Law Enforcement Training Center’s Criminal Investigator Training Program; and

“(2)(A) Customs Basic Enforcement School, if the officer was hired before March 2003; or

“(B) U.S. Immigration and Customs Enforcement Homeland Security Investigations Special Agent Training, if the officer was hired during or after March 2003.”.

(b) **CLERICAL AMENDMENT.**—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by inserting after the item relating to section 436 the following:

“Sec. 437. Countering drug smuggling by transnational criminal organizations.”.

SA 5936. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1012. LAW ENFORCEMENT AUTHORITY FOR HOMELAND SECURITY INVESTIGATIONS TO COUNTER DRUG SMUGGLING BY TRANSNATIONAL CRIMINAL ORGANIZATIONS.

Section 508 of the Controlled Substances Act (21 U.S.C. 878) is amended by adding at the end the following:

“(c) Special Agents of the Homeland Security Investigations and State, tribal, and local law enforcement officers designated by the Executive Associate Director for Homeland Security Investigations pursuant to section 401(i) of the Tariff Act of 1930 (19 U.S.C. 1401(i)) shall have the powers and authorities described in subsection (a) for the enforcement of this Act, which shall be exercised in the performance of the Department of Homeland Security’s existing functions related to customs and criminal law enforcement under the Homeland Security Act of 2002 (Public Law 107–296).”.

SA 5937. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REGULATION OF DIETARY SUPPLEMENTS.

(a) **IN GENERAL.**—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by inserting after section 403C of such Act the following:

“SEC. 403D. DIETARY SUPPLEMENT LISTING REQUIREMENT.

“(a) **IN GENERAL.**—Each dietary supplement shall be listed with the Secretary in accordance with this section.

“(b) **LISTING SUBMISSIONS.**—

“(1) **IN GENERAL.**—Each responsible person, or, if the responsible person is a foreign entity, the United States agent, shall submit to the Secretary in accordance with this section the following information for each dietary supplement that will be marketed:

“(A) Any proprietary name of the dietary supplement and the statement of identity, including brand name and specified flavors, if applicable.

“(B) The full name, address, and telephone number for the responsible person, and the name and e-mail address of the owner, operator, or agent in charge of the responsible person.

“(C) The full name, address, telephone number, and e-mail address for the United States agent, if the responsible person is a foreign entity.

“(D) The full business name and address of all locations at which the responsible person manufactures, packages, labels, or holds the dietary supplement.

“(E) An electronic copy of the label for the dietary supplement, and an electronic copy of the package insert, if any.

“(F) A list of all ingredients in the dietary supplement required to appear on the label under sections 101.4 and 101.36 of title 21, Code of Federal Regulations, including—

“(i) the amount per serving of each listed ingredient, if such information is required to appear on the label; and

“(ii) if required by section 101.36 of title 21, Code of Federal Regulations, the percent of the daily value of each listed ingredient.

“(G) The number of servings per container for each container size.

“(H) The conditions of use.

“(I) Warnings and precautions.

“(J) Statements regarding major food allergens, as defined in section 201(qq) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(qq)).

“(K) The dosage form, such as pill, capsule, liquid, or powder.

“(L) Any claim that—

“(i) characterizes the relationship of any nutrient which is of the type required by section 403(q)(1) or section (q)(2) to be in the label or labeling of the food to a disease or a health-related condition; or

“(ii) is subject to notification under section 403(r)(6) that appears in the supplement’s labeling.

“(M) The unique dietary supplement identifier for the product, provided in accordance with paragraph (3).

“(2) **FORMAT.**—A listing submitted under this section shall be in such electronic form and manner as the Secretary may prescribe. The Secretary shall promptly confirm, electronically, receipt of a complete listing under this section.

“(3) **UNIQUE LISTING IDENTIFICATION NUMBERS.**—

“(A) **IN GENERAL.**—The Secretary shall establish a unique dietary supplement identifier system that shall be used by the responsible person under this section.

“(B) **RESERVATION OF NUMBERS.**—The system shall allow a responsible person to reserve multiple dietary supplement identifier numbers in advance of listing.

“(C) **USE REQUIREMENT.**—Any unique dietary supplement identifier shall be used only in connection with the product for which the identifier was used during the listing process.

“(4) **SUBMISSION DATES.**—A responsible person under this section shall report to the Secretary the listing information described in paragraph (1) pursuant to the following timelines:

“(A) **IN GENERAL.**—

“(i) **EXISTING DIETARY SUPPLEMENTS.**—In the case of a dietary supplement that is being offered in interstate commerce on the date that is 18 months after the date of enactment of this section, a listing for each such dietary supplement formulation introduced or delivered for introduction into interstate commerce by the responsible person for commercial distribution shall be submitted by the responsible person with the Secretary under this section not later than 60 days after the date that is 18 months after the date of enactment of such Act.

“(ii) **NEW DIETARY SUPPLEMENTS.**—In the case of a dietary supplement that is not being offered in interstate commerce on the date that is 18 months after the date of enactment of this section, a listing for each

such dietary supplement formulation introduced or delivered for introduction into interstate commerce by the responsible person for commercial distribution which has not been included in any listing previously submitted by the responsible person to the Secretary under this section shall be submitted to the Secretary prior to introducing the dietary supplement into interstate commerce.

“(B) REFORMULATIONS.—A listing of each dietary supplement formulation introduced by the responsible person for commercial distribution that has a label that differs for such dietary supplement from the representative label provided under subsection (a) with respect to the product name, amount of dietary ingredients, or other distinguishing characteristics such as dosage form (such as pill, capsule, liquid, or powder) shall be submitted to the Secretary not later than 15 business days after introducing the dietary supplement with the change into interstate commerce.

“(C) DISCONTINUED DIETARY SUPPLEMENTS.—If the responsible person has discontinued the commercial marketing of a dietary supplement formulation included in a listing submitted by the responsible person under subparagraph (A) or (B), the responsible person shall report to the Secretary the date of such discontinuance, within 90 days of the discontinuance of the dietary supplement.

“(5) SUPPLIER INFORMATION RECORD KEEPING REQUIREMENT.—Each responsible person subject to the requirements of this subsection shall maintain a record of the full business name and address from which the responsible person receives any dietary ingredient or combination of dietary ingredients that the responsible person uses in the manufacture of the dietary supplement, or, if applicable, from which the responsible person receives the dietary supplement. The responsible person shall make this information available to the Secretary within 72 hours of request from the Secretary.

“(c) ELECTRONIC DATABASE.—Beginning not later than 2 years after the Secretary specifies a unique dietary supplement identifier system pursuant to subsection (b)(3), the Secretary shall maintain an electronic database that—

“(1) is publicly accessible;

“(2) is populated with information regarding dietary supplements that is provided under this section or any other provision of this Act; and

“(3) enables the public to search the database by a dietary supplement's unique dietary supplement identifier or other field of information or combination of fields.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For purposes of conducting activities under this section and hiring personnel to carry out this section, there are authorized to be appropriated \$4,000,000 for fiscal year 2022 and \$1,000,000 for each of fiscal years 2023 through 2026.”

(b) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it is a dietary supplement for which a responsible person is required to file a listing under section 403D and such responsible person has not made a listing with respect to such dietary supplement.”

(c) NEW PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

“(fff) The introduction or delivery for introduction into interstate commerce of a dietary supplement that has been prepared, packed, or held using the assistance of, or at the direction of, a person debarred under section 306.”

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by subsections (a) through subsection (c) shall be construed to expand the existing authorities of the Food and Drug Administration, other than as specified in such amendments. This subsection shall not be construed to—

(1) limit the existing authorities of the Food and Drug Administration; or

(2) limit the authorities specified in the amendments made by subsections (a) through subsection (c).

SA 5938. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. PAYMENT OF EXPENSES AND CLAIMS RELATING TO THE RETURN OF PERSONAL EFFECTS OF A DECEASED MEMBER OF THE ARMED FORCES.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(11)(A) Delivery of personal effects of a decedent to the next of kin or other appropriate person.

“(B) If the Secretary concerned enters into an agreement with an entity to carry out subparagraph (A), the Secretary concerned shall pursue a claim against such entity that arises from the failure of such entity to substantially perform such subparagraph.

“(C) If an entity described in subparagraph (B) fails to substantially perform subparagraph (A) by damaging, losing, or destroying the personal effects of a decedent, the Secretary concerned shall reimburse the person designated under subsection (c) the greater of \$1,000 or the fair market value of such damage, loss, or destruction. The Secretary concerned may request, from the person designated under subsection (c), proof of fair market value and ownership of the personal effects.”

SA 5939. Mr. PORTMAN (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:

On page 582, line 16, strike “\$800,000,000” and insert “\$8,000,000,000”.

SA 5940. Mr. PORTMAN (for himself and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle G—Promotion of Freedom of Information and Countering of Censorship and Surveillance in North Korea

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022”.

SEC. 1282. FINDINGS; SENSE OF CONGRESS.

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

(1) The information landscape in North Korea is the most repressive in the world, consistently ranking last or near-last in the annual World Press Freedom Index.

(2) Under the brutal rule of Kim Jung Un, the country's leader since 2012, the North Korean regime has tightened controls on access to information, as well as enacted harsh punishments for consumers of outside media, including sentencing to time in a concentration camp and a maximum penalty of death.

(3) Such repressive and unjust laws surrounding information in North Korea resulted in the death of 22-year-old United States citizen and university student Otto Warmbier, who had traveled to North Korea in December 2015 as part of a guided tour.

(4) Otto Warmbier was unjustly arrested, sentenced to 15 years of hard labor, and severely mistreated at the hands of North Korean officials. While in captivity, Otto Warmbier suffered a serious medical emergency that placed him into a comatose state. Otto Warmbier was comatose upon his release in June 2017 and died 6 days later.

(5) Despite increased penalties for possession and viewership of foreign media, the people of North Korea have increased their desire for foreign media content, according to a survey of 200 defectors concluding that 90 percent had watched South Korean or other foreign media before defecting.

(6) On March 23, 2021, in an annual resolution, the United Nations General Assembly condemned “the long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea” and expressed grave concern at, among other things, “the denial of the right to freedom of thought, conscience, and religion . . . and of the rights to freedom of opinion, expression, and association, both online and offline, which is enforced through an absolute monopoly on information and total control over organized social life, and arbitrary and unlawful state surveillance that permeates the private lives of all citizens”.

(7) In 2018, Typhoon Yutu caused extensive damage to 15 broadcast antennas used by the United States Agency for Global Media in Asia, resulting in reduced programming to North Korea. The United States Agency for Global Media has rebuilt 5 of the 15 antenna systems as of June 2021.

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

(1) in the event of a crisis situation, particularly where information pertaining to the crisis is being actively censored or a false narrative is being put forward, the United States should be able to quickly increase its broadcasting capability to deliver fact-based information to audiences, including those in North Korea; and

(2) the United States International Broadcasting Surge Capacity Fund is already authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216), and expanded authority to transfer unobligated balances from expired accounts of the United States Agency for Global Media would enable the Agency to more nimbly respond to crises.

SEC. 1283. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to provide the people of North Korea with access to a diverse range of fact-based information;

(2) to develop and implement novel means of communication and information sharing that increase opportunities for audiences in North Korea to safely create, access, and share digital and non-digital news without fear of repressive censorship, surveillance, or penalties under law; and

(3) to foster and innovate new technologies to counter North Korea's state-sponsored repressive surveillance and censorship by advancing internet freedom tools, technologies, and new approaches.

SEC. 1284. UNITED STATES STRATEGY TO COMBAT NORTH KOREA'S REPRESSIVE INFORMATION ENVIRONMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall develop and submit to Congress a strategy on combating North Korea's repressive information environment.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) An assessment of the challenges to the free flow of information into North Korea created by the censorship and surveillance technology apparatus of the Government of North Korea.

(2) A detailed description of the agencies and other government entities, key officials, and security services responsible for the implementation of North Korea's repressive laws regarding foreign media consumption.

(3) A detailed description of the agencies and other government entities and key officials of foreign governments that assist, facilitate, or aid North Korea's repressive censorship and surveillance state.

(4) A review of existing public-private partnerships that provide circumvention technology and an assessment of the feasibility and utility of new tools to increase free expression, circumvent censorship, and obstruct repressive surveillance in North Korea.

(5) A description of and funding levels required for current United States Government programs and activities to provide access for the people of North Korea to a diverse range of fact-based information.

(6) An update of the plan required by section 104(a)(7)(A) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

(7) A description of Department of State programs and funding levels for programs that promote internet freedom in North Korea, including monitoring and evaluation efforts.

(8) A description of grantee programs of the United States Agency for Global Media in North Korea that facilitate circumvention tools and broadcasting, including monitoring and evaluation efforts.

(9) A detailed assessment of how the United States International Broadcasting Surge Capacity Fund authorized under section 316 of the United States International Broadcasting Act of 1994 (22 U.S.C. 6216) has operated to respond to crisis situations in the past, and how authority to transfer unobligated balances from expired accounts would help the United States Agency for Global Media in crisis situations in the future.

(10) A detailed plan for how the authorization of appropriations under section 1285 will operate alongside and augment existing programming from the relevant Federal agencies and facilitate the development of new tools to assist that programming.

(c) FORM OF STRATEGY.—The strategy required by subsection (a) shall be submitted in unclassified form, but may include the matters required by paragraphs (2) and (3) of subsection (b) in a classified annex.

SEC. 1285. PROMOTING FREEDOM OF INFORMATION AND COUNTERING CENSORSHIP AND SURVEILLANCE IN NORTH KOREA.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the United States Agency for Global Media an additional \$10,000,000 for each of fiscal years 2023 through 2027 to provide increased broadcasting and grants for the following purposes:

(1) To promote the development of internet freedom tools, technologies, and new approaches, including both digital and non-digital means of information sharing related to North Korea.

(2) To explore public-private partnerships to counter North Korea's repressive censorship and surveillance state.

(3) To develop new means to protect the privacy and identity of individuals receiving media from the United States Agency for Global Media and other outside media outlets from within North Korea.

(4) To bolster existing programming from the United States Agency for Global Media by restoring the broadcasting capacity of damaged antennas caused by Typhoon Yutu in 2018.

(b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814(a)(7)(B)) is amended—

(1) in the matter preceding clause (i)—

(A) by striking “1 year after the date of the enactment of this paragraph” and inserting “September 30, 2022”; and

(B) by striking “Broadcasting Board of Governors” and inserting “Chief Executive Officer of the United States Agency for Global Media”; and

(2) in clause (i), by inserting after “this section” the following: “and sections 1284 and 1285 of the Otto Warmbier Countering North Korean Censorship and Surveillance Act of 2022”.

SA 5941. Mr. PORTMAN (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:

Strike section 1232 and insert the following:

SEC. 1232. EXTENSION AND MODIFICATION OF PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.

Section 1234 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1974) is amended—

(1) in the section heading, by inserting “OR CERTAIN PARTS OF UKRAINE” after “CRIMEA”; and

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

“(a) PROHIBITION.—None of the funds authorized to be appropriated for fiscal year 2022 or 2023 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea, Kherson Oblast, Zaporizhzhia Oblast, Donetsk Oblast, or Luhansk Oblast.”.

SA 5942. Mr. PORTMAN (for himself and Mr. HEINRICH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel 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. MILITARY TRAINING ON EMERGING TECHNOLOGIES.

(a) INTEGRATING DIGITAL SKILL SETS AND COMPUTATIONAL THINKING INTO MILITARY JUNIOR LEADER EDUCATION.—Not later than 270 days after the date of the enactment of this Act, the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, and the Commandant of the Marine Corps shall expand the curriculum for military junior leader education to incorporate appropriate training material related to problem definition and curation, a conceptual understanding of the artificial intelligence lifecycle, data collection and management, probabilistic reasoning and data visualization, and data-informed decision-making. Whenever possible, the new training and education should include the use of existing artificial intelligence-enabled systems and tools.

(b) INTEGRATION OF MATERIAL ON EMERGING TECHNOLOGIES INTO PROFESSIONAL MILITARY EDUCATION.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall ensure that the curriculum for professional military education is revised in each of the military services to incorporate periodic courses on militarily significant emerging technologies that increasingly build the knowledge base, vocabulary, and skills necessary to intelligently analyze and utilize emerging technologies in the tactical, operational, and strategic levels of warfighting and warfighting support.

(c) EMERGING TECHNOLOGY-CODED BILLETS WITHIN THE DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the military services—

(A) code appropriate billets to be filled by emerging technology-qualified officers; and

(B) develop a process for officers to become qualified in emerging technologies.

(2) APPROPRIATE POSITIONS.—Emerging technology-coded positions may include, as appropriate—

(A) positions responsible for assisting with acquisition of emerging technologies;

(B) positions responsible for helping integrate technology into field units;

(C) positions responsible for developing organizational and operational concepts;

(D) positions responsible for developing training and education plans; and

(E) leadership positions at the operational and tactical levels within the military services.

(3) **QUALIFICATION PROCESS.**—The process for qualifying officers for emerging technology-coded billets shall be modeled on a streamlined version of the joint qualification process and may include credit for serving in emerging technology focused fellowships, emerging technology focused talent exchanges, emerging technology focused positions within government, and educational courses focused on emerging technologies.

SA 5943. Mr. PORTMAN (for himself and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. REAUTHORIZATION OF THE TROPICAL FOREST AND CORAL REEF CONSERVATION ACT OF 1998.

Section 806(d) of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amended by adding at the end the following new paragraphs:

- “(9) \$20,000,000 for fiscal year 2023.
- “(10) \$20,000,000 for fiscal year 2024.
- “(11) \$20,000,000 for fiscal year 2025.
- “(12) \$20,000,000 for fiscal year 2026.
- “(13) \$20,000,000 for fiscal year 2027.”.

SA 5944. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. STABILITY ACROSS THE TAIWAN STRAIT.

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

(1) United States engagement with Taiwan should include actions, activities, and programs that mutually benefit the United States and Taiwan such as—

- (A) people-to-people exchanges;
- (B) bilateral and multilateral economic cooperation; and
- (C) assisting Taiwan’s efforts to participate in international institutions;

(2) the United States should pursue new engagement initiatives with Taiwan, such as—

- (A) enhancing cooperation on science and technology;
- (B) joint infrastructure development in third countries;
- (C) renewable energy and environmental sustainability development; and

(D) investment screening coordination;

(3) the United States should expand its financial support for the Global Cooperation and Training Framework, and encourage like-minded countries to co-sponsor workshops, to showcase Taiwan’s capacity to con-

tribute to solving global challenges in the face of the Government of the PRC’s campaign to isolate Taiwan in the international community;

(4) to advance the goals of the April 2021 Department of State guidance expanding unofficial United States-Taiwan contacts, the United States, Taiwan, and Japan should aim to host Global Cooperation and Training Framework workshops timed to coincide with plenaries and other meetings of international organizations;

(5) the United States should support efforts to engage regional counterparts in Track 1.5 and Track 2 dialogues on the stability across the Taiwan Strait, which are important for increasing strategic awareness amongst all parties and the avoidance of conflict;

(6) bilateral confidence-building measures and crisis stability dialogues between the United States and the PRC are important mechanisms for maintaining deterrence and stability across the Taiwan Strait and should be prioritized; and

(7) the United States and the PRC should prioritize the use of a fully operational military crisis hotline to provide a mechanism for the leadership of the two countries to communicate directly in order to quickly resolve misunderstandings that could lead to military escalation.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR THE GLOBAL COOPERATION AND TRAINING FRAMEWORK.**—There are authorized to be appropriated for the Global Cooperation and Training Framework under the Economic Support Fund authorized under section 531 of the Foreign Assistance Act of 1961 (22 U.S.C. 2346), \$6,000,000 for each of the fiscal years 2022 through 2025, which may be expended for

(c) trainings and activities that increase Taiwan’s economic and international integration.

(c) **SUPPORTING CONFIDENCE BUILDING MEASURES AND STABILITY DIALOGUES.**—

(1) **ANNUAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Secretary of Defense, shall submit an unclassified report, with a classified annex, to the appropriate committees of Congress that includes—

(A) a description of all military-to-military dialogues and confidence-building measures between the United States and the PRC during the 10-year period ending on the date of the enactment of this Act;

(B) a description of all bilateral and multilateral diplomatic engagements with the PRC in which cross-Strait issues were discussed during such 10-year period, including Track 1.5 and Track 2 dialogues;

(C) a description of the efforts in the year preceding the submission of the report to conduct engagements described in subparagraphs (A) and (B); and

(D) a description of how and why the engagements described in subparagraphs (A) and (B) have changed in frequency or substance during such 10-year period.

(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for the Department of State, and, as appropriate, the Department of Defense, no less than \$2,000,000 for each of the fiscal years 2022 through 2025, which shall be used to support existing Track 1.5 and Track 2 strategic dialogues facilitated by independent non-profit organizations in which participants meet to discuss cross-Strait stability issues.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

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

(2) the Committee on Armed Services of the Senate;

(3) the Committee on Appropriations of the Senate;

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

(5) the Committee on Armed Services of the House of Representatives; and

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

SA 5945. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Supporting United States Educational and Exchange Programs With Taiwan

SEC. 1281. SHORT TITLE.

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

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.) affirmed United States policy “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area”.

(2) Consistent with the Asia Reassurance Initiative Act of 2018 (Public Law 115-409), the United States has grown its strategic partnership with Taiwan’s vibrant democracy of 23,000,000 people.

(3) Despite a concerted campaign by the People’s Republic of China to isolate Taiwan from its diplomatic partners and from international organizations, including the World Health Organization, Taiwan has emerged as a global leader in the coronavirus global pandemic response, including by donating more than 2,000,000 surgical masks and other medical equipment to the United States.

(4) The creation of a United States fellowship program with Taiwan would support—

(A) a key priority of expanding people-to-people exchanges, which was outlined in President Donald J. Trump’s 2017 National Security Strategy;

(B) President Joseph R. Biden’s commitment to Taiwan, “a leading democracy and a critical economic and security partner”, as expressed in his March 2021 Interim National Security Strategic Guidance; and

(C) April 2021 guidance from the Department of State based on a review required under the Taiwan Assurance Act of 2020 (subtitle B of title III of division FF of Public Law 116-260) to “encourage U.S. government engagement with Taiwan that reflects our deepening unofficial relationship”.

SEC. 1283. PURPOSES.

The purposes of this subtitle are—

(1) to further strengthen the United States-Taiwan strategic partnership and broaden understanding of the Indo-Pacific region by temporarily assigning officials of any agencies of the United States Government to Taiwan for intensive study in Mandarin and placement as Fellows with the governing authorities on Taiwan or a Taiwanese civic institution;

(2) to provide for eligible United States personnel—

(A) to learn or strengthen Mandarin Chinese language skills; and

(B) to expand their understanding of the political economy of Taiwan and the Indo-Pacific region; and

(3) to better position the United States to advance its economic, security, and human rights interests and values in the Indo-Pacific region.

SEC. 1284. DEFINITIONS.

In this subtitle:

(1) **AGENCY HEAD.**—The term “agency head” means, in the case of the executive branch of United States Government or a legislative branch agency described in paragraph (2), the head of the respective agency.

(2) **AGENCY OF THE UNITED STATES GOVERNMENT.**—The term “agency of the United States Government” includes the Government Accountability Office, the Congressional Budget Office, and the Congressional Research Service of the legislative branch, as well as any agency of the executive branch.

(3) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

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

(B) the Committee on Appropriations of the Senate;

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

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

(4) **DETAILEE.**—The term “detailee”—

(A) means an employee of an agency of the United States Government on loan to the American Institute in Taiwan, without a change of position from the agency at which he or she is employed; and

(B) a legislative branch employee from the Government Accountability Office, Congressional Budget Office, or the Congressional Research Service.

(5) **IMPLEMENTING PARTNER.**—The term “implementing partner” means any United States organization described in 501(c)(3) of the Internal Revenue Code of 1986 that—

(A) performs logistical, administrative, and other functions, as determined by the Department of State and the American Institute of Taiwan in support of the Taiwan Fellowship Program; and

(B) enters into a cooperative agreement with the American Institute in Taiwan to administer the Taiwan Fellowship Program.

(6) **PROGRAM.**—The term “Program” means the Taiwan Fellowship Program established pursuant to section 1285.

SEC. 1285. TAIWAN FELLOWSHIP PROGRAM.

(a) **ESTABLISHMENT.**—The Secretary of State shall establish the Taiwan Fellowship Program (referred to in this section as the “Program”) to provide a fellowship opportunity in Taiwan of up to 2 years for eligible United States citizens. The Department of State, in consultation with the American Institute in Taiwan and the implementing partner, may modify the name of the Program.

(b) **COOPERATIVE AGREEMENT.**—

(1) **IN GENERAL.**—The American Institute in Taiwan should use amounts appropriated pursuant to section 1288(a) to enter into an annual or multi-year cooperative agreement with an appropriate implementing partner.

(2) **FELLOWSHIPS.**—The Department of State or the American Institute in Taiwan, in consultation with, as appropriate, the implementing partner, should award to eligible United States citizens, subject to available funding—

(A) approximately 5 fellowships during the first 2 years of the Program; and

(B) approximately 10 fellowships during each of the remaining years of the Program.

(c) **AMERICAN INSTITUTION IN TAIWAN AGREEMENT; IMPLEMENTING PARTNER.**—Not later than 30 days after the date of the enactment of this Act, the American Institute in Taiwan, in consultation with the Department of State, should—

(1) begin negotiations with the Taipei Economic and Cultural Representative Office, or with another appropriate entity, for the purpose of entering into an agreement to facilitate the placement of fellows in an agency of the governing authorities on Taiwan; and

(2) begin the process of selecting an implementing partner, which—

(A) shall agree to meet all of the legal requirements required to operate in Taiwan; and

(B) shall be composed of staff who demonstrate significant experience managing exchange programs in the Indo-Pacific region.

(d) **CURRICULUM.**—

(1) **FIRST YEAR.**—During the first year of each fellowship under this section, each fellow should study—

(A) the Mandarin Chinese language;

(B) the people, history, and political climate on Taiwan; and

(C) the issues affecting the relationship between the United States and the Indo-Pacific region.

(2) **SECOND YEAR.**—During the second year of each fellowship under this section, each fellow, subject to the approval of the Department of State, the American Institute in Taiwan, and the implementing partner, and in accordance with the purposes of this subtitle, should work in—

(A) a parliamentary office, ministry, or other agency of the governing authorities on Taiwan; or

(B) an organization outside of the governing authorities on Taiwan, whose interests are associated with the interests of the fellow and the agency of the United States Government from which the fellow is or had been employed.

(e) **FLEXIBLE FELLOWSHIP DURATION.**—Notwithstanding any requirement under this section, the Secretary of State, in consultation with the American Institute in Taiwan and, as appropriate, the implementing partner, may award fellowships that have a duration of less than two years, and may alter the curriculum requirements under subsection (d) for such purposes.

(f) **SUNSET.**—The fellowship program under this subtitle shall terminate 7 years after the date of the enactment of this Act.

(g) **PROGRAM REQUIREMENTS.**—

(1) **ELIGIBILITY REQUIREMENTS.**—A United States citizen is eligible for a fellowship under this section if he or she—

(A) is an employee of the United States Government;

(B) has received at least one exemplary performance review in his or her current United States Government role within at least the last three years prior to beginning the fellowship;

(C) has at least 2 years of experience in any branch of the United States Government;

(D) has a demonstrated professional or educational background in the relationship between the United States and countries in the Indo-Pacific region; and

(E) has demonstrated his or her commitment to further service in the United States Government.

(2) **RESPONSIBILITIES OF FELLOWS.**—Each recipient of a fellowship under this section shall agree, as a condition of such fellowship—

(A) to maintain satisfactory progress in language training and appropriate behavior in Taiwan, consistent with United States Government policy toward Taiwan, as determined by the Department of State, the

American Institute in Taiwan and, as appropriate, its implementing partner;

(B) to refrain from engaging in any intelligence or intelligence-related activity on behalf of the United States Government; and

(C) to continue Federal Government employment for a period of not less than 4 years after the conclusion of the fellowship or for not less than 2 years for a fellowship that is 1 year or shorter.

(3) **RESPONSIBILITIES OF IMPLEMENTING PARTNER.**—

(A) **SELECTION OF FELLOWS.**—The implementing partner, with the concurrence of the Department of State and the American Institute in Taiwan, shall—

(i) make efforts to recruit fellowship candidates who reflect the diversity of the United States;

(ii) select fellows for the Taiwan Fellowship Program based solely on merit, with appropriate supervision from the Department of State and the American Institute in Taiwan; and

(iii) prioritize the selection of candidates willing to serve in a fellowship lasting 1 year or longer.

(B) **FIRST YEAR.**—The implementing partner should provide each fellow in the first year (or shorter duration, as jointly determined by the Department of State and the American Institute in Taiwan for those who are not serving a 2-year fellowship) with—

(i) intensive Mandarin Chinese language training; and

(ii) courses in the politics, culture, and history of Taiwan, China, and the broader Indo-Pacific.

(C) **WAIVER OF FIRST-YEAR TRAINING.**—The Department of State, in coordination with the American Institute in Taiwan and, as appropriate, the implementing partner, may waive any of the training required under paragraph (2) to the extent that a fellow has Mandarin language skills, knowledge of the topic described in subparagraph (B)(ii), or for other related reasons approved by the Department of State and the American Institute in Taiwan. If any of the training requirements are waived for a fellow serving a 2-year fellowship, the training portion of his or her fellowship may be shortened to the extent appropriate.

(D) **OFFICE; STAFFING.**—The implementing partner, in consultation with the Department of State and the American Institute in Taiwan, may maintain an office and at least 1 full-time staff member in Taiwan—

(i) to liaise with the American Institute in Taiwan and the governing authorities on Taiwan; and

(ii) to serve as the primary in-country point of contact for the recipients of fellowships under this division and their dependents.

(E) **OTHER FUNCTIONS.**—The implementing partner may perform other functions in association with support of the Taiwan Fellowship Program, including logistical and administrative functions, as prescribed by the Department of State and the American Institute in Taiwan.

(4) **NONCOMPLIANCE.**—

(A) **IN GENERAL.**—Any fellow who fails to comply with the requirements under this section shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency for—

(i) the Federal funds expended for the fellow's participation in the fellowship, as set forth in paragraphs (2) and (3); and

(ii) interest accrued on such funds (calculated at the prevailing rate).

(B) **FULL REIMBURSEMENT.**—Any fellow who violates paragraph (1) or (2) of subsection (b) shall reimburse the American Institute in Taiwan, or the appropriate United States

Government agency, in an amount equal to the sum of—

- (i) all of the Federal funds expended for the fellow's participation in the fellowship; and
- (ii) interest on the amount specified in subparagraph (A), which shall be calculated at the prevailing rate.

(C) **PRO RATA REIMBURSEMENT.**—Any fellow who violates subsection (b)(3) shall reimburse the American Institute in Taiwan, or the appropriate United States Government agency, in an amount equal to the difference between—

- (i) the amount specified in paragraph (2); and
- (ii) the product of—

(I) the amount the fellow received in compensation during the final year of the fellowship, including the value of any allowances and benefits received by the fellow; multiplied by

(II) the percentage of the period specified in subsection (b)(3) during which the fellow did not remain employed by the Federal Government.

SEC. 1286. REPORTS AND AUDITS.

(a) **ANNUAL REPORT.**—Not later than 90 days after the selection of the first class of fellows under this subtitle, and annually thereafter for 7 years, the Department of State shall offer to brief the appropriate committees of Congress regarding the following issues:

(1) An assessment of the performance of the implementing partner in fulfilling the purposes of this division.

(2) The names and sponsoring agencies of the fellows selected by the implementing partner and the extent to which such fellows represent the diversity of the United States.

(3) The names of the parliamentary offices, ministries, other agencies of the governing authorities on Taiwan, and nongovernmental institutions to which each fellow was assigned during the second year of the fellowship.

(4) Any recommendations, as appropriate, to improve the implementation of the Taiwan Fellowship Program, including added flexibilities in the administration of the program.

(5) An assessment of the Taiwan Fellowship Program's value upon the relationship between the United States and Taiwan or the United States and Asian countries.

(b) ANNUAL FINANCIAL AUDIT.—

(1) **IN GENERAL.**—The financial records of any implementing partner shall be audited annually in accordance with generally accepted government auditing standards by independent certified public accountants or independent licensed public accountants who are certified or licensed by a regulatory authority of a State or another political subdivision of the United States.

(2) **LOCATION.**—Each audit under paragraph (1) shall be conducted at the place or places where the financial records of the implementing partner are normally kept.

(3) **ACCESS TO DOCUMENTS.**—The implementing partner shall make available to the accountants conducting an audit under paragraph (1)—

(A) all books, financial records, files, other papers, things, and property belonging to, or in use by, the implementing partner that are necessary to facilitate the audit; and

(B) full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(4) REPORT.—

(A) **IN GENERAL.**—Not later than 9 months after the end of each fiscal year, the implementing partner shall provide a report of the audit conducted for such fiscal year under paragraph (1) to the Department of State and the American Institute in Taiwan.

(B) **CONTENTS.**—Each audit report shall—

- (i) set forth the scope of the audit;
- (ii) include such statements, along with the auditor's opinion of those statements, as may be necessary to present fairly the implementing partner's assets and liabilities, surplus or deficit, with reasonable detail;
- (iii) include a statement of the implementing partner's income and expenses during the year; and
- (iv) include a schedule of—

(I) all contracts and cooperative agreements requiring payments greater than \$5,000; and

(II) any payments of compensation, salaries, or fees at a rate greater than \$5,000 per year.

(C) **COPIES.**—Each audit report shall be produced in sufficient copies for distribution to the public.

SEC. 1287. TAIWAN FELLOWS ON DETAIL FROM GOVERNMENT SERVICE.

(a) **IN GENERAL.**—

(1) **DETAIL AUTHORIZED.**—With the approval of the Secretary of State, an agency head may detail, for a period of not more than 2 years, an employee of the agency of the United States Government who has been awarded a fellowship under this subtitle, to the American Institute in Taiwan for the purpose of assignment to the governing authorities on Taiwan or an organization described in section 1285(d)(2)(B).

(2) **AGREEMENT.**—Each detailee shall enter into a written agreement with the Federal Government before receiving a fellowship, in which the fellow shall agree—

(A) to continue in the service of the sponsoring agency at the end of fellowship for a period of at least 4 years (or at least 2 years if the fellowship duration is 1 year or shorter) unless the detailee is involuntarily separated from the service of such agency; and

(B) to pay to the American Institute in Taiwan, or the United States Government agency, as appropriate, any additional expenses incurred by the Federal Government in connection with the fellowship if the detailee voluntarily separates from service with the sponsoring agency before the end of the period for which the detailee has agreed to continue in the service of such agency.

(3) **EXCEPTION.**—The payment agreed to under paragraph (2)(B) may not be required from a detailee who leaves the service of the sponsoring agency to enter into the service of another agency of the United States Government unless the head of the sponsoring agency notifies the detailee before the effective date of entry into the service of the other agency that payment will be required under this subsection.

(b) **STATUS AS GOVERNMENT EMPLOYEE.**—A detailee—

(1) is deemed, for the purpose of preserving allowances, privileges, rights, seniority, and other benefits, to be an employee of the sponsoring agency;

(2) is entitled to pay, allowances, and benefits from funds available to such agency, which is deemed to comply with section 5536 of title 5, United States Code; and

(3) may be assigned to a position with an entity described in section 1285(d)(2)(A) if acceptance of such position does not involve—

(A) the taking of an oath of allegiance to another government; or

(B) the acceptance of compensation or other benefits from any foreign government by such detailee.

(c) **RESPONSIBILITIES OF SPONSORING AGENCY.**—

(1) **IN GENERAL.**—The Federal agency from which a detailee is detailed should provide the fellow allowances and benefits that are consistent with Department of State Standardized Regulations or other applicable rules and regulations, including—

(A) a living quarters allowance to cover the cost of housing in Taiwan;

(B) a cost of living allowance to cover any possible higher costs of living in Taiwan;

(C) a temporary quarters subsistence allowance for up to 7 days if the fellow is unable to find housing immediately upon arriving in Taiwan;

(D) an education allowance to assist parents in providing the fellow's minor children with educational services ordinarily provided without charge by public schools in the United States;

(E) moving expenses to transport personal belongings of the fellow and his or her family in their move to Taiwan, which is comparable to the allowance given for American Institute in Taiwan employees assigned to Taiwan; and

(F) an economy-class airline ticket to and from Taiwan for each fellow and the fellow's immediate family.

(2) **MODIFICATION OF BENEFITS.**—The American Institute in Taiwan and its implementing partner, with the approval of the Department of State, may modify the benefits set forth in paragraph (1) if such modification is warranted by fiscal circumstances.

(d) **NO FINANCIAL LIABILITY.**—The American Institute in Taiwan, the implementing partner, and any governing authorities on Taiwan or nongovernmental entities in Taiwan at which a fellow is detailed during the second year of the fellowship may not be held responsible for the pay, allowances, or any other benefit normally provided to the detailee.

(e) **REIMBURSEMENT.**—Fellows may be detailed under subsection (a)(1) without reimbursement to the United States by the American Institute in Taiwan.

(f) **ALLOWANCES AND BENEFITS.**—Detailees may be paid by the American Institute in Taiwan for the allowances and benefits listed in subsection (c).

SEC. 1288. FUNDING.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the American Institute in Taiwan—

(1) for fiscal year 2023, \$2,900,000, of which—

(A) \$500,000 shall be used to launch the Taiwan Fellowship Program through a competitive cooperative agreement with an appropriate implementing partner;

(B) \$2,300,000 shall be used to fund a cooperative agreement with an appropriate implementing partner; and

(C) \$100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program; and

(2) for fiscal year 2024, and each succeeding fiscal year, \$2,400,000, of which—

(A) \$2,300,000 shall be used for a cooperative agreement to the appropriate implementing partner; and

(B) \$100,000 shall be used for management expenses of the American Institute in Taiwan related to the management of the Taiwan Fellowship Program.

(b) **PRIVATE SOURCES.**—The implementing partner selected to implement the Taiwan Fellowship Program may accept, use, and dispose of gifts or donations of services or property in carrying out such program, subject to the review and approval of the American Institute in Taiwan.

SEC. 1289. STUDY AND REPORT.

Not later than one year prior to the sunset of the fellowship program under section 1285(f), the Comptroller General of the United States shall conduct a study and submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House a report that includes—

(1) an analysis of the United States Government participants in this program, including the number of applicants and the number of fellowships undertaken, the place of employment, and an assessment of the costs and benefits for participants and for the United States Government of such fellowships;

(2) an analysis of the financial impact of the fellowship on United States Government offices which have provided fellows to participate in the program; and

(3) recommendations, if any, on how to improve the fellowship program.

SEC. 1290. SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE PROGRAMS WITH TAIWAN.

(a) **ESTABLISHMENT OF THE UNITED STATES-TAIWAN CULTURAL EXCHANGE FOUNDATION.**—The Secretary of State should consider establishing an independent nonprofit entity that—

(1) is dedicated to deepening ties between the future leaders of Taiwan and the future leaders of the United States; and

(2) works with State and local school districts and educational institutions to send high school and university students to Taiwan to study the Chinese language, culture, history, politics, and other relevant subjects.

(b) **PARTNER.**—State and local school districts and educational institutions, including public universities, are encouraged to partner with the Taipei Economic and Cultural Representative Office in the United States to establish programs to promote more educational and cultural exchanges.

SA 5946. Mr. DURBIN (for himself, Mr. MURPHY, Mr. LEAHY, Mr. MERKLEY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. DISBURSEMENT OF FOREIGN MILITARY FINANCING FUNDS FOR EGYPT TO FOREIGN MILITARY SALES TRUST FUND.

Notwithstanding any other provision of law, funds appropriated pursuant to the Foreign Military Financing Program for assistance for Egypt for fiscal years 2022 and 2023 shall be disbursed to the Foreign Military Sales Trust Fund.

SA 5947. Mr. MURPHY (for himself and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. COMMISSION ON CIVILIAN HARM.

(a) **ESTABLISHMENT.**—There is hereby established a commission, to be known as the “Commission on Civilian Harm” (in this section referred to as the “Commission”).

(b) **RESPONSIBILITIES.**—

(1) **GENERAL RESPONSIBILITIES.**—The Commission shall carry out a study of the following:

(A) Civilian harm resulting from, or incidental to, the use of force by the United States Armed Forces that occurred during the period of inquiry.

(B) The policies, procedures, rules, and regulations of the Department of Defense for the prevention of, mitigation of, and response to civilian harm that were in effect during the period of inquiry.

(2) **PARTICULAR DUTIES.**—In carrying out the general responsibilities of the Commission under paragraph (1), the Commission shall carry out the following:

(A) Conduct an investigation into the record of the United States with respect to civilian harm during the period of inquiry, including by investigating a representative sample of incidents of civilian harm that occurred where the United States used military force (including incidents confirmed by media and civil society organizations and dismissed by the Department of Defense) by conducting hearings, witness interviews, document and evidence review, and site visits, when practicable.

(B) Identify the recurring causes of civilian harm, as well as the factors contributing to civilian harm, resulting from the use of force by United States Armed Forces during the period of inquiry and assess whether such causes and factors could be addressed and, if so, whether they were resolved.

(C) Assess the extent to which the United States Armed Forces have implemented the recommendations of Congress, the Department of Defense, other Government agencies, or civil society organizations, or the recommendations contained in studies sponsored or commissioned by the United States Government, with respect to the protection of civilians and efforts to minimize, investigate, and respond to civilian harm resulting from, or incidental to, United States military operations.

(D) Assess the responsiveness of the Department of Defense to incidents of civilian harm and the practices for responding to such incidents, including—

- (i) assessments;
- (ii) investigations;
- (iii) acknowledgment; and
- (iv) the provision of compensation payments, including the use of congressionally authorized ex gratia payments, assistance, and other responses.

(E) Assess the extent to which the United States Armed Forces comply with the rules, procedures, policies, memoranda, directives, and doctrine of the Department of Defense for preventing, mitigating, and responding to civilian harm.

(F) Assess the extent to which the policies, protocols, procedures, and practices of the Department of Defense for preventing, mitigating, and responding to civilian harm comply with applicable international humanitarian law, applicable international human rights law, and United States law, including the Uniform Code of Military Justice.

(G) Assess incidents of civilian harm that occurred, or allegedly occurred, during the period of inquiry, by—

- (i) determining whether any such incidents were concealed, and if so by assessing the actions taken to conceal;
- (ii) assessing the policies and procedures for whistle-blowers to report such incidents;
- (iii) determining the extent of the responsiveness and effectiveness of Inspector Gen-

eral oversight, as applicable, regarding reports of incidents of civilian harm; and

(iv) assessing the accuracy of the United States Government public civilian casualty estimates.

(H) Assess the short-, medium-, and long-term consequences of incidents of civilian harm that occurred during the period of inquiry on—

(i) the affected communities, including humanitarian consequences;

(ii) the strategic interests of the United States; and

(iii) the foreign policy goals and objectives of the United States.

(I) Assess the extent to which the Department of Defense Instruction on Responding to Civilian Harm in Military Operations, as required by section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 134 note), addresses issues identified during the investigation of the Commission and what further measures are needed to address issues that the Commission identifies during its operations.

(J) Assess the extent to which United States diplomatic goals and objectives were affected by the incidents of civilian harm during the period of inquiry.

(c) **AUTHORITIES.**—

(1) **SECURITY CLEARANCES.**—The appropriate Federal departments or agencies shall cooperate with the Commission in expeditiously providing to the members and staff of the Commission appropriate security clearances, to the extent possible, pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this section without the appropriate security clearances.

(2) **HEARINGS AND EVIDENCE.**—The Commission or, on the authority of the Commission, any portion thereof, may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths as the Commission, or such portion thereof, may determine advisable; and

(B) provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission, or such portion thereof, may determine advisable.

(3) **INABILITY TO OBTAIN DOCUMENTS OR TESTIMONY.**—In the event that the Commission is unable to obtain testimony or documents needed to conduct its work, the Commission shall notify the congressional defense committees and appropriate investigative authorities.

(4) **ACCESS TO INFORMATION.**—The Commission may secure directly from the Department of Defense any information or assistance that the Commission considers necessary to enable the Commission to carry out the requirements of this section. Upon receipt of a request of the Commission for information or assistance, the Secretary of Defense shall furnish such information or assistance expeditiously to the Commission. Whenever information or assistance requested by the Commission is unreasonably refused or not provided, the Commission shall report the circumstances to Congress without delay.

(d) **COMPOSITION.**—

(1) **NUMBER AND APPOINTMENT.**—The Commission shall be composed of 12 members who are civilian individuals not employed by the Federal Government.

(2) **MEMBERSHIP.**—The members shall be appointed as follows:

(A) The Majority Leader and the Minority Leader of the Senate shall each appoint one member.

(B) The Speaker of the House of Representatives and the Minority Leader shall each appoint one member.

(C) The Chair and the Ranking Member of the Committee on Armed Services of the Senate shall each appoint one member.

(D) The Chair and the Ranking Member of the Committee on Armed Services of the House of Representatives shall each appoint one member.

(E) The Chair and the Ranking Member of the Committee on Appropriations of the Senate shall each appoint one member.

(F) The Chair and Ranking Member of the Committee on Appropriations of the House of Representatives shall each appoint one member.

(3) CHAIR AND VICE CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(4) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(5) NONGOVERNMENTAL APPOINTEES.—An individual appointed to serve as a member of the Commission may not be an officer or employee of the Federal Government or of any State or local government or a member of the United States Armed Forces serving on active duty.

(e) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission not later than 120 days after the date of the enactment of this Act.

(2) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members. Five members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(f) STAFFING.—

(1) APPOINTMENT AND COMPENSATION.—The Chair, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL.—The Commission shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section, except to the extent that such conditions would be inconsistent with the requirements of this section.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The staff director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(4) QUALIFICATIONS.—Commission personnel should have experience and expertise in areas including—

- (A) international humanitarian law;
- (B) human rights law;
- (C) investigations;
- (D) humanitarian response;
- (E) United States military operations;
- (F) national security policy;

(G) the languages, histories, and cultures of regions that have experienced civilian harm during the period of inquiry; and

(H) other such areas the members of the Commission determine necessary to carry out the responsibilities of the Commission under subsection (b).

(5) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(6) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) REPORTS.—

(1) INTERIM REPORT.—Not later than June 1, 2024, the Commission shall submit to the appropriate congressional committees an interim report on the study referred to in subsection (b)(1), including the results and findings of such study as of that date.

(2) OTHER REPORTS.—The Commission may, from time to time, submit to the appropriate congressional committees such other reports on such study as the Commission considers appropriate.

(3) FINAL REPORT.—Not later than two years after the date of the appointment of all of the members of the Commission under subsection (d), the Commission shall submit to the appropriate congressional committees a final report on such study. The report shall include—

(A) the findings of the Commission; and

(B) recommendations based on the findings of the Commission to improve the prevention, mitigation, assessment, and investigation of incidents of civilian harm.

(4) PUBLIC AVAILABILITY.—The Commission shall make publicly available on an appropriate internet website an unclassified version of each report submitted by the Commission under this subsection and shall ensure that such versions are minimally redacted only for legitimately classified information.

(h) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Affairs, the Committee on Oversight and Reform, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate.

(2) The term “civilian harm” means—

(A) the death or injury of a civilian; or

(B) destruction of civilian property.

(3) The term “period of inquiry” means the period beginning on the date of the enactment of the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and ending on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.

SA 5948. 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 mili-

tary construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON ALTERNATIVE APPROACHES TO MANNING SHIPS UNDERGOING REFUELING AND COMPLEX OVERHAUL.

(a) IN GENERAL.—Not later than February 1, 2023, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report addressing alternative approaches to manning ships undergoing refueling and complex overhaul.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) The number of first-term enlisted sailors who were assigned to the USS George Washington for more than two years of its most recent refueling and complex overhaul availability.

(2) The number of first-term enlisted sailors who were assigned to the USS George Washington for four or more years of its most recent refueling and complex overhaul availability.

(3) For first-term enlisted sailors who were assigned to the USS George Washington during its most recent refueling and complex overhaul availability and did not have the opportunity to practice their rating, the plans of the Navy for assigning and using those sailors if they reenlist.

(4) A description of actions that the Navy has taken or plans to take—

(A) to limit the duration of assignments of first-term enlisted sailors to ships undergoing refueling and complex overhaul; and

(B) to provide first-term enlisted sailors assigned to ships undergoing refueling and complex overhaul with opportunities, such as through temporary duty assignments, to learn and practice their rating.

(5) A feasibility analysis of an alternative policy to limit assignments of first-term enlisted sailors to ships undergoing refueling and complex overhaul to not more than two years by—

(A) splitting the term between two or more ships;

(B) implementing a series of temporary duty assignments; or

(C) other means.

(6) A discussion of any barriers to implementing an alternative policy that would limit the time of first-term enlisted sailors aboard ships undergoing refueling and complex overhaul, including statutory restrictions, budgetary resources, undermanning, end strength, training systems, and any other relevant barriers.

(7) A projected timeline and estimated costs and benefits of implementing an alternative policy that would limit the time of first-term enlisted sailors aboard ships undergoing refueling and complex overhaul.

SA 5949. Ms. KLOBUCHAR (for herself and Mr. ROUNDS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. REPORT ON TREATMENT OF EATING DISORDERS BY HEALTH CARE PROVIDERS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Health Affairs, in collaboration with the Surgeon General for each military department, shall submit to the congressional defense committees a report on the treatment of eating disorders by health care providers of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) Education and training activities undertaken by health care providers of the Department of Defense.

(2) The use of generally accepted standards of care and screenings of members of the Armed Forces.

(3) Any barriers to implementing a standard, mandatory training for providers seeing patients suffering from eating disorders.

SA 5950. Mr. WARNER (for himself and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the “Intelligence Authorization Act for Fiscal Year 2023”.

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

DIVISION —INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2023

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Intelligence Community Management Account.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Modification of advisory board in National Reconnaissance Office.

Sec. 302. Prohibition on employment with governments of certain countries.

Sec. 303. Counterintelligence and national security protections for intelligence community grant funding.

Sec. 304. Extension of Central Intelligence Agency law enforcement jurisdiction to facilities of Office of Director of National Intelligence.

Sec. 305. Clarification regarding protection of Central Intelligence Agency functions.

Sec. 306. Establishment of advisory board for National Geospatial-Intelligence Agency.

Sec. 307. Annual reports on status of recommendations of Comptroller General of the United States for the Director of National Intelligence.

Sec. 308. Timely submission of budget documents from intelligence community.

Sec. 309. Copyright protection for civilian faculty of the National Intelligence University.

Sec. 310. Expansion of reporting requirements relating to authority to pay personnel of Central Intelligence Agency for certain injuries to the brain.

Sec. 311. Modifications to Foreign Malign Influence Response Center.

Sec. 312. Requirement to offer cyber protection support for personnel of intelligence community in positions highly vulnerable to cyber attack.

Sec. 313. Minimum cybersecurity standards for national security systems of intelligence community.

Sec. 314. Review and report on intelligence community activities under Executive Order 12333.

Sec. 315. Elevation of the commercial and business operations office of the National Geospatial-Intelligence Agency.

Sec. 316. Assessing intelligence community open-source support for export controls and foreign investment screening.

Sec. 317. Annual training requirement and report regarding analytic standards.

Sec. 318. Historical Advisory Panel of the Central Intelligence Agency.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE’S REPUBLIC OF CHINA

Sec. 401. Report on wealth and corrupt activities of the leadership of the Chinese Communist Party.

Sec. 402. Identification and threat assessment of companies with investments by the People’s Republic of China.

Sec. 403. Intelligence community working group for monitoring the economic and technological capabilities of the People’s Republic of China.

Sec. 404. Annual report on concentrated re-education camps in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China.

Sec. 405. Assessments of production of semiconductors by the People’s Republic of China.

TITLE V—PERSONNEL AND SECURITY CLEARANCE MATTERS

Sec. 501. Improving onboarding of personnel in intelligence community.

Sec. 502. Improving onboarding at the Central Intelligence Agency.

Sec. 503. Report on legislative action required to implement Trusted Workforce 2.0 initiative.

Sec. 504. Comptroller General of the United States assessment of administration of polygraphs in intelligence community.

Sec. 505. Timeliness in the administration of polygraphs.

Sec. 506. Policy on submittal of applications for access to classified information for certain personnel.

Sec. 507. Technical correction regarding Federal policy on sharing of covered insider threat information.

Sec. 508. Establishing process parity for adverse security clearance and access determinations.

Sec. 509. Elimination of cap on compensatory damages for retaliatory revocation of security clearances and access determinations.

Sec. 510. Comptroller General of the United States report on use of Government and industry space certified as sensitive compartmented information facilities.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

Sec. 601. Submittal of complaints and information by whistleblowers in the intelligence community to Congress.

Sec. 602. Modification of whistleblower protections for contractor employees in intelligence community.

Sec. 603. Prohibition against disclosure of whistleblower identity as reprisal against whistleblower disclosure by employees and contractors in intelligence community.

Sec. 604. Definitions regarding whistleblower complaints and information of urgent concern received by inspectors general of the intelligence community.

TITLE VII—OTHER MATTERS

Sec. 701. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.

Sec. 702. Modification of requirement for office to address unidentified aerospace-undersea phenomena.

Sec. 703. Unidentified aerospace-undersea phenomena reporting procedures.

Sec. 704. Comptroller General of the United States compilation of unidentified aerospace-undersea phenomena records.

Sec. 705. Office of Global Competition Analysis.

Sec. 706. Report on tracking and collecting precursor chemicals used in the production of synthetic opioids.

Sec. 707. Assessment and report on mass migration in the Western Hemisphere.

Sec. 708. Notifications regarding transfers of detainees at United States Naval Station, Guantanamo Bay, Cuba.

Sec. 709. Report on international norms, rules, and principles applicable in space.

Sec. 710. Assessments of the effects of sanctions imposed with respect to the Russian Federation’s invasion of Ukraine.

Sec. 711. Assessments and briefings on implications of food insecurity that may result from the Russian Federation’s invasion of Ukraine.

Sec. 712. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers and develop countermeasures.

Sec. 713. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.

SEC. 2. DEFINITIONS.

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2023 for the conduct of the intelligence and intelligence-related activities of the Federal Government.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 101 for the conduct of the intelligence activities of the Federal Government are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch of the Federal Government.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

SEC. 103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2023 the sum of \$650,000,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2023 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$514,000,000 for fiscal year 2023.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. MODIFICATION OF ADVISORY BOARD IN NATIONAL RECONNAISSANCE OFFICE.

Section 106A(d) of the National Security Act of 1947 (50 U.S.C. 3041a(d)) is amended—

(1) in paragraph (3)(A)(i), by inserting “, in consultation with the Director of National Intelligence and the Secretary of Defense,” after “Director”; and

(2) in paragraph (7), by striking “the date that is 3 years after the date of the first meeting of the Board” and inserting “September 30, 2024”.

SEC. 302. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

(a) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) is amended by inserting after section 304 the following:

“SEC. 305. PROHIBITION ON EMPLOYMENT WITH GOVERNMENTS OF CERTAIN COUNTRIES.

“(a) DEFINITIONS.—In this section:

“(1) COVERED EMPLOYEE.—The term ‘covered employee’, with respect to an employee occupying a position within an element of the intelligence community, means an officer or official of an element of the intelligence community, a contractor of such an element, a detailee to such an element, or a member of the Armed Forces assigned to such an element that, based on the level of access of a person occupying such position to information regarding sensitive intelligence sources or methods or other exceptionally sensitive matters, the head of such element determines should be subject to the requirements of this section.

“(2) FORMER COVERED EMPLOYEE.—The term ‘former covered employee’ means an individual who was a covered employee on or after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2023 and is no longer a covered employee.

“(3) STATE SPONSOR OF TERRORISM.—The term ‘state sponsor of terrorism’ means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

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

“(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

“(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

“(D) any other provision of law.

“(b) PROHIBITION ON EMPLOYMENT AND SERVICES.—No former covered employee may provide services relating to national security, intelligence, the military, or internal security to—

“(1) the government of a country that is a state sponsor of terrorism, the People’s Republic of China, or the Russian Federation;

“(2) a person or entity that is directed and controlled by a government described in paragraph (1).

“(c) TRAINING AND WRITTEN NOTICE.—The head of each element of the intelligence community shall—

“(1) regularly provide to the covered employees of the element training on the prohibition in subsection (b); and

“(2) provide to each covered employee of the element before the covered employee becomes a former covered employee written notice of the prohibition in subsection (b).

“(d) LIMITATION ON ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—A former covered employee who knowingly and willfully violates subsection (b) shall not be considered eligible for access to classified information (as defined in the procedures established

pursuant to section 801(a) of this Act (50 U.S.C. 3161(a))) by any element of the intelligence community.

“(e) CRIMINAL PENALTIES.—A former employee who knowingly and willfully violates subsection (b) shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

“(f) APPLICATION.—Nothing in this section shall apply to—

“(1) a former covered employee who continues to provide services described in subsection (b) that the former covered employee first began to provide before the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023;

“(2) a former covered employee who, on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, provides services described in subsection (b) to a person or entity that is directed and controlled by a country that is a state sponsor of terrorism, the People’s Republic of China, or the Russian Federation as a result of a merger, acquisition, or similar change of ownership that occurred after the date on which such former covered employee first began to provide such services;

“(3) a former covered employee who, on or after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, provides services described in subsection (b) to—

“(A) a government that was designated as a state sponsor of terrorism after the date on which such former covered employee first began to provide such services; or

“(B) a person or entity directed and controlled by a government described in subparagraph (A).”.

(b) ANNUAL REPORTS.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not later than March 31 of each year through 2032, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on any violations of subsection (b) of section 305 of the National Security Act of 1947, as added by subsection (a) of this section, by former covered employees (as defined in subsection (a) of such section 305).

(c) CLERICAL AMENDMENT.—The table of contents immediately preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 304 the following new item:

“Sec. 305. Prohibition on employment with governments of certain countries.”.

SEC. 303. COUNTERINTELLIGENCE AND NATIONAL SECURITY PROTECTIONS FOR INTELLIGENCE COMMUNITY GRANT FUNDING.

(a) DISCLOSURE AS CONDITION FOR RECEIPT OF GRANT.—The head of an element of the intelligence community may not award a grant to a person or entity unless the person or entity has disclosed to the head of the element any material financial or material in-kind support received by the person or entity, during the 5-year period ending on the date of the person or entity’s application for the grant.

(b) REVIEW OF GRANT APPLICANTS.—

(1) TRANSMITTAL OF DISCLOSURES.—Each head of an element of the intelligence community shall immediately transmit a copy of

each disclosure under subsection (a) to the Director of National Intelligence.

(2) PROCESS.—The Director, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a process—

(A) to review the disclosures under subsection (a); and

(B) to take such actions as may be necessary to ensure that the applicants for grants awarded by elements of the intelligence community do not pose an unacceptable risk, including as a result of an applicant's material financial or material in-kind support from a person or entity having ownership or control, in whole or in part, by the government of the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Republic of Cuba, of—

(i) misappropriation of United States intellectual property, research and development, and innovation efforts; or

(ii) other threats from foreign governments and other entities.

(c) ANNUAL REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an annual report identifying the following for the one-year period covered by the report:

(1) The number of applications for grants received by each element of the intelligence community.

(2) The number of such applications that were reviewed for each element of the intelligence community, using the process established under subsection (b).

(3) The number of such applications that were denied and the reasons for such denials for each element of the intelligence community.

(d) APPLICABILITY.—Subsections (a) and (b) shall apply only with respect to grants awarded by an element of the intelligence community after the date of the enactment of this Act.

SEC. 304. EXTENSION OF CENTRAL INTELLIGENCE AGENCY LAW ENFORCEMENT JURISDICTION TO FACILITIES OF OFFICE OF DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Section 15(a) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “; and” and inserting a semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E);

(C) by inserting after subparagraph (C) the following:

“(D) within an installation owned, or contracted to be occupied for a period of one year or longer, by the Office of the Director of National Intelligence; and”;

(D) in subparagraph (E), as redesignated by subparagraph (B), by inserting “or (D)” after “in subparagraph (C)”;

(2) in paragraph (2), by striking “or (D)” and inserting “or (E)”;

(3) in paragraph (4), by striking “in subparagraph (A) or (C)” and inserting “in subparagraph (A), (C), or (D)”.

(b) CONFORMING AMENDMENT.—Section 5(a)(4) of such Act (50 U.S.C. 3506(a)(4)) is amended by inserting “and Office of the Director of National Intelligence” after “protection of Agency”.

SEC. 305. CLARIFICATION REGARDING PROTECTION OF CENTRAL INTELLIGENCE AGENCY FUNCTIONS.

Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3507) is amended by striking “, functions” and inserting “or functions of the Agency, or of the”.

SEC. 306. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) ESTABLISHMENT.—There is established in the National Geospatial-Intelligence Agency an advisory board (in this section referred to as the “Board”).

(b) DUTIES.—The Board shall—

(1) study matters relating to the mission of the National Geospatial-Intelligence Agency, including with respect to integration of commercial capabilities, promoting innovation, advice on next generation tasking, collection, processing, exploitation, and dissemination capabilities, strengthening functional management, acquisition, and such other matters as the Director of the National Geospatial-Intelligence Agency considers appropriate; and

(2) advise and report directly to the Director with respect to such matters.

(c) MEMBERS.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Board shall be composed of 6 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the Agency.

(B) NOTIFICATION.—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

(C) INITIAL APPOINTMENTS.—Not later than 180 days after the date of the enactment of this Act, the Director shall appoint the initial 6 members to the Board.

(2) TERMS.—Each member shall be appointed for a term of 3 years.

(3) VACANCY.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(4) CHAIR.—The Board shall have a Chair, who shall be appointed by the Director from among the members.

(5) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(6) EXECUTIVE SECRETARY.—The Director may appoint an executive secretary, who shall be an employee of the Agency, to support the Board.

(d) MEETINGS.—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

(e) REPORTS.—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities and significant findings of the Board during the preceding year.

(f) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

(g) TERMINATION.—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.

SEC. 307. ANNUAL REPORTS ON STATUS OF RECOMMENDATIONS OF COMPTROLLER GENERAL OF THE UNITED STATES FOR THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) DEFINITION OF OPEN RECOMMENDATIONS.—In this section, the term “open recommendations” refers to recommendations of the Comptroller General of the United States that the Comptroller General has not yet designated as closed.

(b) ANNUAL LISTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than October 31, 2023, and each October 31 thereafter through 2025, the Comptroller General of the United States shall submit to the congressional intelligence committees and the Director of National Intelligence a list of all open recommendations made to the Director, disaggregated by report number and recommendation number.

(c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 120 days after the date on which the Director receives a list under subsection (b), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General a report on the actions taken by the Director and actions the Director intends to take, alone or in coordination with the heads of other Federal agencies, in response to each open recommendation identified in the list, including open recommendations the Director considers closed and recommendations the Director determines do not require further action, as well as the basis for that determination.

SEC. 308. TIMELY SUBMISSION OF BUDGET DOCUMENTS FROM INTELLIGENCE COMMUNITY.

Not later than 5 days after the date on which the President submits to Congress a budget for a fiscal year pursuant to section 1105(a) of title 31, United States Code, the Director of National Intelligence shall submit to Congress the supporting information under such section for each element of the intelligence community for that fiscal year.

SEC. 309. COPYRIGHT PROTECTION FOR CIVILIAN FACULTY OF THE NATIONAL INTELLIGENCE UNIVERSITY.

Section 105 of title 17, United States Code, is amended—

(1) by redesignating the second subsection (c) as subsection (d);

(2) by striking subsection (c) and inserting the following:

“(c) USE BY FEDERAL GOVERNMENT.—

“(1) SECRETARY OF DEFENSE AUTHORITY.—

With respect to a covered author who produces a covered work in the course of employment at a covered institution described in subparagraphs (A) through (L) of subsection (d)(2), the Secretary of Defense may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, worldwide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.

“(2) DIRECTOR OF NATIONAL INTELLIGENCE AUTHORITY.—With respect to a covered author who produces a covered work in the course of employment at the covered institution described in subsection (d)(2)(M), the Director of National Intelligence may direct the covered author to provide the Federal Government with an irrevocable, royalty-free, world-wide, nonexclusive license to reproduce, distribute, perform, or display such covered work for purposes of the United States Government.”; and

(3) in paragraph (2) of subsection (d), as so redesignated, by adding at the end the following:

“(M) National Intelligence University.”.

SEC. 310. EXPANSION OF REPORTING REQUIREMENTS RELATING TO AUTHORITY TO PAY PERSONNEL OF CENTRAL INTELLIGENCE AGENCY FOR CERTAIN INJURIES TO THE BRAIN.

Section 2(d)(1) of the Helping American Victims Afflicted by Neurological Attacks Act of 2021 (Public Law 117-46) is amended—

(1) in subparagraph (A), by inserting “and not less frequently than once each year thereafter for 5 years” after “Not later than 365 days after the date of the enactment of this Act”;

(2) in subparagraph (B), by adding at the end the following:

“(iv) Detailed information about the number of covered employees, covered individuals, and covered dependents who reported experiencing vestibular, neurological, or related injuries, including those broadly termed ‘anomalous health incidents’.

“(v) The number of individuals who have sought benefits under any provision of section 19A of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3519b).

“(vi) The number of covered employees, covered individuals, and covered dependents who are unable to perform all or part of their professional duties as a result of injuries described in clause (iv).

“(vii) An updated analytic assessment coordinated by the National Intelligence Council regarding the potential causes and perpetrators of anomalous health incidents, as well as any and all dissenting views within the intelligence community, which shall be included as appendices to the assessment.”; and

(3) in subparagraph (C), by striking “The” and inserting “Each”.

SEC. 311. MODIFICATIONS TO FOREIGN MALIGN INFLUENCE RESPONSE CENTER.

(a) RENAMING.—

(1) IN GENERAL.—Section 119C of the National Security Act of 1947 (50 U.S.C. 3059) is amended—

(A) in the section heading, by striking “RESPONSE”; and

(B) in subsection (a), by striking “Response”.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of such Act is amended by striking the item relating to section 119C and inserting the following:

“Sec. 119C. Foreign Malign Influence Center.”.

(3) CONFORMING AMENDMENT.—Section 589E(d)(2) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 2001 note prec.) is amended by striking “Response”.

(4) REFERENCE.—Any reference in law, regulation, map, document, paper, or other record of the United States to the “Foreign Malign Influence Response Center” shall be deemed to be a reference to the Foreign Malign Influence Center.

(b) SUNSET.—Section 119C of such Act (50 U.S.C. 3059) is further amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

“(f) SUNSET.—The authorities and requirements of this section shall terminate on December 31, 2027, and the Director of National Intelligence shall take such actions as may be necessary to conduct an orderly wind-down of the activities of the Center before December 31, 2028.”.

(c) REPORT.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate; and

(C) the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Not later than December 31, 2026, the Director of National Intelligence shall submit to the appropriate committees of Congress a report assessing the continued need for operating the Foreign Malign Influence Center.

SEC. 312. REQUIREMENT TO OFFER CYBER PROTECTION SUPPORT FOR PERSONNEL OF INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.

(a) IN GENERAL.—Section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)) is amended—

(1) in paragraph (1)—

(A) by striking “may provide” and inserting “shall offer”;

(B) by inserting “and shall provide such support to any such personnel who request” before the period at the end; and

(2) in the subsection heading, by striking “AUTHORITY” and inserting “REQUIREMENT”.

(b) PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives an implementation plan for providing the support described section 6308(b) of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3334d(b)), as amended by subsection (a), including a description of the training and resources needed to implement the support and the methodology for determining the personnel described in paragraph (2) of such section.

SEC. 313. MINIMUM CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS OF INTELLIGENCE COMMUNITY.

(a) DEFINITION OF NATIONAL SECURITY SYSTEMS.—In this section, the term “national security systems” has the meaning given such term in section 3552(b) of title 44, United States Code, and includes systems described in paragraph (2) or (3) of section 3553(e) of such title.

(b) REQUIREMENT TO ESTABLISH CYBERSECURITY STANDARDS FOR NATIONAL SECURITY SYSTEMS.—The Director of National Intelligence shall, in coordination with the National Manager for National Security Systems, establish minimum cybersecurity requirements that shall apply to all national security systems operated by, on the behalf of, or under a law administered by the head of an element of the intelligence community.

(c) IMPLEMENTATION DEADLINE.—The requirements published pursuant to subsection (b) shall include appropriate deadlines by which all elements of the intelligence community that own or operate a national security system shall have fully implemented the requirements established under subsection (b) for all national security systems that it owns or operates.

(d) MAINTENANCE OF REQUIREMENTS.—Not less frequently than once every 2 years, the Director shall reevaluate and update the minimum cybersecurity requirements established under subsection (b).

(e) RESOURCES.—The head of each element of the intelligence community that owns or operates a national security system shall update plans of the element to prioritize resources in such a manner as to fully imple-

ment the requirements established in subsection (b) by the deadline established pursuant to subsection (c) for the next 10 fiscal years.

(f) EXEMPTIONS.—

(1) IN GENERAL.—A national security system of an element of the intelligence community may be exempted from the minimum cybersecurity standards established under subsection (b) in accordance with the process established under paragraph (2).

(2) PROCESS FOR EXEMPTION.—The Director shall establish and administer a process by which specific national security systems can be exempted under paragraph (1).

(g) ANNUAL REPORTS ON EXEMPTION REQUESTS.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) IN GENERAL.—Each year, the Director shall submit to the appropriate committees of Congress an annual report documenting all exemption requests received under subsection (f), the number of exemptions denied, and the justification for each exemption request that was approved.

SEC. 314. REVIEW AND REPORT ON INTELLIGENCE COMMUNITY ACTIVITIES UNDER EXECUTIVE ORDER 12333.

(a) REVIEW AND REPORT REQUIRED.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) conduct a review to ascertain the feasibility and advisability of compiling and making public information relating to activities of the intelligence community under Executive Order 12333 (50 U.S.C. 3001 note; relating to United States intelligence activities); and

(2) submit to the congressional intelligence, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives committees a report on the findings of the Director with respect to the review conducted under paragraph (1).

(b) MATTERS ADDRESSED.—The report shall address the feasibility and advisability of making available to the public information relating to the following:

(1) Data on activities described in subsection (a)(1), including the following:

(A) The amount of United States person information collected pursuant to such activities.

(B) Queries of United States persons pursuant to such activities.

(C) Dissemination of United States person information pursuant to such activities, including masking and unmasking.

(D) The use of United States person information in criminal proceedings.

(2) Quantitative data and qualitative descriptions of incidents in which the intelligence community violated Executive Order 12333 and associated guidelines and procedures.

(c) CONSIDERATIONS.—In conducting the review under subsection (a)(1), the Director shall consider—

(1) the public transparency associated with the use by the intelligence community of the authorities provided under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), including relevant data and compliance incidents; and

(2) the application of the transparency model developed in connection with such Act

to activities conducted under Executive Order 12333.

(d) **DISAGGREGATION FOR PUBLIC RELEASE.**—In conducting the review under subsection (a)(1), the Director shall address whether the relevant data and compliance incidents associated with the different intelligence community entities can be disaggregated for public release.

SEC. 315. ELEVATION OF THE COMMERCIAL AND BUSINESS OPERATIONS OFFICE OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

Beginning not later than 90 days after the date of the enactment of this Act, the head of the commercial and business operations office of the National Geospatial-Intelligence Agency shall report directly to the Director of the National Geospatial-Intelligence Agency.

SEC. 316. ASSESSING INTELLIGENCE COMMUNITY OPEN-SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.

(a) **PILOT PROGRAM TO ASSESS OPEN SOURCE SUPPORT FOR EXPORT CONTROLS AND FOREIGN INVESTMENT SCREENING.**—

(1) **PILOT PROGRAM AUTHORIZED.**—The Director of National Intelligence shall carry out a pilot program to assess the feasibility and advisability of providing intelligence derived from open source, publicly and commercially available information—

(A) to the Department of Commerce to support the export control and investment screening functions of the Department; and

(B) to the Department of Homeland Security to support the export control functions of the Department.

(2) **AUTHORITY.**—In carrying out the pilot program required by paragraph (1), the Director—

(A) shall establish a process for the provision of information as described in such paragraph; and

(B) may—

(i) acquire and prepare data, consistent with applicable provisions of law and Executive orders;

(ii) modernize analytic systems, including through the acquisition, development, or application of automated tools; and

(iii) establish standards and policies regarding the acquisition, treatment, and sharing of open source, publicly and commercially available information.

(3) **DURATION.**—The pilot program required by paragraph (1) shall be carried out during a 3-year period.

(b) **PLAN AND REPORT REQUIRED.**—

(1) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence, the Committee on Banking, Housing, and Urban Affairs, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(2) **PLAN.**—

(A) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director shall, in coordination with the Secretary of Commerce and the Secretary of Homeland Security, submit to the appropriate committees of Congress a plan to carry out the pilot program required by subsection (a)(1).

(B) **CONTENTS.**—The plan submitted under subparagraph (A) shall include the following:

(i) A list, developed in consultation with the Secretary of Commerce and the Sec-

retary of Homeland Security, of the activities of the Department of Commerce and the Department of Homeland Security that will be supported by the pilot program.

(ii) A plan for measuring the effectiveness of the pilot program and the value of open source, publicly and commercially available information to the export control and investment screening missions.

(3) **REPORT.**—

(A) **IN GENERAL.**—Not later than 540 days after the date on which the Director submits the plan under paragraph (2)(A), the Director shall submit to the appropriate committees of Congress a report on the findings of the Director with respect to the pilot program.

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include the following:

(i) An assessment of the feasibility and advisability of providing information as described in subsection (a)(1).

(ii) An assessment of the value of open source, publicly and commercially available information to the export control and investment screening missions, using the measures of effectiveness under paragraph (2)(B)(ii).

(iii) Identification of opportunities for and barriers to more effective use of open source, publicly and commercially available information by the intelligence community.

SEC. 317. ANNUAL TRAINING REQUIREMENT AND REPORT REGARDING ANALYTIC STANDARDS.

(a) **POLICY FOR TRAINING PROGRAM REQUIRED.**—Consistent with sections 1019 and 1020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364 and 3364 note), the Director of National Intelligence shall issue a policy that requires each head of an element of the intelligence community, that has not already done so, to create, before the date that is 180 days after the date of the enactment of this Act, an annual training program on the standards set forth in Intelligence Community Directive 203, Analytic Standards (or successor directive).

(b) **CONDUCT OF TRAINING.**—Training required pursuant to the policy required by subsection (a) may be conducted in conjunction with other required annual training programs conducted by the element of the intelligence community concerned.

(c) **CERTIFICATION OF COMPLETION OF TRAINING.**—Each year, each head of an element of the intelligence community shall submit to the congressional intelligence committees a certification as to whether all of the analysts of that element have completed the training required pursuant to the policy required by subsection (a) and if the analysts have not, an explanation of why the training has not been completed.

(d) **REPORTS.**—

(1) **ANNUAL REPORT.**—In conjunction with each briefing provided under section 1019(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3364(c)), the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the number and themes of compliance incidents reported to intelligence community analytic ombudspersons relating to the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive.

(2) **REPORT ON PERFORMANCE EVALUATION.**—Not later than 90 days after the date of the enactment of this Act, the head of analysis at each element of the intelligence community that conducts all-source analysis shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on

Appropriations of the House of Representatives a report describing how compliance with the standards set forth in Intelligence Community Directive 203 (relating to analytic standards), or successor directive, is considered in the performance evaluations and consideration for merit pay, bonuses, promotions, and any other personnel actions for analysts within the element.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to prohibit the Director from providing training described in this section as a service of common concern.

(f) **SUNSET.**—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 318. HISTORICAL ADVISORY PANEL OF THE CENTRAL INTELLIGENCE AGENCY.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by adding at the end the following:

“SEC. 29. HISTORICAL ADVISORY PANEL.

“(a) **DEFINITIONS.**—In this section, the terms ‘congressional intelligence committees’ and ‘intelligence community’ have the meanings given those terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(b) **ESTABLISHMENT.**—There is established within the Agency an advisory panel to be known as the ‘Historical Advisory Panel’ (in this section referred to as the ‘panel’).

“(c) **MEMBERSHIP.**—

“(1) **COMPOSITION.**—

“(A) **IN GENERAL.**—The panel shall be composed of up to 7 members appointed by the Director from among individuals recognized as scholarly authorities in history, international relations, or related fields.

“(B) **INITIAL APPOINTMENTS.**—Not later than 180 days after the date of the enactment of this section, the Director shall appoint the initial members of the panel.

“(2) **CHAIRPERSON.**—The Director shall designate a Chairperson of the panel from among the members of the panel.

“(d) **SECURITY CLEARANCES AND ACCESSSES.**—The Director shall sponsor appropriate security clearances and accesses for all members of the panel.

“(e) **TERMS OF SERVICE.**—

“(1) **IN GENERAL.**—Each member of the panel shall be appointed for a term of 3 years.

“(2) **RENEWAL.**—The Director may renew the appointment of a member of the panel for not more than 2 subsequent terms.

“(f) **DUTIES.**—The panel shall advise the Agency on—

“(1) topics for research and publication within the Agency;

“(2) topics for discretionary declassification reviews;

“(3) declassification of specific records or types of records;

“(4) determinations regarding topics and records whose continued classification is outweighed by the public benefit of disclosure;

“(5) technological tools to modernize the classification and declassification processes to improve the efficiency and effectiveness of those processes; and

“(6) other matters as the Director may assign.

“(g) **REPORTS.**—Not less than once each year, the panel shall submit to the Director and the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the activities of the panel.

“(h) **NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel.

“(i) SUNSET.—The provisions of this section shall expire 7 years after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, unless reauthorized by statute.”.

TITLE IV—INTELLIGENCE MATTERS RELATING TO THE PEOPLE'S REPUBLIC OF CHINA

SEC. 401. REPORT ON WEALTH AND CORRUPT ACTIVITIES OF THE LEADERSHIP OF THE CHINESE COMMUNIST PARTY.

(a) **REPORT REQUIRED.**—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall make available to the public an unclassified report on the wealth and corrupt activities of the leadership of the Chinese Communist Party, including the General Secretary of the Chinese Communist Party and senior leadership officials in the Central Committee, the Politburo, the Politburo Standing Committee, and any other regional Party Secretaries.

(b) **ANNUAL UPDATES.**—Not later than 2 years after the date of the enactment of this Act and not less frequently than once each year thereafter until the date that is 6 years after the date of the enactment of this Act, the Director shall update the report published under subsection (a).

SEC. 402. IDENTIFICATION AND THREAT ASSESSMENT OF COMPANIES WITH INVESTMENTS BY THE PEOPLE'S REPUBLIC OF CHINA.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall provide to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the risk to national security of the use of—

(1) telecommunications companies with substantial investment by the People's Republic of China operating in the United States or providing services to affiliates and personnel of the intelligence community; and

(2) hospitality and conveyance companies with substantial investment by the People's Republic of China by affiliates and personnel of the intelligence community for travel on behalf of the United States Government.

SEC. 403. INTELLIGENCE COMMUNITY WORKING GROUP FOR MONITORING THE ECONOMIC AND TECHNOLOGICAL CAPABILITIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) **IN GENERAL.**—The Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall establish a cross-intelligence community analytical working group (in this section referred to as the “working group”) on the economic and technological capabilities of the People's Republic of China.

(b) **MONITORING AND ANALYSIS.**—The working group shall monitor and analyze—

(1) the economic and technological capabilities of the People's Republic of China;

(2) the extent to which those capabilities rely on exports, investments in companies, or services from the United States and other foreign countries;

(3) the links of those capabilities to the military-industrial complex of the People's Republic of China; and

(4) the threats those capabilities pose to the national and economic security and values of the United States.

(c) **ANNUAL ASSESSMENT.**—

(1) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(2) **IN GENERAL.**—Not less frequently than once each year, the working group shall submit to the appropriate committees of Congress an assessment of the economic and technological strategy, efforts, and progress of the People's Republic of China to become the dominant military, technological, and economic power in the world and undermine the rules-based world order.

(3) **ELEMENTS.**—Each assessment required by paragraph (2) shall include the following:

(A) An unclassified overview of the major goals, strategies, and policies of the People's Republic of China to control, shape, or develop self-sufficiency in key technologies and control related supply chains and ecosystems, including—

(i) efforts to acquire United States and other foreign technology and recruit foreign talent in technology sectors of the People's Republic of China, including the extent to which those efforts relate to the military-industrial complex of the People's Republic of China;

(ii) efforts related to incentivizing offshoring of United States and foreign manufacturing to China, influencing global supply chains, and creating supply chain vulnerabilities for the United States, including China's investments or potential investments in foreign countries to create monopolies in the processing and exporting of rare earth and other critical materials necessary for renewable energy, including cobalt, lithium, and nickel;

(iii) related tools and market access restrictions or distortions imposed by the People's Republic of China on foreign firms and laws and regulations of the People's Republic of China that discriminate against United States and other foreign firms; and

(iv) efforts of the People's Republic of China to attract investment from the United States and other foreign investors to build self-sufficient capabilities and the type of capital flows from the United States to China, including information on documentation of the lifecycle of investments, from the specific actions taken by the Government of the People's Republic of China to attract the investments to the outcome of such efforts for entities and persons of the People's Republic of China.

(B) An unclassified assessment of the progress of the People's Republic of China to achieve its goals, disaggregated by economic sector.

(C) An unclassified assessment of the impact of the transfer of capital, technology, data, talent, and technical expertise from the United States to China on the economic, technological, and military capabilities of the People's Republic of China.

(D) An unclassified list of the top 200 businesses, academic and research institutions, or other entities of the People's Republic of China that are—

(i) designated by Chinese securities issuing and trading entities or other sources as supporting the military-industrial complex of the People's Republic of China;

(ii) developing, producing, or exporting technologies of strategic importance to the People's Republic of China or supporting entities of the People's Republic of China that are subject to sanctions imposed by the United States;

(iii) supporting the military-civil fusion program of the People's Republic of China; or

(iv) otherwise supporting the goals and efforts of the Chinese Communist Party and Chinese government entities, including the Ministry of State Security, the Ministry of Public Security, and the People's Liberation Army.

(E) An unclassified list of the top 100 development, infrastructure, or other strategic projects that the People's Republic of China is financing abroad that—

(i) advance the technology goals and strategies of the Chinese Communist Party; or

(ii) evade financial sanctions, export controls, or import restrictions imposed by the United States.

(F) An unclassified list of the top 100 businesses, research institutions, or other entities of the People's Republic of China that are developing surveillance, smart cities, or related technologies that are—

(i) exported to other countries, undermining democracy worldwide; or

(ii) provided to the security services of the People's Republic of China, enabling them to commit severe human rights abuses in China.

(G) An unclassified list of the top 100 businesses or other entities of the People's Republic of China that are—

(i) operating in the genocide zone in Xinjiang; or

(ii) supporting the Xinjiang Public Security Bureau, the Xinjiang Bureau of the Ministry of State Security, the People's Armed Police, or the Xinjiang Production and Construction Corps.

(H) A list of investment funds, public companies, or private or early-stage firms of the People's Republic of China that have received more than \$100,000,000 in capital flows from the United States during the 10-year period preceding the date on which the assessment is submitted.

(4) **PREPARATION OF ASSESSMENTS.**—In preparing each assessment required by paragraph (2), the working group shall use open source documents in Chinese language and commercial databases.

(5) **FORMAT.**—An assessment required by paragraph (2) may be submitted in the format of a National Intelligence Estimate.

(6) **FORM.**—Each assessment required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(7) **PUBLICATION.**—The unclassified portion of each assessment required by paragraph (2) shall be published on the publicly accessible website of the Director of National Intelligence.

(d) **BRIEFINGS TO CONGRESS.**—Not less frequently than quarterly, the working group shall provide to Congress a classified briefing on the economic and technological goals, strategies, and progress of the People's Republic of China, especially on the information that cannot be disclosed in the unclassified portion of an assessment required by subsection (c)(2).

(e) **CLASSIFIED ANALYSES.**—Each classified annex to an assessment required by subsection (c)(2) or corresponding briefing provided under subsection (d) shall include an analysis of—

(1) the vulnerabilities of the People's Republic of China, disaggregated by economic sector, industry, and entity; and

(2) the technological or supply chain chokepoints of the People's Republic of China that provide leverage to the United States.

(f) **SUNSET.**—This section shall cease to be effective on the date that is 5 years after the date of the enactment of this Act.

SEC. 404. ANNUAL REPORT ON CONCENTRATED REEDUCATION CAMPS IN THE XINJIANG UYGHUR AUTONOMOUS REGION OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(C) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(2) **COVERED CAMP.**—The term “covered camp” means a detention camp, prison, forced labor camp, or forced labor factory located in the Xinjiang Uyghur Autonomous Region of the People's Republic of China, referred to by the Government of the People's Republic of China as “concentrated reeducation camps” or “vocational training centers”.

(b) **ANNUAL REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, and annually thereafter for 5 years, the Director of National Intelligence, in consultation with such heads of elements of the intelligence community as the Director considers appropriate, shall submit to the appropriate committees of Congress a report on the status of covered camps.

(c) **ELEMENTS.**—Each report required by subsection (b) shall include the following:

(1) An identification of the number and geographic location of covered camps and an estimate of the number of victims detained in covered camps.

(2) A description of—

(A) the types of personnel and equipment in covered camps;

(B) the funding received by covered camps from the Government of the People's Republic of China; and

(C) the role of the security services of the People's Republic of China and the Xinjiang Production and Construction Corps in enforcing atrocities at covered camps.

(3) A comprehensive list of—

(A) the entities of the Xinjiang Production and Construction Corps, including subsidiaries and affiliated businesses, with respect to which sanctions have been imposed by the United States;

(B) commercial activities of those entities outside of the People's Republic of China; and

(C) other Chinese businesses, including in the artificial intelligence, biotechnology, and surveillance technology sectors, that are involved with the atrocities in Xinjiang or supporting the policies of the People's Republic of China in the region.

(d) **FORM.**—Each report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

(e) **PUBLICATION.**—The unclassified portion of each report required by subsection (b) shall be published on the publicly accessible website of the Office of the Director of National Intelligence.

SEC. 405. ASSESSMENTS OF PRODUCTION OF SEMICONDUCTORS BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and

(3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of progress by the People's Republic of China in global competitiveness in the production of semiconductors by Chinese firms.

(c) **ELEMENTS.**—Each assessment submitted under subsection (b) shall include the following:

(1) The progress of the People's Republic of China toward self-sufficiency in the supply of semiconductors for globally competitive Chinese firms, including those firms competing in the fields of artificial intelligence, cloud computing, autonomous vehicles, next-generation and renewable energy, and high-performance computing.

(2) Activity of Chinese firms with respect to the procurement of semiconductor manufacturing equipment necessary for the production of microelectronics below the 20 nanometer process node, including any identified export diversion to evade export controls.

(3) A comprehensive summary of unilateral and multilateral export controls that Chinese semiconductor manufacturers have been subject to in the year preceding the date on which the assessment is submitted, as well as a description of the status of export licenses issued by any export control authority during that time period.

(4) Any observed stockpiling efforts by Chinese firms with respect to semiconductor manufacturing equipment, substrate materials, silicon wafers, or other necessary inputs for semiconductor production.

(5) An analysis of the relative market share of different Chinese semiconductor manufacturers at different process nodes and the estimated increase or decrease of market share by that manufacturer in each product category during the preceding year.

(6) A comprehensive summary of recruitment activity of the People's Republic of China targeting semiconductor manufacturing engineers and managers from non-Chinese firms.

(7) An analysis of the capability of the workforce of the People's Republic of China to design, produce, and manufacture microelectronics below the 20 nanometer process node and relevant equipment.

(d) **FORM OF ASSESSMENTS.**—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

TITLE V—PERSONNEL AND SECURITY CLEARANCE MATTERS

SEC. 501. IMPROVING ONBOARDING OF PERSONNEL IN INTELLIGENCE COMMUNITY.

(a) **METHODOLOGY.**—The Director of National Intelligence shall establish a methodology appropriate for all elements of the intelligence community that can be used to measure, consistently and reliably, the time it takes to onboard personnel, from time of application to beginning performance of duties.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives a report on the time it takes to onboard personnel in the intelligence community.

(2) **ELEMENTS.**—The report submitted under paragraph (1) shall cover the mean and median time it takes to onboard personnel in the intelligence community, disaggregated by mode of onboarding and element of the intelligence community.

(c) **PLAN.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees a plan to reduce the time it takes to onboard personnel in the intelligence community, for elements of the intelligence community that have median onboarding times that exceed 180 days.

(2) **ELEMENTS.**—The plan submitted under paragraph (1) shall include milestones to achieve certain specific goals with respect to the mean, median, and mode time it takes to onboard personnel in the elements of the intelligence community described in such paragraph, disaggregated by element of the intelligence community.

SEC. 502. IMPROVING ONBOARDING AT THE CENTRAL INTELLIGENCE AGENCY.

(a) **DEFINITION OF ONBOARD PERIOD.**—In this section, the term “onboard period” means the period beginning on the date on which an individual submits an application for employment with the Central Intelligence Agency and the date on which the individual is formally offered one or more entrance on duty dates.

(b) **IN GENERAL.**—The Director of the Central Intelligence Agency shall take such actions as the Director considers appropriate and necessary to ensure that, by December 31, 2023, the median duration of the onboard period for new employees at the Central Intelligence Agency is equal to or less than 180 days.

SEC. 503. REPORT ON LEGISLATIVE ACTION REQUIRED TO IMPLEMENT TRUSTED WORKFORCE 2.0 INITIATIVE.

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Deputy Director for Management of the Office of Management and Budget shall, in the Deputy Director's capacity as the Chair of the Security, Suitability, and Credentialing Performance Accountability Council pursuant to section 2.4 of Executive Order 13467 (50 U.S.C. 3161 note); relating to reforming processes related to suitability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), submit to Congress a report on the legislative action required to implement the Trusted Workforce 2.0 initiative.

(b) **CONTENTS.**—The report submitted under subsection (a) shall include the following:

(1) Specification of the statutes that require amendment in order to implement the initiative described in subsection (a).

(2) For each statute specified under paragraph (1), an indication of the priority for enactment of an amendment.

(3) For each statute specified under paragraph (1), a description of the consequences if the statute is not amended.

SEC. 504. COMPTROLLER GENERAL OF THE UNITED STATES ASSESSMENT OF ADMINISTRATION OF POLYGRAPHS IN INTELLIGENCE COMMUNITY.

(a) **ASSESSMENT REQUIRED.**—The Comptroller General of the United States shall conduct an assessment of the administration of polygraph evaluations that are needed in the intelligence community to meet current annual mission demand.

(b) **ELEMENTS.**—The assessment completed under subsection (a) shall include the following:

(1) Identification of the number of polygraphs currently available at each element of the intelligence community to meet the demand described in subsection (a).

(2) If the demand described in subsection (a) cannot be met, an identification of the number of polygraphs that would need to be hired and certified to meet it.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall brief the congressional intelligence committees, the Committee on Appropriations of the Senate, and the Committee on Appropriations of the House of Representatives on the preliminary findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the committees described in subsection (c) a report on the findings of the Comptroller General with respect to the assessment conducted pursuant to subsection (a).

SEC. 505. TIMELINESS IN THE ADMINISTRATION OF POLYGRAPHS.

(a) STANDARDS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue standards for timeliness for Federal agencies to administer polygraphs conducted for the purpose of—

(A) adjudicating decisions regarding eligibility for access to classified information (as defined in the procedures established pursuant to section 801(a) of the National Security Act of 1947 (50 U.S.C. 3161(a))); and

(B) granting reciprocity pursuant to Security Executive Agent Directive 2, or successor directive.

(2) PUBLICATION.—The Director shall publish the standards issued under paragraph (1) in the Federal Register or such other venue as the Director considers appropriate.

(b) IMPLEMENTATION PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to Congress an implementation plan for Federal agencies to comply with the standards issued under subsection (a). Such plan shall specify the resources required by Federal agencies to comply with such standards.

SEC. 506. POLICY ON SUBMITTAL OF APPLICATIONS FOR ACCESS TO CLASSIFIED INFORMATION FOR CERTAIN PERSONNEL.

Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in the Director's capacity as the Security Executive Agent pursuant to section 803(a) of the National Security Act of 1947 (50 U.S.C. 3162a(a)), issue a policy that allows a private person to submit a certain number or proportion of applications, on a nonreimbursable basis, for employee access to classified information for personnel who perform key management and oversight functions who may not merit an application due to their work under any one contract.

SEC. 507. TECHNICAL CORRECTION REGARDING FEDERAL POLICY ON SHARING OF COVERED INSIDER THREAT INFORMATION.

Section 806(b) of the Intelligence Authorization Act for Fiscal Year 2022 (Public Law 117-103) is amended by striking “contracting agency” and inserting “contractor that employs the contractor employee”.

SEC. 508. ESTABLISHING PROCESS PARITY FOR ADVERSE SECURITY CLEARANCE AND ACCESS DETERMINATIONS.

Subparagraph (C) of section 3001(j)(4) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)) is amended to read as follows:

“(C) CONTRIBUTING FACTOR.—

“(i) IN GENERAL.—Subject to clause (iii), in determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall find that paragraph (1) was violated if the individual has demonstrated that a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual.

“(ii) CIRCUMSTANTIAL EVIDENCE.—An individual under clause (i) may demonstrate that the disclosure was a contributing factor in the adverse security clearance or access determination taken against the individual through circumstantial evidence, such as evidence that—

“(I) the official making the determination knew of the disclosure; and

“(II) the determination occurred within a period such that a reasonable person could conclude that the disclosure was a contributing factor in the determination.

“(iii) DEFENSE.—In determining whether the adverse security clearance or access determination violated paragraph (1), the agency shall not find that paragraph (1) was violated if, after a finding that a disclosure was a contributing factor, the agency demonstrates by clear and convincing evidence that it would have made the same security clearance or access determination in the absence of such disclosure.”.

SEC. 509. ELIMINATION OF CAP ON COMPENSATORY DAMAGES FOR RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.

Section 3001(j)(4)(B) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(4)(B)) is amended, in the second sentence, by striking “not to exceed \$300,000”.

SEC. 510. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON USE OF GOVERNMENT AND INDUSTRY SPACE CERTIFIED AS SENSITIVE COMPARTMENTED INFORMATION FACILITIES.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the average annual utilization of Federal Government and industry space certified as a sensitive compartmented information facility under intelligence community or Department of Defense policy.

TITLE VI—INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

SEC. 601. SUBMITTAL OF COMPLAINTS AND INFORMATION BY WHISTLEBLOWERS IN THE INTELLIGENCE COMMUNITY TO CONGRESS.

(a) AMENDMENTS TO INSPECTOR GENERAL ACT OF 1978.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subsection (h) as subsection (i); and

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

“(h) APPOINTMENT OF SECURITY OFFICERS.—Each Inspector General under this section, including the designees of the Inspector General of the Department of Defense pursuant to subsection (a)(3), shall appoint within their offices security officers to provide, on a permanent basis, confidential, security-related guidance and direction to an employee of their respective establishment, an employee assigned or detailed to such establishment, or an employee of a contractor of such establishment who intends to report to Congress a complaint or information, so that such employee can obtain direction on how to report to Congress in accordance with appropriate security practices.”.

(2) PROCEDURES.—Subsection (d) of such section is amended—

(A) in paragraph (1), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the intelligence committees”;

(B) by amending paragraph (2) to read as follows:

“(2)(A) Except as provided in subparagraph (B), the employee may contact an intelligence committee or another committee of jurisdiction directly as described in paragraph (1) of this subsection or in subsection (a)(4) only if the employee—

“(i) before making such a contact, furnishes to the head of the establishment, through the Inspector General (or designee), a statement of the employee's complaint or information and notice of the employee's intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(ii)(I) obtains and follows from the head of the establishment, through the Inspector General (or designee), procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(II) obtains and follows such procedural direction from the applicable security officer appointed under subsection (h).

“(B) If an employee seeks procedural direction under subparagraph (A)(ii) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subparagraph.”; and

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

“(3) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.—Subsection (a) of such section is amended by adding at the end the following:

“(4) Subject to paragraphs (2) and (3) of subsection (d), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

“(A) in lieu of reporting such complaint or information under paragraph (1); or

“(B) in addition to reporting such complaint or information under paragraph (1).”.

(b) AMENDMENTS TO NATIONAL SECURITY ACT OF 1947.—

(1) APPOINTMENT OF SECURITY OFFICERS.—Section 103H(j) of the National Security Act of 1947 (50 U.S.C. 3033(j)) is amended by adding at the end the following:

“(5) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h)

of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).”

(2) **PROCEDURES.**—Subparagraph (D) of section 103H(k)(5) of such Act (50 U.S.C. 3033(k)(5)) is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the congressional intelligence committees”;

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact a congressional intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

“(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact a congressional intelligence committee or any other committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”;

(C) by redesignating clause (iii) as clause (iv); and

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

“(iii) An employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of a congressional intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) **CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.**—Subparagraph (A) of such section is amended—

(A) by inserting “(i)” before “An employee of”;

and

(B) by adding at the end the following:

“(ii) Subject to clauses (i) and (iii) of subparagraph (D), an employee of an element of the intelligence community who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

“(I) in lieu of reporting such complaint or information under clause (i); or

“(II) in addition to reporting such complaint or information under clause (i).”.

(C) **AMENDMENTS TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.**—

(1) **APPOINTMENT OF SECURITY OFFICERS.**—Section 17(d)(5) of the Central Intelligence

Agency Act of 1949 (50 U.S.C. 3517(d)(5)) is amended by adding at the end the following:

“(I) The Inspector General shall appoint within the Office of the Inspector General security officers as required by subsection (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.).”.

(2) **PROCEDURES.**—Subparagraph (D) of such section is amended—

(A) in clause (i), by inserting “or any other committee of jurisdiction of the Senate or the House of Representatives” after “either or both of the intelligence committees”;

(B) by amending clause (ii) to read as follows:

“(ii)(I) Except as provided in subclause (II), an employee may contact an intelligence committee or another committee of jurisdiction directly as described in clause (i) only if the employee—

“(aa) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly; and

“(bb)(AA) obtains and follows from the Director, through the Inspector General, procedural direction on how to contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives in accordance with appropriate security practices; or

“(BB) obtains and follows such procedural direction from the applicable security officer appointed under section 8H(h) of the Inspector General Act of 1978 (5 U.S.C. App.).

“(II) If an employee seeks procedural direction under subclause (I)(bb) and does not receive such procedural direction within 30 days, or receives insufficient direction to report to Congress a complaint or information, the employee may contact an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives directly without obtaining or following the procedural direction otherwise required under such subclause.”;

(C) by redesignating clause (iii) as clause (iv); and

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

“(iii) An employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information to the Chairman and Vice Chairman or Ranking Member, as the case may be, of an intelligence committee or another committee of jurisdiction of the Senate or the House of Representatives, a nonpartisan member of the committee staff designated for purposes of receiving complaints or information under this section, or a member of the majority staff and a member of the minority staff of the committee.”.

(3) **CLARIFICATION OF RIGHT TO REPORT DIRECTLY TO CONGRESS.**—Subparagraph (A) of such section is amended—

(A) by inserting “(i)” before “An employee of”;

and

(B) by adding at the end the following:

“(ii) Subject to clauses (i) and (iii) of subparagraph (D), an employee of the Agency who intends to report to Congress a complaint or information may report such complaint or information directly to Congress, regardless of whether the complaint or information is with respect to an urgent concern—

“(I) in lieu of reporting such complaint or information under clause (i); or

“(II) in addition to reporting such complaint or information under clause (i).”.

(d) **RULE OF CONSTRUCTION.**—Nothing in this section or an amendment made by this section shall be construed to revoke or di-

minish any right of an individual provided by section 2303 of title 5, United States Code.

SEC. 602. MODIFICATION OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES IN INTELLIGENCE COMMUNITY.

Section 1104(c)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3234(c)(1)(A)) is amended by inserting “a supervisor of the employing agency with responsibility for the subject matter of the disclosure,” after “chain of command.”.

SEC. 603. PROHIBITION AGAINST DISCLOSURE OF WHISTLEBLOWER IDENTITY AS REPRISAL AGAINST WHISTLEBLOWER DISCLOSURE BY EMPLOYEES AND CONTRACTORS IN INTELLIGENCE COMMUNITY.

(a) **IN GENERAL.**—Section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) is amended—

(1) in subsection (a)(3) of such section—

(A) in subparagraph (I), by striking “; or” and inserting a semicolon;

(B) by redesignating subparagraph (J) as subparagraph (K); and

(C) by inserting after subparagraph (I) the following:

“(J) a knowing and willful disclosure revealing the identity or other personally identifiable information of an employee or contractor employee; or”;

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

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

“(f) **PERSONNEL ACTIONS INVOLVING DISCLOSURES OF WHISTLEBLOWER IDENTITY.**—A personnel action described in subsection (a)(3)(J) shall not be considered in violation of subsection (b) or (c) under the following circumstances:

“(1) The personnel action was taken with the express consent of the employee or contractor employee.

“(2) An Inspector General with oversight responsibility for a covered intelligence community element determines that—

“(A) the personnel action was unavoidable under section 103H(g)(3)(A) of this Act (50 U.S.C. 3033(g)(3)(A)), section 17(e)(3)(A) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(e)(3)(A)), section 7(b) of the Inspector General Act of 1978 (5 U.S.C. App.), or section 8M(b)(2)(B) of the Inspector General Act of 1978 (5 U.S.C. App.);

“(B) the personnel action was made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; or

“(C) the personnel action was required by statute or an order from a court of competent jurisdiction.”.

(b) **APPLICABILITY TO DETAILEES.**—Subsection (a) of section 1104 of such Act (50 U.S.C. 3234) is amended by adding at the end the following:

“(5) **EMPLOYEE.**—The term ‘employee’, with respect to an agency or a covered intelligence community element, includes an individual who has been detailed to such agency or covered intelligence community element.”.

SEC. 604. DEFINITIONS REGARDING WHISTLEBLOWER COMPLAINTS AND INFORMATION OF URGENT CONCERN RECEIVED BY INSPECTORS GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) **NATIONAL SECURITY ACT OF 1947.**—Section 103H(k)(5)(G)(i)(I) of the National Security Act of 1947 (50 U.S.C. 3033(k)(5)(G)(i)(I)) is amended by striking “within the” and all that follows through “policy matters.” and inserting the following: “of the Federal Government that is—

“(aa) a matter of national security; and

“(bb) not a difference of opinion concerning public policy matters.”.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H(h)(1)(A)(i) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking “involving” and all that follows through “policy matters,” and inserting the following: “of the Federal Government that is—

“(I) a matter of national security; and

“(II) not a difference of opinion concerning public policy matters.”.

(c) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 17(d)(5)(G)(i)(I)(aa) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3517(d)(5)(G)(i)(I)(aa)) is amended by striking “involving” and all that follows through “policy matters,” and inserting the following: “of the Federal Government that is—

“(AA) a matter of national security; and

“(BB) not a difference of opinion concerning public policy matters.”.

TITLE VII—OTHER MATTERS

SEC. 701. IMPROVEMENTS RELATING TO CONTINUITY OF PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD MEMBERSHIP.

Paragraph (4) of section 1061(h) of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee(h)) is amended to read as follows:

“(4) TERM.—

“(A) COMMENCEMENT.—Each member of the Board shall serve a term of 6 years, commencing on the date of the appointment of the member to the Board.

“(B) REAPPOINTMENT.—A member may be reappointed to one or more additional terms.

“(C) VACANCY.—A vacancy on the Board shall be filled in the manner in which the original appointment was made.

“(D) EXTENSION.—Upon the expiration of the term of office of a member, the member may continue to serve, at the election of the member—

“(i) during the period preceding the reappointment of the member pursuant to subparagraph (B); or

“(ii) until the member’s successor has been appointed and qualified.”.

SEC. 702. MODIFICATION OF REQUIREMENT FOR OFFICE TO ADDRESS UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.

(a) IN GENERAL.—Section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373) is amended to read as follows:

“SEC. 1683. ESTABLISHMENT OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA JOINT PROGRAM OFFICE.

“(a) ESTABLISHMENT OF OFFICE.—

“(1) IN GENERAL.—Not later than 120 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Secretary of Defense, in coordination with the Director of National Intelligence, shall establish an office within a component of the Office of the Secretary of Defense, or within a joint organization of the Department of Defense and the Office of the Director of National Intelligence, to carry out the duties of the Unidentified Aerial Phenomena Task Force, as in effect on December 26, 2021, and such other duties as are required by this section, including those pertaining to—

“(A) transmedium objects or devices and unidentified aerospace-undersea phenomena;

“(B) space, atmospheric, and water domains; and

“(C) currently unknown technology and other domains.

“(2) DESIGNATION.—The office established under paragraph (1) shall be known as the ‘Unidentified Aerospace-Undersea Phenomena Joint Program Office’ (in this section referred to as the ‘Office’).

“(b) DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE.—

“(1) APPOINTMENT OF DIRECTOR.—The head of the Office shall be the Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office (in this section referred to as the ‘Director of the Office’), who shall be appointed by the Secretary of Defense.

“(2) APPOINTMENT OF DEPUTY DIRECTOR.—There shall be in the Office a Deputy Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office (in this section referred to as the ‘Deputy Director of the Office’), who shall be appointed by the Director of National Intelligence.

“(3) REPORTING.—(A) The Director of the Office shall report to the Secretary of Defense.

“(B) The Deputy Director of the Office shall report—

“(i) to the Secretary of Defense and the Director of National Intelligence on all administrative matters of the Office; and

“(ii) to the Secretary of Defense on all operational matters of the Office.

“(c) DUTIES.—The duties of the Office shall include the following:

“(1) Developing procedures to synchronize and standardize the collection, reporting, and analysis of incidents, including adverse physiological effects, regarding unidentified aerospace-undersea phenomena across the Department of Defense and the intelligence community, in consultation with the Director of National Intelligence, and submitting a report on such procedures to the congressional defense committees, the congressional intelligence committees, and congressional leadership.

“(2) Developing processes and procedures to ensure that such incidents from each component of the Department and each element of the intelligence community are reported and incorporated in a centralized repository.

“(3) Establishing procedures to require the timely and consistent reporting of such incidents.

“(4) Evaluating links between unidentified aerospace-undersea phenomena and adversarial foreign governments, other foreign governments, or nonstate actors.

“(5) Evaluating the threat that such incidents present to the United States.

“(6) Coordinating with other departments and agencies of the Federal Government, as appropriate, including the Federal Aviation Administration, the National Aeronautics and Space Administration, the Department of Homeland Security, the National Oceanic and Atmospheric Administration, the National Science Foundation, and the Department of Energy.

“(7) Coordinating with allies and partners of the United States, as appropriate, to better assess the nature and extent of unidentified aerospace-undersea phenomena.

“(8) Preparing reports for Congress, in both classified and unclassified form, including under subsection (j).

“(9) Ensuring that appropriate elements of the intelligence community receive all reports received by the Office regarding a temporary nonattributed object or an object that is positively identified as man-made, including by creating a procedure to ensure that the Office refers such reports to an appropriate element of the intelligence community for distribution among other relevant elements of the intelligence community, in addition to the reports in the repository described in paragraph (2).

“(d) RESPONSE TO AND FIELD INVESTIGATIONS OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—

“(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more line organizations within the Department of Defense and the intelligence community that

possess appropriate expertise, authorities, accesses, data, systems, platforms, and capabilities to rapidly respond to, and conduct field investigations of, incidents involving unidentified aerospace-undersea phenomena under the direction of the Director of the Office.

“(2) ABILITY TO RESPOND.—The Secretary, in coordination with the Director of National Intelligence, shall ensure that each line organization designated under paragraph (1) has adequate personnel with the requisite expertise, equipment, transportation, and other resources necessary to respond rapidly to incidents or patterns of observations involving unidentified aerospace-undersea phenomena of which the Office becomes aware.

“(e) SCIENTIFIC, TECHNOLOGICAL, AND OPERATIONAL ANALYSES OF DATA ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—

“(1) DESIGNATION.—The Secretary, in coordination with the Director of National Intelligence, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted pursuant to subsection (d) and data from other sources, including with respect to the testing of materials, medical studies, and development of theoretical models, to better understand and explain unidentified aerospace-undersea phenomena.

“(2) AUTHORITY.—The Secretary and the Director of National Intelligence shall each issue such directives as are necessary to ensure that each line organization designated under paragraph (1) has authority to draw on the special expertise of persons outside the Federal Government with appropriate security clearances.

“(f) DATA; INTELLIGENCE COLLECTION.—

“(1) AVAILABILITY OF DATA AND REPORTING ON UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.—The Director of National Intelligence and the Secretary shall each, in coordination with one another, ensure that—

“(A) each element of the intelligence community with data relating to unidentified aerospace-undersea phenomena makes such data available immediately to the Office; and

“(B) military and civilian personnel of the Department of Defense or an element of the intelligence community, and contractor personnel of the Department or such an element, have access to procedures by which the personnel shall report incidents or information, including adverse physiological effects, involving or associated with unidentified aerospace-undersea phenomena directly to the Office.

“(2) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—The Director of the Office, acting on behalf of the Secretary of Defense and the Director of National Intelligence, shall supervise the development and execution of an intelligence collection and analysis plan to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerospace-undersea phenomena, including with respect to the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerospace-undersea phenomena.

“(3) USE OF RESOURCES AND CAPABILITIES.—In developing the plan under paragraph (2), the Director of the Office shall consider and propose, as the Director of the Office determines appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

“(4) DIRECTOR OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—

“(A) LEADERSHIP.—The Director of the National Geospatial-Intelligence Agency shall lead the collection efforts of the intelligence community with respect to unidentified aerospace-undersea phenomena geospatial intelligence.

“(B) BRIEFINGS.—Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023 and not less frequently than once every 90 days thereafter, the Director shall brief the congressional defense committees, the congressional intelligence committees, and congressional leadership on the activities of the Director under this paragraph.

“(g) SCIENCE PLAN.—The Director of the Office, on behalf of the Secretary and the Director of National Intelligence, shall supervise the development and execution of a science plan to develop and test, as practicable, scientific theories to—

“(1) account for characteristics and performance of unidentified aerospace-undersea phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation; and

“(2) provide the foundation for potential future investments to replicate or otherwise better understand any such advanced characteristics and performance.

“(h) ASSIGNMENT OF PRIORITY.—The Director of National Intelligence, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate level of priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerospace-undersea phenomena.

“(i) CORE GROUP.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, the Director of the Office, the Secretary of Defense, and the Director of National Intelligence shall jointly establish a core group within the Office that shall include, at a minimum, representatives with all relevant and appropriate security clearances from the following:

- “(1) The Central Intelligence Agency.
- “(2) The National Security Agency.
- “(3) The Department of Energy.
- “(4) The National Reconnaissance Office.
- “(5) The Air Force.
- “(6) The Space Force.
- “(7) The Defense Intelligence Agency.
- “(8) The National Geospatial-Intelligence Agency.
- “(9) The Department of Homeland Security.

“(j) ANNUAL REPORTS.—

“(1) REPORTS FROM DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) REQUIREMENT.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter for 4 years, the Director of National Intelligence, in consultation with the Secretary, shall submit to the appropriate congressional committees a report on unidentified aerospace-undersea phenomena.

“(B) ELEMENTS.—Each report under subparagraph (A) shall include, with respect to the year covered by the report, the following information:

“(i) All reported unidentified aerospace-undersea phenomena-related events that occurred during the one-year period.

“(ii) All reported unidentified aerospace-undersea phenomena-related events that occurred during a period other than that one-year period but were not included in an earlier report.

“(iii) An analysis of data and intelligence received through each reported unidentified

aerospace-undersea phenomena-related event.

“(iv) An analysis of data relating to unidentified aerospace-undersea phenomena collected through—

- “(I) geospatial intelligence;
- “(II) signals intelligence;
- “(III) human intelligence; and
- “(IV) measurement and signature intelligence.

“(v) The number of reported incidents of unidentified aerospace-undersea phenomena over restricted airspace of the United States during the one-year period.

“(vi) An analysis of such incidents identified under clause (v).

“(vii) Identification of potential aerospace or other threats posed by unidentified aerospace-undersea phenomena to the national security of the United States.

“(viii) An assessment of any activity regarding unidentified aerospace-undersea phenomena that can be attributed to one or more adversarial foreign governments.

“(ix) Identification of any incidents or patterns regarding unidentified aerospace-undersea phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

“(x) An update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerospace-undersea phenomena.

“(xi) An update on any efforts underway on the ability to capture or exploit discovered unidentified aerospace-undersea phenomena.

“(xii) An assessment of any health related effects for individuals that have encountered unidentified aerospace-undersea phenomena.

“(xiii) The number of reported incidents, and descriptions thereof, of unidentified aerospace-undersea phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

“(xiv) In consultation with the Administrator for Nuclear Security, the number of reported incidents, and descriptions thereof, of unidentified aerospace-undersea phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

“(xv) In consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerospace-undersea phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

“(xvi) The names of the line organizations that have been designated to perform the specific functions under subsections (d) and (e), and the specific functions for which each such line organization has been assigned primary responsibility.

“(C) FORM.—Each report submitted under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

“(2) REPORTS FROM ELEMENTS OF INTELLIGENCE COMMUNITY.—Not later than one year after the date of enactment of the Intelligence Authorization Act for Fiscal Year 2023, and annually thereafter, each head of an element of the intelligence community shall submit to the congressional committees specified in subparagraphs (A), (B), (D), and (E) of subsection (o)(1) and congressional leadership a report on the activities of the element of the head undertaken in the past year to support the Office, including a section prepared by the Office that includes a detailed description of the coordination between the Office and the element of the in-

telligence community, any concerns with such coordination, and any recommendations for improving such coordination.

“(k) SEMIANNUAL BRIEFINGS.—

“(1) REQUIREMENT.—Not later than December 31, 2022, and not less frequently than semiannually thereafter until December 31, 2026, the Director of the Office shall provide to the congressional committees specified in subparagraphs (A), (B), (D), and (E) of subsection (o)(1) classified briefings on unidentified aerospace-undersea phenomena.

“(2) FIRST BRIEFING.—The first briefing provided under paragraph (1) shall include all incidents involving unidentified aerospace-undersea phenomena that were reported to the Unidentified Aerial Phenomena Task Force or to the Office established under subsection (a) after June 24, 2021, regardless of the date of occurrence of the incident.

“(3) SUBSEQUENT BRIEFINGS.—Each briefing provided subsequent to the first briefing described in paragraph (2) shall include, at a minimum, all events relating to unidentified aerospace-undersea phenomena that occurred during the previous 180 days, and events relating to unidentified aerospace-undersea phenomena that were not included in an earlier briefing.

“(4) INSTANCES IN WHICH DATA WAS NOT SHARED.—For each briefing period, the Director of the Office shall jointly provide to the chairman or chair and the ranking member or vice chairman of the congressional committees specified in subparagraphs (A) and (D) of subsection (o)(1) an enumeration of any instances in which data relating to unidentified aerospace-undersea phenomena was not provided to the Office because of classification restrictions on that data or for any other reason.

“(1) QUARTERLY BRIEFINGS.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023, and not less frequently than once every 90 days thereafter, the Director of the Office shall provide the appropriate congressional committees and congressional leadership briefings on unidentified aerospace-undersea phenomena events.

“(2) ELEMENTS.—The briefings provided under paragraph (1) shall include the following:

“(A) A continuously updated compendium of unidentified aerospace-undersea phenomena events.

“(B) Details about each sighting that has occurred within the past 90 days and the status of each sighting's resolution.

“(C) Updates on the Office's collection activities and posture, analysis, and research.

“(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including with respect to—

“(1) general intelligence gathering and intelligence analysis; and

“(2) strategic defense, space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

“(n) TASK FORCE TERMINATION.—Not later than the date on which the Secretary establishes the Office under subsection (a), the Secretary shall terminate the Unidentified Aerial Phenomena Task Force.

“(o) DEFINITIONS.—In this section:

“(1) The term ‘appropriate congressional committees’ means the following:

“(A) The Committees on Armed Services of the Senate and the House of Representatives.

“(B) The Committees on Appropriations of the Senate and the House of Representatives.

“(C) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

“(D) The Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

“(E) The Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

“(2) The term ‘congressional defense committees’ has the meaning given such term in section 101(a) of title 10, United States Code.

“(3) The term ‘congressional intelligence committees’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(4) The term ‘congressional leadership’ means—

“(A) the majority leader of the Senate;

“(B) the minority leader of the Senate;

“(C) the Speaker of the House of Representatives; and

“(D) the minority leader of the House of Representatives.

“(5) The term ‘intelligence community’ has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(6) The term ‘line organization’ means, with respect to a department or agency of the Federal Government, an organization that executes programs and activities to directly advance the core functions and missions of the department or agency to which the organization is subordinate, but, with respect to the Department of Defense, does not include a component of the Office of the Secretary of Defense.

“(7) The term ‘transmedium objects or devices’ means objects or devices that are—

“(A) observed to transition between space and the atmosphere, or between the atmosphere and bodies of water; and

“(B) not immediately identifiable.

“(8) The term ‘unidentified aerospace-undersea phenomena’—

“(A) means—

“(i) airborne objects that are not immediately identifiable;

“(ii) transmedium objects or devices; and

“(iii) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that the objects or devices may be related to the objects or devices described in subparagraph (A) or (B); and

“(B) does not include temporary nonattributed objects or those that are positively identified as man-made.”.

(b) DELEGATION OF DUTIES OF DIRECTOR OF NATIONAL INTELLIGENCE.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall select a full-time equivalent employee of the intelligence community and delegate to such employee the responsibilities of the Director under section 1683 of such Act (50 U.S.C. 3373), as amended by subsection (a).

(c) CLERICAL AMENDMENT.—The table of contents in section 2(b) of such Act is amended by striking the item relating to section 1683 of division A and inserting the following new item:

“Sec. 1683. Establishment of Unidentified Aerospace-Undersea Phenomena Joint Program Office.”.

SEC. 703. UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA REPORTING PROCEDURES.

(a) AUTHORIZATION FOR REPORTING.—Notwithstanding the terms of any nondisclosure written or oral agreement, order, or other instrumentality or means, that could be interpreted as a legal constraint on reporting by a witness of an unidentified aerospace-undersea phenomena, reporting in accordance with the system established under subsection (b)

is hereby authorized and shall be deemed to comply with any regulation or order issued under the authority of Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or chapter 18 of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.).

(b) SYSTEM FOR REPORTING.—

(1) ESTABLISHMENT.—The head of the Office, on behalf of the Secretary of Defense and the Director of National Intelligence, shall establish a secure system for receiving reports of—

(A) any event relating to unidentified aerospace-undersea phenomena; and

(B) any Government or Government contractor activity or program related to unidentified aerospace-undersea phenomena.

(2) PROTECTION OF SYSTEMS, PROGRAMS, AND ACTIVITY.—The system established pursuant to paragraph (1) shall serve as a mechanism to prevent unauthorized public reporting or compromise of properly classified military and intelligence systems, programs, and related activity, including all categories and levels of special access and compartmented access programs, current, historical, and future.

(3) ADMINISTRATION.—The system established pursuant to paragraph (1) shall be administered by designated and widely known, easily accessible, and appropriately cleared Department of Defense and intelligence community employees or contractors assigned to the Unidentified Aerial Phenomena Task Force or the Office.

(4) SHARING OF INFORMATION.—The system established under paragraph (1) shall provide for the immediate sharing with Office personnel and supporting analysts and scientists of information previously prohibited from reporting under any nondisclosure written or oral agreement, order, or other instrumentality or means, except in cases where the cleared Government personnel administering such system conclude that the preponderance of information available regarding the reporting indicates that the observed object and associated events and activities likely relate to a special access program or compartmented access program that, as of the date of the reporting, has been explicitly and clearly reported to the congressional defense committees and congressional intelligence committees, and is documented as meeting those criteria.

(5) INITIAL REPORT AND PUBLICATION.—Not later than 180 days after the date of the enactment of this Act, the head of the Office, on behalf of the Secretary and the Director, shall—

(A) submit to the congressional intelligence committees, the congressional defense committees, and congressional leadership a report detailing the system established under paragraph (1); and

(B) make available to the public on a website of the Department of Defense information about such system, including clear public guidance for accessing and using such system and providing feedback about the expected timeline to process a report.

(6) ANNUAL REPORTS.—Subsection (j)(1) of section 1683 of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373), as amended by section 703, is further amended—

(A) in subparagraph (A), by inserting “and congressional leadership” after “appropriate congressional committees”; and

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

“(xvii) A summary of the reports received using the system established under section 703(b)(1) of the Intelligence Authorization Act for Fiscal Year 2023.”.

(c) RECORDS OF NONDISCLOSURE AGREEMENTS.—

(1) IDENTIFICATION OF NONDISCLOSURE AGREEMENTS.—The Secretary of Defense, the Director of National Intelligence, the Secretary of Homeland Security, the heads of such other departments and agencies of the Federal Government that have supported investigations of the types of events covered by subparagraph (A) of subsection (b)(1) and activities and programs described in subparagraph (B) of such subsection, and contractors of the Federal Government supporting such activities and programs shall conduct comprehensive searches of all records relating to nondisclosure orders or agreements or other obligations relating to the types of events described in subsection (a) and provide copies of all relevant documents to the Office.

(2) SUBMITTAL TO CONGRESS.—The head of the Office shall—

(A) make the records compiled under paragraph (1) accessible to the congressional intelligence committees, the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and congressional leadership; and

(B) not later than September 30, 2023, and at least once each fiscal year thereafter through fiscal year 2026, provide to such committees and congressional leadership briefings and reports on such records.

(d) PROTECTION FROM LIABILITY.—

(1) PROTECTION FROM LIABILITY.—It shall not be a violation of any law, and no cause of action shall lie or be maintained in any court or other tribunal against any person, for reporting any information through, and in compliance with, the system established pursuant to subsection (b)(1).

(2) PROHIBITION ON REPRISALS.—An employee of a Federal agency and an employee of a contractor for the Federal Government who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action, including the revocation or suspension of security clearances, with respect to any individual as a reprisal for any reporting as described in paragraph (1).

(e) REVIEW BY INSPECTORS GENERAL.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of the Intelligence Community shall each—

(1) conduct an assessment of the compliance with the requirements of this section and the operation and efficacy of the system established under subsection (b); and

(2) submit to the congressional intelligence committees, the congressional defense committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and congressional leadership a report on their respective findings with respect to the assessments they conducted under paragraph (1).

(f) DEFINITIONS.—In this section:

(1) The term “congressional defense committees” has the meaning given such term in section 101(a) of title 10, United States Code.

(2) The term “congressional leadership” means—

(A) the majority leader of the Senate;

(B) the minority leader of the Senate;

(C) the Speaker of the House of Representatives; and

(D) the minority leader of the House of Representatives.

(3) The term “Office” means the office established under section 1683(a) of the National Defense Authorization Act for Fiscal

Year 2022 (50 U.S.C. 3373(a)), as amended by section 703.

(4) The term “personnel action” has the meaning given such term in section 1104(a) of the National Security Act of 1947 (50 U.S.C. 3234(a)).

(5) The term “unidentified aerospace-undersea phenomena” has the meaning given such term in section 1683(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(o)), as amended by section 703.

SEC. 704. COMPTROLLER GENERAL OF THE UNITED STATES COMPILATION OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA RECORDS.

(a) **DEFINITION OF UNIDENTIFIED AEROSPACE-UNDERSEA PHENOMENA.**—In this section, the term “unidentified aerospace-undersea phenomena” has the meaning given such term in section 1683(o) of the National Defense Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373(o)), as amended by section 703.

(b) **COMPILATION REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) commence a review of the records and documents of the intelligence community, oral history interviews, open source analytic analysis, interviews of current and former government officials, classified and unclassified national archives (including those records any third party obtained pursuant to section 552 of title 5, United States Code (commonly known as the “Freedom of Information Act” or “FOIA”)), and such other relevant historical sources as the Comptroller General considers appropriate; and

(2) for the period beginning on January 1, 1947, and ending on the date on which the Comptroller General completes activities under this subsection, compile and itemize a complete historical record of the intelligence community’s involvement with unidentified aerospace-undersea phenomena, including successful or unsuccessful efforts to identify and track unidentified aerospace-undersea phenomena, and any intelligence community efforts to obfuscate, manipulate public opinion, hide, or otherwise provide unclassified or classified misinformation about unidentified aerospace-undersea phenomena or related activities, based on the review conducted under paragraph (1).

(c) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date on which the Comptroller General completes the compilation and itemization required by subsection (b)(2), the Comptroller General shall submit to Congress a report summarizing the historical record described in such subsection.

(2) **RESOURCES.**—The report submitted under paragraph (1) shall include citations to the resources relied upon and instructions as to how the resources can be accessed.

(3) **FORM.**—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex as necessary.

(d) **COOPERATION OF INTELLIGENCE COMMUNITY.**—The heads of elements of the intelligence community whose participation the Comptroller General deems necessary to carry out subsections (b) and (c), including the Director of National Intelligence, the Under Secretary of Defense for Intelligence and Security, and the Director of the Unidentified Aerospace-Undersea Phenomena Joint Program Office, shall fully cooperate with the Comptroller General and provide to the Comptroller General such information as the Comptroller General determines necessary to carry out such subsections.

(e) **ACCESS TO RECORDS OF THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION.**—The Archivist of the United States shall

make available to the Comptroller General such information maintained by the National Archives and Records Administration, including classified information, as the Comptroller General considers necessary to carry out subsections (b) and (c).

SEC. 705. OFFICE OF GLOBAL COMPETITION ANALYSIS.

(a) **DEFINITIONS.**—In this section:

(1) **EXECUTIVE AGENCY.**—The term “Executive agency” has the meaning given such term in section 105 of title 5, United States Code.

(2) **OFFICE.**—The term “Office” means the Office of Global Competition Analysis established under subsection (b).

(b) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—The President shall establish an office for analysis of global competition.

(2) **PURPOSES.**—The purposes of the Office are as follows:

(A) To carry out a program of analysis relevant to United States leadership in technology and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(B) To support policy development and decisionmaking across the Federal Government to ensure United States leadership in technology and innovation sectors critical to national security and economic prosperity relative to other countries, particularly those countries that are strategic competitors of the United States.

(3) **DESIGNATION.**—The office established under paragraph (1) shall be known as the “Office of Global Competition Analysis”.

(c) **ACTIVITIES.**—In accordance with the priorities determined under subsection (d), the Office shall—

(1) subject to subsection (f), acquire, access, use, and handle data or other information relating to the purposes of the Office under subsection (b);

(2) conduct long- and short-term analyses regarding—

(A) United States policies that enable technological competitiveness relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(B) United States science and technology ecosystem elements, including technology innovation, development, advanced manufacturing, supply chain resiliency, workforce, and production, relative to those of other countries, particularly with respect to countries that are strategic competitors of the United States;

(C) United States competitiveness in technology and innovation sectors critical to national security and economic prosperity relative to other countries, including the availability and scalability of United States technology in such sectors abroad, particularly with respect to countries that are strategic competitors of the United States;

(D) trends and trajectories, including rate of change in technologies, related to technology and innovation sectors critical to national security and economic prosperity;

(E) threats to United States’ national security interests as a result of any foreign country’s dependence on technologies of strategic competitors of the United States; and

(F) threats to United States interests based on dependencies on foreign technologies critical to national security and economic prosperity;

(3) solicit input on technology and economic trends, data, and metrics from relevant private sector stakeholders and engage with academia to inform the analyses under paragraph (2); and

(4) to the greatest extent practicable and as may be appropriate, ensure that versions of the analyses under paragraph (2) are unclassified.

(d) **DETERMINATION OF PRIORITIES.**—On a periodic basis, the Director of the Office of Science and Technology Policy, the Assistant to the President for Economic Policy, the Assistant to the President for National Security Affairs, the Secretary of Commerce, the Director of National Intelligence, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Secretary of Homeland Security shall, in coordination with such heads of Executive agencies as such Directors, Assistants, and Secretaries jointly consider appropriate, jointly determine the priorities of the Office with respect to subsection (b)(2)(A), considering, as may be appropriate, the strategies and reports under subtitle B of title VI of the Research and Development, Competition, and Innovation Act (Public Law 117–167).

(e) **ADMINISTRATION.**—To carry out the purposes set forth under subsection (b)(2), the Office shall enter into an agreement with a Federally funded research and development center, a university affiliated research center, or a consortium of federally funded research and development centers and university-affiliated research centers.

(f) **ACQUISITION, ACCESS, USE, AND HANDLING OF DATA OR INFORMATION.**—In carrying out the activities under subsection (c), the Office—

(1) shall acquire, access, use, and handle data or information in a manner consistent with applicable provisions of law and policy and subject to any restrictions required by the source of the information;

(2) shall have access to all information, data, or reports of any Executive agency that the Office determines necessary to carry out this section upon written request, consistent with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters; and

(3) may obtain commercially available information that may not be publicly available.

(g) **ADDITIONAL SUPPORT.**—A head of an Executive agency may provide to the Office such support, in the form of financial assistance and personnel, as the head considers appropriate to assist the Office in carrying out any activity under subsection (c), consistent with the priorities determined under subsection (d).

(h) **ANNUAL REPORT.**—Not less frequently than once each year, the Office shall submit to Congress a report on the activities of the Office under this section, including a description of the priorities under subsection (d) and any support, disaggregated by Executive agency, provided to the Office consistent with subsection (g) in order to advance those priorities.

(i) **PLANS.**—Before establishing the Office under subsection (b)(1), the President shall submit to the appropriate committees of Congress a report detailing plans for—

(1) the administrative structure of the Office, including—

(A) a detailed spending plan that includes administrative costs; and

(B) a disaggregation of costs associated with carrying out subsection (e)(1);

(2) ensuring consistent and sufficient funding for the Office; and

(3) coordination between the Office and relevant Executive agencies.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$20,000,000 for fiscal year 2023.

SEC. 706. REPORT ON TRACKING AND COLLECTING PRECURSOR CHEMICALS USED IN THE PRODUCTION OF SYNTHETIC OPIOIDS.

(a) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

- (1) the congressional intelligence committees;
- (2) the Committee on the Judiciary and the Committee on Appropriations of the Senate; and
- (3) the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(b) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall submit to the appropriate committees of Congress a report on—

- (1) any gaps or challenges related to tracking licit precursor chemicals that are bound for illicit use in the production of synthetic opioids; and
- (2) any gaps in authorities related to the collection of licit precursor chemicals that have been routed toward illicit supply chains.

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

SEC. 707. ASSESSMENT AND REPORT ON MASS MIGRATION IN THE WESTERN HEMISPHERE.

(a) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Foreign Relations, the Committee on the Judiciary, and the Committee on Appropriations of the Senate; and
- (3) the Committee on Foreign Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(b) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall assess, and submit to the congressional intelligence committees a report on—

- (1) the threats to the interests of the United States created or enhanced by, or associated with, the mass migration of people within the Western Hemisphere, particularly to the southern border of the United States;
- (2) the use of or the threat of using mass migration in the Western Hemisphere by the regime of Nicolás Maduro in Venezuela and the regime of Miguel Díaz-Canel and Raúl Castro in Cuba—

(A) to effectively curate populations so that people who remain in those countries are powerless to meaningfully dissent;

(B) to extract diplomatic concessions from the United States; and

(C) to enable the increase of remittances from migrants residing in the United States as a result of the mass migration to help finance the regimes in Venezuela and Cuba; and

(3) any gaps in resources, collection capabilities, or authorities relating to the ability of the intelligence community to timely identify the threats described in paragraphs (1) and (2), and recommendations for addressing those gaps.

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

SEC. 708. NOTIFICATIONS REGARDING TRANSFERS OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE MEMBERS OF CONGRESS.**—The term “appropriate Members of Congress” means—

- (A) the majority leader and the minority leader of the Senate;
- (B) the Chairman and Ranking Member of the Committee on Armed Services of the Senate;
- (C) the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate;

(D) the Chairman and Vice Chairman of the Committee on Appropriations of the Senate;

(E) the Chairman and Ranking Member of the Committee on Foreign Relations of the Senate;

(F) the Speaker of the House of Representatives;

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

(H) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives;

(I) the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives;

(J) the Chair and Ranking Member of the Committee on Appropriations of the House of Representatives; and

(K) the Chairman and Ranking Member of the Committee on Foreign Affairs of the House of Representatives.

(2) **EXECUTIVE ORDER 13567.**—The term “Executive Order 13567” means Executive Order 13567 (10 U.S.C. 801 note; relating to periodic review of individuals detained at Guantánamo Bay Naval Station pursuant to the Authorization for Use of Military Force).

(3) **INDIVIDUAL DETAINED AT GUANTANAMO.**—The term “individual detained at Guantánamo” has the meaning given that term in section 1034(f)(2) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 971; 10 U.S.C. 801 note).

(4) **PERIODIC REVIEW BOARD.**—The term “Periodic Review Board” has the meaning given that term in section 9 of Executive Order 13567 or successor order.

(5) **REVIEW COMMITTEE.**—The term “Review Committee” has the meaning given that term in section 9 of Executive Order 13567 or successor order.

(b) **NOTIFICATIONS REQUIRED.**—

(1) **ELIGIBILITY FOR TRANSFER.**—Not later than 3 days after a Periodic Review Board or Review Committee makes a final determination that the continued law of war detention of an individual detained at Guantánamo is not warranted, and consistent with Executive Order 13567 or successor order, the Secretary of Defense shall submit to the appropriate Members of Congress a notification of that determination.

(2) **TRANSFER.**—

(A) **IN GENERAL.**—In any circumstance in which a certification referred to in paragraph (1) of section 1034(a) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 969; 10 U.S.C. 801 note) concerning the transfer of an individual detained at Guantánamo is not required pursuant to paragraph (2) of that section, not less than 30 days prior to the transfer of the individual, the Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate Members of Congress a notification of the transfer.

(B) **MATTERS TO BE INCLUDED.**—Each notification submitted under subparagraph (A) shall include the following:

(i) The name and country of origin of the individual to be transferred.

(ii) The country to which the individual will be transferred and the rationale for transferring the individual to that particular country.

(iii) An estimated date of transfer and the basis therefor.

SEC. 709. REPORT ON INTERNATIONAL NORMS, RULES, AND PRINCIPLES APPLICABLE IN SPACE.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of State, in coordination with the Secretary of Defense, the Secretary of Commerce, the Administrator of the National Aeronautics and Space Administration, and the heads of any other agencies as the Director considers necessary, shall jointly submit to Congress a report on international norms, rules, and principles applicable in space.

(b) **ELEMENTS.**—The report submitted under subsection (a) shall—

(1) identify threats to the interests of the United States in space that may be mitigated by international norms, rules, and principles, including such norms, rules, and principles relating to developments in dual-use technology; and

(2) identify opportunities for the United States to influence international norms, rules, and principles applicable in space, including through bilateral and multilateral engagement.

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

SEC. 710. ASSESSMENTS OF THE EFFECTS OF SANCTIONS IMPOSED WITH RESPECT TO THE RUSSIAN FEDERATION'S INVASION OF UKRAINE.

(a) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this section, the term “appropriate committees of Congress” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Appropriations of the Senate; and
- (3) the Committee on Foreign Affairs, the Committee on Financial Services, and the Committee on Appropriations of the House of Representatives.

(b) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, and every 180 days thereafter for 3 years, the Director of National Intelligence shall submit to the appropriate committees of Congress an assessment of the cumulative and material effects of the sanctions imposed by the United States, European countries, and the international community with respect to the Russian Federation in response to the February 24, 2022, invasion of Ukraine and subsequent actions by the Russian Federation.

(c) **ELEMENTS.**—Each assessment submitted under subsection (b) shall include the following:

(1) A description of efforts by the Russian Federation to evade or circumvent sanctions imposed by the United States, European countries, or the international community through direct or indirect engagement or direct or indirect assistance from—

(A) the regimes in Cuba and Nicaragua and the regime of Nicolás Maduro in Venezuela;

(B) the People's Republic of China; and

(C) the Islamic Republic of Iran; and

(D) any other country the Director considers appropriate.

(2) An assessment of the cumulative effect of the efforts described in paragraph (1), including on the Russian Federation's strategic relationship with the regimes and countries described in such paragraph.

(3) A description of the material effect of the sanctions described in subsection (b), including the effect of those sanctions on senior leadership, senior military officers, state-sponsored actors, and other state-affiliated actors in the Russian Federation that are either directly or incidentally subject to those sanctions.

(4) A description of any developments by other countries in creating alternative payment systems as a result of the invasion of Ukraine.

(5) A description of efforts by the Russian Federation to evade sanctions using digital assets and a description of any related intelligence gaps.

(6) An assessment of how countries have assessed the risk of holding reserves in United States dollars since the February 24, 2022, invasion of Ukraine.

(7) An assessment of the impact of any general licenses issued in relation to the sanctions described in subsection (b), including the extent to which authorizations for internet-based communications have enabled continued monetization by Russian influence actors.

(d) FORM OF ASSESSMENTS.—Each assessment submitted under subsection (b) shall be submitted in unclassified form and include a classified annex.

SEC. 711. ASSESSMENTS AND BRIEFINGS ON IMPLICATIONS OF FOOD INSECURITY THAT MAY RESULT FROM THE RUSSIAN FEDERATION'S INVASION OF UKRAINE.

(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
- (3) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENTS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for 2 years, the Director of National Intelligence shall conduct a comprehensive assessment of the implications of food insecurity that may result from the Russian Federation's invasion of Ukraine.

(2) ELEMENTS.—Each assessment conducted under paragraph (1) shall address the following:

(A) The projected timeline for indicators of any food insecurity described in paragraph (1) to manifest.

(B) The potential for political instability and security crises that may occur as a result of any such food insecurity, disaggregated by region.

(C) Factors that could minimize the potential effects of any such food insecurity on political instability and security described in subparagraph (B), disaggregated by region.

(D) Opportunities for the United States to prevent or mitigate any such food insecurity.

(c) BRIEFINGS.—Not later than 30 days after the date on which an assessment conducted under subsection (b)(1) is completed, the Director of National Intelligence shall brief the appropriate committees of Congress on the findings of the assessment.

SEC. 712. PILOT PROGRAM FOR DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION TO UNDERTAKE AN EFFORT TO IDENTIFY INTERNATIONAL MOBILE SUBSCRIBER IDENTITY-CATCHERS AND DEVELOP COUNTERMEASURES.

Section 5725 of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3024 note; Public Law 116-92) is amended—

(1) in subsection (a), in the matter before paragraph (1)—

(A) by striking “The Director of National Intelligence and the Director of the Federal Bureau of Investigation” and inserting “The Director of the Federal Bureau of Investigation”;

(B) by inserting “the Director of National Intelligence,” before “the Under Secretary”; and

(C) by striking “Directors determine” and inserting “Director of the Federal Bureau of Investigation determines”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

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

“(b) PILOT PROGRAM.—

“(1) IN GENERAL.—The Director of the Federal Bureau of Investigation, in collaboration with the Director of National Intelligence, the Under Secretary of Homeland Security for Intelligence and Analysis, and the heads of such other Federal, State, or local agencies as the Director of the Federal Bureau of Investigation determines appropriate, and in accordance with applicable law and policy, shall conduct a pilot program designed to implement subsection (a) with respect to the National Capital Region.

“(2) COMMENCEMENT; COMPLETION.—The Director of the Federal Bureau of Investigation shall—

“(A) commence carrying out the pilot program required by paragraph (1) not later than 180 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2023; and

“(B) complete the pilot program not later than 2 years after the date on which the Director commences carrying out the pilot program under subparagraph (A).”;

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in the matter before paragraph (1), by striking “Prior” and all that follows through “Investigation” and inserting “Not later than 180 days after the date on which the Director of the Federal Bureau of Investigation determines that the pilot program required by subsection (b)(1) is operational, the Director and the Director of National Intelligence”;

(B) in paragraph (1), by striking “within the United States”;

(C) in paragraph (2), by striking “by the” and inserting “deployed by the Federal Bureau of Investigation and other elements of the”.

SEC. 713. DEPARTMENT OF STATE BUREAU OF INTELLIGENCE AND RESEARCH ASSESSMENT OF ANOMALOUS HEALTH INCIDENTS.

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

(1) the congressional intelligence committees;

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(3) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(b) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of

this Act, the Assistant Secretary of State for Intelligence and Research shall submit to the appropriate committees of Congress an assessment of the findings relating to the events that have been collectively labeled as “anomalous health incidents”.

(c) CONTENTS.—The assessment submitted under subsection (b) shall include the following:

(1) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on the causation of anomalous health incidents.

(2) Any diplomatic reporting or other relevant information, including sources and reliability of respective sources, on any person or entity who may be responsible for such incidents.

(3) Detailed plans, including metrics, timelines, and measurable goals, for the Bureau of Intelligence and Research to understand anomalous health incidents and share findings with other elements of the intelligence community.

SA 5951. Mr. SCHATZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —NATURAL RESOURCES

Subtitle A—Illegal Fishing and Forced Labor Prevention

SEC. 01. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) OPPRESSIVE CHILD LABOR.—The term “oppressive child labor” has the meaning given such term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

(2) FORCED LABOR.—The term “forced labor” means any labor or service provided for or obtained by any means described in section 1589(a) of title 18, United States Code.

(3) HUMAN TRAFFICKING.—The term “human trafficking” has the meaning given the term “severe forms of trafficking in persons” in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

(4) ILLEGAL, UNREPORTED, OR UNREGULATED FISHING.—The term “illegal, unreported, or unregulated fishing” has the meaning given such term in section 609(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)).

(5) SEAFOOD.—The term “seafood” means fish meal, and all marine animal and plant life meant for consumption as food other than marine mammals and birds, including fish, shellfish, shellfish products, and processed fish.

(6) SEAFOOD IMPORT MONITORING PROGRAM.—The term “Seafood Import Monitoring Program” means the Seafood Traceability Program established under section 300.324 of title 50, Code of Federal Regulations.

(7) SECRETARY.—The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

SEC. 01A. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary \$20,000,000 for each of fiscal

years 2023 through 2028 to carry out chapter 1, chapter 2, and the amendments made by those chapters.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

SEC. 102. DEFINITIONS.

In this chapter, the following additional definitions apply:

(1) **COMPETENT AUTHORITY.**—The term “competent authority” means government and any third party that meets certain governing criteria. Such criteria shall be established by regulation, after outreach to key environmental and labor stakeholders.

(2) **UNIQUE VESSEL IDENTIFIER.**—The term “unique vessel identifier” means a unique number that stays with a vessel for the duration of the vessel’s life, regardless of changes in flag, ownership, name, or other changes to the vessel.

SEC. 102A. EXPANSION OF SEAFOOD IMPORT MONITORING PROGRAM TO ALL SPECIES.

The Secretary shall, not later than 2 years after the date of enactment of this Act, expand the Seafood Import Monitoring Program to apply to all seafood and seafood products imported into the United States.

SEC. 102B. ENHANCEMENT OF SEAFOOD IMPORT MONITORING PROGRAM MESSAGE SET.

The Secretary, in coordination with the Commissioner of U.S. Customs and Border Protection, shall, not later than 6 months after the date of enactment of this Act, develop a strategy to improve the quality and verifiability of already collected Seafood Import Monitoring Program Message Set data elements in the Automated Commercial Environment system that prioritizes the use of enumerated data types, such as checkboxes, dropdown menus, or radio buttons, and any additional elements the Agency finds necessary, among other options, rather than open text fields, for—

- (1) authorization to fish;
- (2) unique vessel identifier (if available);
- (3) catch document identifier;
- (4) location of wild-capture harvest and landing or aquaculture location;
- (5) type of fishing gear used to harvest the fish;
- (6) name of farm or aquaculture facility, if applicable; and
- (7) location of aquaculture facility, if applicable.

SEC. 102C. ADDITIONAL DATA REQUIREMENTS FOR SEAFOOD IMPORT MONITORING PROGRAM DATA COLLECTION.

(a) **IN GENERAL.**—Not later than 1 year after date of enactment of this Act, the Secretary shall revise section 300.324 of title 50, Code of Federal Regulations, to—

(1) require at the time of entry for imported seafood and seafood products—

(A) location of catch or cultivation, including—

- (i) geographic location at a resolution of not less than 1 degree latitude by 1 degree longitude;
- (ii) the country code of the International Organization for Standardization if the catch was within the exclusive economic zone or territorial waters of a country;
- (iii) if appropriate, the regional fisheries management organization or organizations having jurisdiction over the catch, if it occurs within the jurisdiction of any regional fisheries management organization; and
- (iv) the Food and Agriculture Organization major fishing area codes;

(B) electronic reports of chain-of-custody records that identify, including with unique vessel identifiers when applicable, each custodian of the seafood, including

transshippers, processors, storage facilities, and distributors and the physical address of such facilities;

(C) maritime mobile service identity number of harvesting and transshipment vessels; and

(D) beneficial owner of each harvesting and transshipment vessel or aquaculture facility, when applicable;

(2) require all importers submitting seafood import data to require prior notification and submission of seafood import data at least 72 hours and no more than 15 days prior to entry; and

(3) require verification and certification of harvest information by competent authorities at all major transfer points in the supply chain, including harvest, landing, processing, and transshipment at the time of entry.

(b) **FORCED LABOR.**—The Secretary, working in consultation with the Secretary of Homeland Security, the Secretary of Labor, and the Secretary of State, shall, not later than 1 year after the date of enactment of this Act, complete a regulatory process to establish additional key data elements for the Seafood Import Monitoring Program, that collect information about labor conditions in the harvest, transshipment, and processing of imported fish and fish products.

(c) **INTERNATIONAL FISHERIES TRADE PERMIT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(1) publish and maintain on the website of the National Marine Fisheries Service a list of all current International Fisheries Trade Permit holders, including the name of the permit holder and expiration date of the permit;

(2) begin to revoke, modify, or deny issuance of an International Fisheries Trade Permit with respect to a permit holder or applicant that has violated any requirement of section 300.322, 300.323, 300.324, or 300.325 of title 50, Code of Federal Regulations; and

(3) require an International Fisheries Trade Permit for importers.

SEC. 102D. IMPORT AUDITS.

(a) **AUDIT PROCEDURES.**—The Secretary shall, not later than 1 year after the date of enactment of this Act, implement procedures to audit information and supporting records of sufficient numbers of imports of seafood and seafood products subject to the Seafood Import Monitoring Program to support statistically robust conclusions that the samples audited are representative of all seafood imports with respect to a given year.

(b) **ANNUAL REVISION.**—In developing the procedures required in subsection (a), the Secretary shall, not less frequently than once each year, revise such procedures to prioritize for audit those imports originating from countries—

(1) identified pursuant to sections 609(b) or 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(b) or 1826k(a)) that have not yet received a subsequent positive certification pursuant to sections 609(d) or 610(c) of such Act, respectively;

(2) identified by an appropriate regional fishery management organization as being the flag state or landing location of vessels identified by other countries or regional fisheries management organizations as engaging in illegal, unreported, or unregulated fishing;

(3) identified as having human trafficking, including forced labor, in any part of the seafood supply chain, including on vessels flagged in such country and including feed for cultured production, in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the

Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

(4) identified as producing goods that contain seafood using forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.); and

(5) identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries by the report required in section 3563 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

SEC. 102E. AVAILABILITY OF FISHERIES INFORMATION.

(a) **IN GENERAL.**—Section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(b)(1)), as amended by this Act, is further amended—

(1) by striking “or” after the semicolon at the end of subparagraph (G);

(2) by striking the period at the end of subparagraph (H) and inserting “; or”; and

(3) by adding at the end the following:

“(I) to Federal agencies responsible for screening of imported seafood and for the purpose of carrying out the duties under or with respect to—

“(i) the Seafood Import Monitoring Program;

“(ii) the Antarctic Marine Living Resources Program;

“(iii) the Tuna Tracking and Verification Program;

“(iv) the Atlantic Highly Migratory Species International Trade Program;

“(v) the List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

“(vi) the Trafficking in Persons Report required by section 110 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107);

“(vii) enforcement activities and regulations authorized under section 307 of the Tariff Act of 1930 (19 U.S.C. 1307); and

“(viii) the taking and related acts in commercial fishing operations under section 216.24 of title 50, Code of Federal Regulations;

“(J) to Federal, State and local agencies for the purposes of verification and enforcement of title II of this Act; or

“(K) information that pertains to catch documentation and legality of catch, if disclosure of that information would not materially damage the value of catch or business.”

(b) **IMPLEMENTATION DEADLINE.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the amendments in this section.

SEC. 102F. REPORT ON SEAFOOD IMPORT MONITORING.

(a) **REPORT TO CONGRESS AND PUBLIC AVAILABILITY OF REPORTS.**—The Secretary shall, not later than 120 days after the end of each fiscal year, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that summarizes the National Marine Fisheries Service’s efforts to prevent the importation of seafood harvested through illegal, unreported, or unregulated fishing, particularly with respect to seafood harvested, produced, processed, or manufactured by forced labor. Each such report shall be made publicly available on the public website of the National Oceanic and Atmospheric Administration.

(b) **CONTENTS.**—Each report submitted under subsection (a) shall include—

(1) the volume and value of seafood species subject to the Seafood Import Monitoring

Program, described in section 300.324 of title 50, Code of Federal Regulations, reported by 10-digit Harmonized Tariff Schedule of the United States codes, imported during the previous fiscal year;

(2) the enforcement activities and priorities of the National Marine Fisheries Service with respect to implementing the requirements under the Seafood Import Monitoring Program;

(3) the percentage of import shipments subject to this program selected for inspection or the information or records supporting entry selected for audit, as described in section 300.324(d) of title 50, Code of Federal Regulations;

(4) the number and types of instances of noncompliance with the requirements of the Seafood Import Monitoring Program;

(5) the number and types of instances of violations of State or Federal law discovered through the Seafood Import Monitoring Program;

(6) the seafood species with respect to which violations described in paragraphs (4) and (5) were most prevalent;

(7) the location of catch or harvest with respect to which violations described in paragraphs (4) and (5) were most prevalent; and

(8) such other information as the Secretary considers appropriate with respect to monitoring and enforcing compliance with the Seafood Import Monitoring Program.

SEC. 02G. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection to carry out enforcement actions pursuant to section 307 of the Tariff Act \$20,000,000 for each of fiscal years 2023 through 2027.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

SEC. 03. IDENTIFICATION AND CERTIFICATION CRITERIA.

(a) DENIAL OF PORT PRIVILEGES.—Section 609 of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j), as amended by this Act, is further amended—

(1) by striking subsections (a) and (b); and

(2) by inserting before subsection (c) the following:

“(a) COOPERATION WITH GOVERNMENTS.—

“(1) INFORMATION COLLECTION.—The Secretary, in consultation with the Secretary of State, shall engage with each flag, coastal, port, and market nation that exports seafood to the United States to collect information sufficient to evaluate the effectiveness of such nation’s management of fisheries and control systems to prevent illegal, unreported, or unregulated fishing.

“(2) RECOMMENDATIONS.—The Secretary, in consultation with the Secretary of State, shall provide recommendations to such nations to resolve compliance gaps and improve fisheries management and control systems in order to assist such nations in preventing illegal, unreported, or unregulated fishing.

“(b) IDENTIFICATION AND WARNING.—

“(1) FOR ACTIONS OF A FISHING VESSEL.—The Secretary shall identify and list in the report required by section 607 a nation if a fishing vessel of such nation is engaged or has, in the preceding 3 years, engaged in illegal, unreported, or unregulated fishing. The Secretary shall include all nations that qualify for identification, regardless of whether the Secretary has engaged in the process described in this subsection or under subsection (a). Any of the following relevant information is sufficient to form the basis of an identification:

“(A) Compliance reports.

“(B) Data or information from international fishery management organizations,

a foreign government, or an organization or stakeholder group.

“(C) Information submitted by the public.

“(D) Information submitted to the Secretary under section 402(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881a(a)).

“(E) Import data collected by the Secretary pursuant to part 300.324 of title 50, Code of Federal Regulations.

“(F) Information compiled from a Federal agency, including, the Coast Guard and agencies within the Interagency Working Group on Illegal, Unreported, and Unregulated Fishing.

“(2) FOR ACTIONS OF A NATION.—The Secretary shall identify, and list in such report, a nation engaging in or endorsing illegal, unreported, or unregulated fishing, including the following:

“(A) Any nation that is failing, or has failed in the preceding 3-year period, to cooperate with the United States Government in providing information about such nation’s fisheries management and control systems described in subsection (a).

“(B) Any nation that is violating, or has violated at any point during the preceding 3 years, conservation and management measures, including catch and other data reporting obligations and requirements, required under an international fishery management agreement.

“(C) Any nation that is failing, or has failed in the preceding 3-year period, to effectively address or regulate illegal, unreported, or unregulated fishing within its fleets in any areas where its vessels are fishing.

“(D) Any nation that fails to discharge duties incumbent upon it under international law or practice as a flag, port, or coastal state to take action to prevent, deter, and eliminate illegal, unreported, or unregulated fishing.

“(E) Any nation that provides subsidies that—

“(i) contribute to illegal, unreported, or unregulated fishing or increased capacity and overfishing at proportionally higher rates than subsidies that promote fishery resource conservation and management; or

“(ii) that otherwise undermine the effectiveness of any international fishery conservation program.

“(F) Any nation that has been identified as having human trafficking, including forced labor, in any part of the seafood supply chain in the most recent Trafficking in Persons Report issued by the Department of State in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

“(G) Any nation that has been identified as producing seafood-related goods through forced labor or oppressive child labor in the most recent List of Goods Produced by Child Labor or Forced Labor in accordance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

“(H) Any nation that has been identified as at risk for human trafficking, including forced labor, in their seafood catching and processing industries in the report required in section 3563 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

“(3) WARNING.—The Secretary shall issue a warning to each nation identified under this subsection.

“(4) TIMING.—The Secretary shall make an identification under paragraph (1) or (2) at any time that the Secretary has sufficient information to make such identification.”.

(b) ILLEGAL, UNREPORTED, OR UNREGULATED CERTIFICATION DETERMINATION.—Section 609(d) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(d)),

as amended by this Act, is further amended to read as follows:

“(d) IUU CERTIFICATION PROCEDURE.—

“(1) CERTIFICATION DETERMINATION.—

“(A) IN GENERAL.—The Secretary shall establish a procedure for certifying whether a nation identified under subsection (b) has taken appropriate corrective action with respect to the offending activities identified under section (b) that has led to measurable improvements in the reduction of illegal, unreported, or unregulated fishing and any underlying regulatory, policy, or practice failings or gaps that may have contributed to such identification.

“(B) OPPORTUNITY FOR COMMENT.—The Secretary shall ensure that the procedure established under subparagraph (A) provides for notice and an opportunity for comment by the identified nation.

“(C) DETERMINATION.—The Secretary shall, consistent with such procedure, determine and certify to the Congress not later than 90 days after the date on which the Secretary issues a final rule containing the procedure, and biennially thereafter—

“(i) whether the government of each nation identified under subsection (b) has provided documentary evidence that such nation has taken corrective action with respect to such identification; or

“(ii) whether the relevant international fishery management organization has taken corrective action that has ended the illegal, unreported, or unregulated fishing activity by vessels of that nation.

“(2) ALTERNATIVE PROCEDURE.—The Secretary may establish a procedure to authorize, on a shipment-by-shipment, shipper-by-shipper, or other basis the importation of fish or fish products from a fishery within a nation issued a negative certification under paragraph (1) if the Secretary—

“(A) determines the fishery has not engaged in illegal, unreported, or unregulated fishing under an international fishery management agreement to which the United States is a party;

“(B) determines the fishery is not identified by an international fishery management organization as participating in illegal, unreported, or unregulated fishing activities; and

“(C) ensures that any such seafood or seafood products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of Seafood Import Monitoring Program described in part 300.324(b) of title 50, Code of Federal Regulations (or any successor regulation).

“(3) EFFECT OF CERTIFICATION DETERMINATION.—

“(A) EFFECT OF NEGATIVE CERTIFICATION.—The provisions of subsections (a) and (b)(3) and (4) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a) and (b)(3) and (4)) shall apply to any nation that, after being identified and warned under subsection (b) has failed to take the appropriate corrective actions for which the Secretary has issued a negative certification under this subsection.

“(B) EFFECT OF POSITIVE CERTIFICATION.—The provisions of subsections (a) and (b)(3) and (4) of section 101 of the High Seas Driftnet Fisheries Enforcement Act (16 U.S.C. 1826a(a) and (b)(3) and (4)) shall not apply to any nation identified under subsection (a) for which the Secretary has issued a positive certification under this subsection.”.

SEC. 03A. ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.

(a) DEFINITION OF ILLEGAL, UNREPORTED, OR UNREGULATED FISHING IN THE HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.—Section 609(e) of the High Seas

Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826j(e)), as amended by this Act, is further amended to read as follows:

“(e) **ILLEGAL, UNREPORTED, OR UNREGULATED FISHING DEFINED.**—In this title, the term ‘illegal, unreported, or unregulated fishing’ means any activity set out in paragraph 3 of the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing.”

(b) **DEFINITION OF ILLEGAL, UNREPORTED, OR UNREGULATED FISHING IN THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.**—Section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802) is amended by adding at the end the following:

“(51) The term ‘illegal, unreported, or unregulated fishing’ means any activity set out in paragraph 3 of the 2001 Food and Agriculture Organization International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported, and Unregulated Fishing.”

(c) **RULE OF CONSTRUCTION.**—In construing the term ‘illegal, unreported, or unregulated fishing’ for purposes of the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary shall follow internationally recognized labor rights stated in the International Labour Organization Declaration on Fundamental Principles and Rights at Work and its Follow-Up (1998), including—

(1) freedom of association and the effective recognition of the right to collective bargaining;

(2) the elimination of all forms of forced or compulsory labor;

(3) the effective abolition of oppressive child labor, a prohibition on the worst forms of child labor, and other labor protections for children and minors;

(4) the elimination of discrimination in respect of employment and occupation; and

(5) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

SEC. 103B. EQUIVALENT CONSERVATION MEASURES.

(a) **IDENTIFICATION.**—Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)), as amended by this Act, is further amended to read as follows:

“(a) **IDENTIFICATION.**—

“(1) **IN GENERAL.**—The Secretary shall identify and list in the report under section 607—

“(A) a nation if—

“(i) any fishing vessel of that country is engaged, or has been engaged during the preceding 3 years in fishing activities or practices on the high seas or within the exclusive economic zone of any country, that have resulted in bycatch of a protected living marine resource; and

“(ii) the vessel’s flag state has not adopted, implemented, and enforced a regulatory program governing such fishing designed to end or reduce such bycatch that is comparable to the regulatory program of the United States; and

“(B) a nation if—

“(i) any fishing vessel of that country is engaged, or has been engaged during the preceding 3 years, in fishing activities on the high seas or within the exclusive economic zone of another country that target or incidentally catch sharks; and

“(ii) the vessel’s flag state has not adopted, implemented, and enforced a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark, including the tail, before landing the shark in port that is comparable to that of the United States.

“(2) **TIMING.**—The Secretary shall make an identification under paragraph (1) at any time that the Secretary has sufficient information to make such identification.”

(b) **CONSULTATION AND NEGOTIATION.**—Section 610(b) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(b)), as amended by this Act, is further amended to read as follows:

“(b) **CONSULTATION AND NEGOTIATION.**—The Secretary of State, acting in conjunction with the Secretary, shall—

“(1) notify, as soon as possible, the President, nations that have been identified under subsection (a), and other nations whose vessels engage in fishing activities or practices described in subsection (a), about the provisions of this Act;

“(2) initiate discussions as soon as possible with all foreign countries which are engaged in, or a fishing vessel of which has engaged in, fishing activities described in subsection (a), for the purpose of entering into bilateral and multilateral treaties with such countries to protect such species and to address any underlying failings or gaps that may have contributed to identification under this Act;

“(3) seek agreements calling for international restrictions on fishing activities or practices described in subsection (a) through the United Nations, the Food and Agriculture Organization’s Committee on Fisheries, and appropriate international fishery management bodies; and

“(4) initiate the amendment of any existing international treaty for the protection and conservation of such species to which the United States is a party in order to make such treaty consistent with the purposes and policies of this section.”

(c) **CONSERVATION CERTIFICATION PROCEDURE.**—Section 610(c) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(c)), as amended by this Act, is further amended—

(1) in subparagraph (A) of paragraph (1), by striking “, taking into account different conditions,”;

(2) in paragraph (2), by inserting “the public and” after “comment by”;

(3) in paragraph (4)—

(A) in subparagraph (A), by striking “, taking into account different conditions”;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(C) ensures that any such fish or fish products authorized for entry under this section are imported consistent with the reporting and the recordkeeping requirements of the Seafood Import Monitoring Program established by part 300.324(b) of title 50, Code of Federal Regulations (or any successor regulations).”; and

(4) in paragraph (5), by striking “(except to the extent that such provisions apply to sport fishing equipment or fish or fish products not caught by the vessels engaged in illegal, unreported, or unregulated fishing)”.

(d) **DEFINITION OF PROTECTED LIVING MARINE RESOURCE.**—Section 610(e) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(e)), as amended by this Act, is further amended by striking paragraph (1) and inserting the following:

“(1) except as provided in paragraph (2), means nontarget fish, sea turtles, seabirds, or marine mammals that are protected under United States law or international agreement, including—

“(A) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

“(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(C) the Shark Finning Prohibition Act (16 U.S.C. 1822 note), including amendments made by that Act; and

“(D) the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087, TIAS 8249); but”.

SEC. 103C. REGULATIONS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations implementing this chapter.

CHAPTER 3—MARITIME AWARENESS

SEC. 104. AUTOMATIC IDENTIFICATION SYSTEM REQUIREMENTS.

(a) **REQUIREMENT FOR FISHING VESSELS TO HAVE AUTOMATIC IDENTIFICATION SYSTEMS.**—Section 70114(a)(1) of title 46, United States Code, is amended—

(1) by striking “, while operating on the navigable waters of the United States,”

(2) by redesignating subparagraphs (A) through (D) as clauses (i) through (iv);

(3) by inserting before clauses (i) through (iv), as redesignated by paragraph (2), the following:

“(A) While operating on the navigable waters of the United States;”; and

(4) by adding at the end the following:

“(B) A vessel of the United States that is more than 65 feet overall in length, while engaged in fishing, fish processing, or fish tendering operations on the navigable waters of the United States or in the United States exclusive economic zone.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Commerce for fiscal year 2023, \$5,000,000, to remain available until expended, to purchase automatic identification systems for fishing vessels, fish processing vessels, fish tender vessels more than 50 feet in length, as described under this subtitle and the amendments made by this subtitle.

Subtitle B—Driftnet Modernization and Bycatch Reduction

SEC. 112. DEFINITION.

Section 3(25) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(25)) is amended by inserting “, or with a mesh size of 14 inches or greater,” after “more”.

SEC. 12A. FINDINGS AND POLICY.

(a) **FINDINGS.**—Section 206(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(8) within the exclusive economic zone, large-scale driftnet fishing that deploys nets with large mesh sizes causes significant entanglement and mortality of living marine resources, including myriad protected species, despite limitations on the lengths of such nets.”

(b) **POLICY.**—Section 206(c) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826(c)) is amended—

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

(2) in paragraph (3), by striking the period and inserting “; and”;

(3) by adding at the end the following:

“(4) prioritize the phase-out of large-scale driftnet fishing in the exclusive economic zone and promote the development and adoption of alternative fishing methods and gear types that minimize the incidental catch of living marine resources.”

SEC. 12B. TRANSITION PROGRAM.

Section 206 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1826) is amended by adding at the end the following:

“(i) **FISHING GEAR TRANSITION PROGRAM.**—

“(1) **IN GENERAL.**—During the 5-year period beginning on the date of enactment of this

subsection, the Secretary shall conduct a transition program to facilitate the phase-out of large-scale driftnet fishing and adoption of alternative fishing practices that minimize the incidental catch of living marine resources, and shall award grants to eligible permit holders who participate in the program.

“(2) PERMISSIBLE USES.—Any permit holder receiving a grant under paragraph (1) may use such funds only for the purpose of covering—

“(A) any fee originally associated with a permit authorizing participation in a large-scale driftnet fishery, if such permit is surrendered for permanent revocation, and such permit holder relinquishes any claim associated with the permit;

“(B) a forfeiture of fishing gear associated with a permit described in subparagraph (A); or

“(C) the purchase of alternative gear with minimal incidental catch of living marine resources, if the fishery participant is authorized to continue fishing using such alternative gears.

“(3) CERTIFICATION.—The Secretary shall certify that, with respect to each participant in the program under this subsection, any permit authorizing participation in a large-scale driftnet fishery has been permanently revoked and that no new permits will be issued to authorize such fishing.”.

SEC. 12C. EXCEPTION.

Section 307(1)(M) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)(M)) is amended by inserting before the semicolon the following: “, unless such large-scale driftnet fishing—

“(i) deploys, within the exclusive economic zone, a net with a total length of less than 2½ kilometers and a mesh size of 14 inches or greater; and

“(ii) is conducted not later than 5 years after the date of enactment of this clause.”.

SEC. 12D. FEES.

(a) IN GENERAL.—The North Pacific Fishery Management Council may recommend, and the Secretary of Commerce may approve, regulations necessary for the collection of fees from charter vessel operators who guide recreational anglers who harvest Pacific halibut in International Pacific Halibut Commission regulatory areas 2C and 3A as those terms are defined in part 300 of title 50, Code of Federal Regulations (or any successor regulations).

(b) USE OF FEES.—Any fees collected under this section shall be available for the purposes of—

(1) financing administrative costs of the Recreational Quota Entity program;

(2) the purchase of halibut quota shares in International Pacific Halibut Commission regulatory areas 2C and 3A by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations);

(3) halibut conservation and research; and

(4) promotion of the halibut resource by the recreational quota entity authorized in part 679 of title 50, Code of Federal Regulations (or any successor regulations).

(c) LIMITATION ON COLLECTION AND AVAILABILITY.—Fees shall be collected and available pursuant to this section only to the extent and in such amounts as provided in advance in appropriations Acts, subject to subsection (d).

(d) FEE COLLECTED DURING START-UP PERIOD.—Notwithstanding subsection (c), fees may be collected through the date of enactment of an Act making appropriations for the activities authorized under this title through September 30, 2023, and shall be available for obligation and remain available until expended.

Subtitle C—Marine Mammal Research and Response

SEC. 13. DATA COLLECTION AND DISSEMINATION.

Section 402 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a) is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by inserting “or entangled” after “stranded”;

(B) in paragraph (3)—

(i) by striking “strandings,” and inserting “strandings and entanglements, including unusual mortality events,”;

(ii) by inserting “stranding” before “region”; and

(iii) by striking “marine mammals; and” and inserting “marine mammals and entangled marine mammals to allow comparison of the causes of illness and deaths in stranded marine mammals and entangled marine mammals with physical, chemical, and biological environmental parameters; and”; and

(C) in paragraph (4), by striking “analyses, that would allow comparison of the causes of illness and deaths in stranded marine mammals with physical, chemical, and biological environmental parameters.” and inserting “analyses.”; and

(2) by striking subsection (c) and inserting the following:

“(c) INFORMATION REQUIRED TO BE SUBMITTED AND COLLECTED.—

“(1) IN GENERAL.—After each response to a stranding or entanglement event, the Secretary shall collect (including from any staff of the National Oceanic and Atmospheric Administration that respond directly to such an event), and shall require each stranding network participant who responds to that stranding or entanglement to submit to the Administrator of the National Oceanic and Atmospheric Administration—

“(A) data on the stranding event, including NOAA Form 89-864 (OMB #0648-0178), NOAA Form 89-878 (OMB #0648-0178), similar successor forms, or similar information in an appropriate format required by the United States Fish and Wildlife Service for species under its management authority;

“(B) supplemental data to the data described in subparagraph (A), which may include, as available, relevant information about—

“(i) weather and tide conditions;

“(ii) offshore human, predator, or prey activity;

“(iii) morphometrics;

“(iv) behavior;

“(v) health assessments;

“(vi) life history samples; or

“(vii) stomach and intestinal contents; and

“(C) data and results from laboratory analysis of tissues, which may include, as appropriate and available—

“(i) histopathology;

“(ii) toxicology;

“(iii) microbiology;

“(iv) virology; or

“(v) parasitology.

“(2) TIMELINE.—A stranding network participant shall submit—

“(A) the data described in paragraph (1)(A) not later than 30 days after the date of a response to a stranding or entanglement event;

“(B) the compiled data described in paragraph (1)(B) not later than 30 days after the date on which the data is available to the stranding network participant; and

“(C) the compiled data described in paragraph (1)(C) not later than 30 days after the date on which the laboratory analysis has been reported to the stranding network participant.

“(d) AVAILABILITY OF DATA.—

“(1) IN GENERAL.—The Secretary shall develop a program to make information, including any data and metadata collected

under paragraphs (3) or (4) of subsection (b) or subsection (c), available to researchers, stranding network participants, and the public—

“(A) to improve real-time coordination of response to stranding and entanglement events across geographic areas and between stranding coordinators;

“(B) to identify and quickly disseminate information on potential public health risks;

“(C) to facilitate integrated interdisciplinary research;

“(D) to facilitate peer-reviewed publications;

“(E) to archive regional data into 1 national database for future analyses; and

“(F) for education and outreach activities.

“(2) ACCESS TO DATA.—The Secretary shall ensure that any data or metadata collected under subsection (c)—

“(A) by staff of the National Oceanic and Atmospheric Administration that responded directly to a stranding or entanglement event is available to the public through the Health MAP and the Observation System not later than 30 days after that data or metadata is collected by, available to, or reported to the Secretary; and

“(B) by a stranding network participant that responded directly to a stranding or entanglement event is made available to the public through the Health MAP and the Observation System not later than 2 years after the date on which that data is submitted to the Secretary under subsection (c).

“(3) EXCEPTIONS.—

“(A) WRITTEN RELEASE.—Notwithstanding paragraph (2)(B), the Secretary may make data described in paragraph (2)(B) publicly available earlier than 2 years after the date on which that data is submitted to the Secretary under subsection (c), if the stranding network participant has completed a written release stating that such data may be made publicly available.

“(B) LAW ENFORCEMENT.—Notwithstanding paragraph (2), the Secretary may withhold data for a longer period than the period of time described in paragraph (2) in the event of a law enforcement action or legal action that may be related to that data.

“(e) STANDARDS.—The Secretary, in consultation with the marine mammal stranding community, shall—

“(1) make publicly available guidance about uniform data and metadata standards to ensure that data collected in accordance with this section can be archived in a form that is readily accessible and understandable to the public through the Health MAP and the Observation System; and

“(2) periodically update such guidance.

“(f) MANAGEMENT POLICY.—In collaboration with the regional stranding networks, the Secretary shall develop, and periodically update, a data management and public outreach collaboration policy for stranding or entanglement events.”.

SEC. 13A. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.

(a) IN GENERAL.—Section 403 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421b) is amended—

(1) in the section heading by inserting “OR ENTANGLEMENT” before “RESPONSE”;

(2) in subsection (a), by striking the period at the end and inserting “or entanglement.”; and

(3) in subsection (b)—

(A) in paragraph (1), by striking “and” after the semicolon;

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

(C) by adding at the end the following:

“(3) include a description of the data management and public outreach policy established under section 402(f).”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522; 86 Stat. 1027) is amended by striking the item related to section 403 and inserting the following:

“Sec. 403. Stranding or entanglement response agreements.”.

SEC. 13B. UNUSUAL MORTALITY EVENT ACTIVITY FUNDING.

Section 405 the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421d) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) USES.—Amounts in the Fund—

“(1) shall be available only for use by the Secretary, in consultation with the Secretary of the Interior, and dispersed among claimants based on budgets approved by the Secretary prior to expenditure—

“(A) to make advance, partial, or progress payments under contracts or other funding mechanisms for property, supplies, salaries, services, and travel costs incurred in acting in accordance with the contingency plan issued under section 404(b) or under the direction of an Onsite Coordinator for an unusual mortality event designated under section 404(a)(2)(B)(iii);

“(B) for reimbursing any stranding network participant for costs incurred in the collection, preparation, analysis, and transportation of marine mammal tissues and samples collected with respect to an unusual mortality event for the Tissue Bank; and

“(C) for the care and maintenance of a marine mammal seized under section 104(c)(2)(D); and

“(2) shall remain available until expended.”; and

(2) in subsection (c)—

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

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) not more than \$250,000 per year, as determined by the Secretary of Commerce, from sums collected as fines, penalties, or forfeitures of property by the Secretary of Commerce for violations of any provision of this Act; and

“(5) sums received from emergency declaration grants for marine mammal conservation.”.

SEC. 13C. LIABILITY.

Section 406(a) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter preceding paragraph (1)—

(1) by inserting “or entanglement” after “to a stranding”; and

(2) by striking “government” and inserting “Government”.

SEC. 13D. NATIONAL MARINE MAMMAL TISSUE BANK AND TISSUE ANALYSIS.

Section 407 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f) is amended—

(1) in subsection (c)(2)(A), by striking “the health of marine mammals and” and inserting “marine mammal health and mortality and the health of”; and

(2) in subsection (d), in the matter preceding paragraph (1), by inserting “public” before “access”.

SEC. 13E. MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND.

(a) IN GENERAL.—Section 408 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421f-1) is amended—

(1) by striking the section heading and inserting “MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM AND RAPID RESPONSE FUND”; and

(2) by striking subsections (a) through (d) and subsections (f) through (h);

(3) by redesignating subsection (e) as subsection (f); and

(4) by inserting before subsection (f), as redesignated by paragraph (3), the following:

“(a) DEFINITIONS.—In this section:

“(1) EMERGENCY ASSISTANCE.—

“(A) IN GENERAL.—The term ‘emergency assistance’ means—

“(i) financial assistance provided to respond to, or that results from, a stranding event or entanglement event that—

“(I) causes an immediate increase in the cost of a response, recovery, or rehabilitation that is greater than the usual cost of a response, recovery, or rehabilitation;

“(II) is cyclical or endemic; or

“(III) involves a marine mammal that is out of the normal range for that marine mammal; or

“(ii) financial assistance provided to respond to, or that results from, a stranding event or an entanglement event that the appropriate Secretary or State or Tribal government considers to be an emergency.

“(B) EXCLUSIONS.—The term ‘emergency assistance’ does not include financial assistance to respond to an unusual mortality event.

“(2) SECRETARY.—The term ‘Secretary’ has the meaning given that term in section 3(12)(A).

“(3) STRANDING REGION.—The term ‘stranding region’ means a geographic region designated by the applicable Secretary for purposes of administration of this title.

“(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE AND RESPONSE GRANT PROGRAM.—

“(1) IN GENERAL.—Subject to the availability of appropriations or other funding, the applicable Secretary shall carry out a grant program, to be known as the ‘John H. Prescott Marine Mammal Rescue and Response Grant Program’ (referred to in this section as the ‘grant program’), to award grants to eligible stranding network participants or stranding network collaborators, as described in this subsection.

“(2) PURPOSES.—The purposes of the grant program are to provide for—

“(A) the recovery, care, or treatment of sick, injured, or entangled marine mammals;

“(B) responses to marine mammal stranding events that require emergency assistance;

“(C) the collection of data and samples from living or dead stranded marine mammals for scientific research or assessments regarding marine mammal health;

“(D) facility operating costs that are directly related to activities described in subparagraph (A), (B), or (C); and

“(E) development of stranding network capacity, including training for emergency response, where facilities do not exist or are sparse.

“(3) CONTRACT, GRANT, AND COOPERATIVE AGREEMENT AUTHORITY.—

“(A) IN GENERAL.—The applicable Secretary may enter into a contract, grant, or cooperative agreement with any eligible stranding network participant or stranding network collaborator, as the Secretary determines to be appropriate, for the purposes described in paragraph (2).

“(B) EMERGENCY AWARD FLEXIBILITY.—Following a request for emergency award flexibility and analysis of the merits of and necessity for such a request, the applicable Secretary may—

“(i) amend any contract, grant, or cooperative agreement entered into under this paragraph, including provisions concerning the period of performance; or

“(ii) waive the requirements under subsection (f) for grant applications submitted during the provision of emergency assistance.

“(4) EQUITABLE DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—The Secretary shall ensure, to the extent practicable, that funds awarded under the grant program are distributed equitably among the stranding regions.

“(B) CONSIDERATIONS.—In determining priorities among the stranding regions under this paragraph, the Secretary may consider—

“(i) equitable distribution within the stranding regions, including the subregions (including the Gulf of Mexico);

“(ii) any episodic stranding, entanglement, or mortality events, except for unusual mortality events, that occurred in any stranding region in the preceding year;

“(iii) any data with respect to average annual stranding, entanglements, and mortality events per stranding region;

“(iv) the size of the marine mammal populations inhabiting a stranding region;

“(v) the importance of the region’s marine mammal populations to the well-being of indigenous communities; and

“(vi) the conservation of protected, depleted, threatened, or endangered marine mammal species.

“(C) STRANDINGS.—For the purposes of the grant program, priority is to be given to applications focusing on marine mammal strandings.

“(5) APPLICATION.—To be eligible for a grant under the grant program, a stranding network participant shall—

“(A) submit an application in such form and manner as the applicable Secretary prescribes; and

“(B) be in compliance with the data reporting requirements under section 402(d) and any applicable reporting requirements of the United States Fish and Wildlife Service for species under its management jurisdiction.

“(6) GRANT CRITERIA.—The Secretary shall, in consultation with the Marine Mammal Commission, a representative from each of the stranding regions, and other individuals who represent public and private organizations that are actively involved in rescue, rehabilitation, release, scientific research, marine conservation, and forensic science with respect to stranded marine mammals under that Department’s jurisdiction, develop criteria for awarding grants under their respective grant programs.

“(7) LIMITATIONS.—

“(A) MAXIMUM GRANT AMOUNT.—No grant made under the grant program for a single award may exceed \$150,000 in any 12-month period.

“(B) UNEXPENDED FUNDS.—Any funds that have been awarded under the grant program but that are unexpended at the end of the 12-month period described in subparagraph (A) shall remain available until expended.

“(8) ADMINISTRATIVE COSTS AND EXPENSES.—The Secretary’s administrative costs and expenses related to reviewing and awarding grants under the grant program, in any fiscal year may not exceed the greater of—

“(A) 6 percent of the amounts made available each fiscal year to carry out the grant program; or

“(B) \$80,000.

“(9) TRANSPARENCY.—The Secretary shall make publicly available a list of grant proposals for the upcoming fiscal year, funded grants, and requests for grant flexibility under this subsection.

“(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—

“(1) IN GENERAL.—There is established in the Treasury of the United States an interest-bearing fund, to be known as the ‘Joseph R. Geraci Marine Mammal Rescue and Rapid Response Fund’ (referred to in this section as the ‘Rapid Response Fund’).

“(2) USE OF FUNDS.—Amounts in the Rapid Response Fund shall be available only for use by the Secretary to provide emergency assistance.

“(d) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the grant program \$7,000,000 for each of fiscal years 2021 through 2026, to remain available until expended, of which for each fiscal year—

“(i) \$6,000,000 is authorized to be appropriated to the Secretary of Commerce; and

“(ii) \$1,000,000 is authorized to be appropriated to the Secretary of the Interior.

“(B) DERIVATION OF FUNDS.—Funds to carry out the activities under this section shall be derived from amounts authorized to be appropriated pursuant to subparagraph (A) that are enacted after the date of enactment of this subsection.

“(2) JOSEPH R. GERACI MARINE MAMMAL RESCUE AND RAPID RESPONSE FUND.—There is authorized to be appropriated to the Rapid Response Fund \$500,000 for each of fiscal years 2022 through 2026.

“(e) ACCEPTANCE OF DONATIONS.—For the purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522) is further amended by striking the item related to section 408 and inserting the following:

“Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.”.

SEC. 13F. HEALTH MAP.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amended by inserting after section 408 the following:

“SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND ANALYSIS PLATFORM (HEALTH MAP).”

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary, acting through the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall—

“(1) establish a marine mammal health monitoring and analysis platform (referred to in this Act as the ‘Health MAP’);

“(2) incorporate the Health MAP into the Observation System; and

“(3) make the Health MAP—

“(A) publicly accessible through the web portal of the Observation System; and

“(B) interoperable with other national data systems or other data systems for management or research purposes, as practicable.

“(b) PURPOSES.—The purposes of the Health MAP are—

“(1) to promote—

“(A) interdisciplinary research among individuals with knowledge and experience in marine mammal science, marine mammal veterinary and husbandry practices, medical science, and oceanography, and with other marine scientists;

“(B) timely and sustained dissemination and availability of marine mammal health, stranding, entanglement, and mortality data;

“(C) identification of spatial and temporal patterns of marine mammal mortality, disease, and stranding;

“(D) evaluation of marine mammal health in terms of mortality, as well as sublethal marine mammal health impacts;

“(E) improved collaboration and forecasting of marine mammal and larger ecosystem health events;

“(F) rapid communication and dissemination of information regarding marine mammal strandings that may have implications for human health, such as those caused by harmful algal blooms; and

“(G) increased accessibility of data in a user friendly visual interface for public education and outreach; and

“(2) to contribute to an ocean health index that incorporates marine mammal health data.

“(c) REQUIREMENTS.—The Health MAP shall—

“(1) integrate in situ, remote, and other marine mammal health, stranding, and mortality data, including visualizations and metadata, collected by marine mammal stranding networks, Federal, State, local, territorial, and Tribal governments, private partners, and academia; and

“(2) be designed—

“(A) to enhance data and information availability, including data sharing among stranding network participants, scientists, and the public within and across stranding network regions;

“(B) to facilitate data and information access across scientific disciplines, scientists, and managers;

“(C) to facilitate public access to national and regional marine mammal health, stranding, entanglement, and mortality data, including visualizations and metadata, through the national and regional data portals of the Observation System; and

“(D) in collaboration with, and with input from, States and stranding network participants.

“(d) PROCEDURES AND GUIDELINES.—The Secretary shall establish and implement policies, protocols, and standards for—

“(1) reporting marine mammal health data collected by stranding networks consistent with subsections (c) and (d) of section 402;

“(2) promptly transmitting health data from the stranding networks and other appropriate data providers to the Health MAP;

“(3) disseminating and making publicly available data on marine mammal health, stranding, entanglement, and mortality data in a timely and sustained manner; and

“(4) integrating additional marine mammal health, stranding, or other relevant data as the Secretary determines appropriate.

“(e) CONSULTATION.—The Administrator of the National Oceanic and Atmospheric Administration shall maintain and update the Health MAP in consultation with the Secretary of the Interior and the Marine Mammal Commission.

“(f) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests without any further approval or administrative action.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522) is further amended by inserting after the item related to section 408 the following:

“Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform (Health MAP).”.

SEC. 13G. REPORTS TO CONGRESS.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421 et seq.) is further amended by inserting after section 408A the following:

“SEC. 408B. REPORTS TO CONGRESS.”

“(a) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ‘appropriate committees of Congress’ means—

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

“(2) the Committee on Natural Resources of the House of Representatives.

“(b) HEALTH MAP STATUS REPORT.—

“(1) IN GENERAL.—Not later than 2 year after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission, the Secretary of the Interior, and the National Ocean Research Leadership Council, shall submit to the appropriate committees of Congress a report describing the status of the Health MAP.

“(2) REQUIREMENTS.—The report under paragraph (1) shall include—

“(A) a detailed evaluation of the data made publicly available through the Health MAP;

“(B) a detailed list of any gaps in data collected pursuant to the Health MAP, a description of the reasons for those gaps, and recommended actions to close those gaps;

“(C) an analysis of the effectiveness of using the website of the Observation System as the platform to collect, organize, visualize, archive, and disseminate marine mammal stranding and health data;

“(D) a list of publications, presentations, or other relevant work product resulting from, or produced in collaboration with, the Health MAP;

“(E) a description of emerging marine mammal health concerns and the applicability of those concerns to human health;

“(F) an analysis of the feasibility of the Observation System being used as an alert system during stranding events, entanglement events, and unusual mortality events for the stranding network, Observation System partners, Health MAP partners, Federal and State agencies, and local, territorial, and Tribal governments;

“(G) an evaluation of the use of Health MAP data to predict broader ecosystem events and changes that may impact marine mammal or human health and specific examples of proven or potential uses of Observation System data for those purposes; and

“(H) recommendations for the Health MAP with respect to—

“(i) filling any identified data gaps;

“(ii) standards that could be used to improve data quality, accessibility, transmission, interoperability, and sharing;

“(iii) any other strategies that would contribute to the effectiveness and usefulness of the Health MAP; and

“(iv) the funding levels needed to maintain and improve the Health MAP.

“(c) DATA GAP ANALYSIS.—

“(1) IN GENERAL.—Not later than 5 years after the date on which the report required under subsection (b)(1) is submitted, and every 10 years thereafter, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Marine Mammal Commission and the Secretary of Commerce, shall—

“(A) make publicly available a report on the data gap analysis described in paragraph (2); and

“(B) provide a briefing to the appropriate committees of Congress concerning that data gap analysis.

“(2) REQUIREMENTS.—The data gap analysis under paragraph (1) shall include—

“(A) an overview of existing participants within a marine mammal stranding network;

“(B) an identification of coverage needs and participant gaps within a network;

“(C) an identification of data and reporting gaps from members of a network; and

“(D) an analysis of how stranding and health data are shared and made available to scientists, academics, State, local, territorial, and Tribal governments, and the public.

“(d) MARINE MAMMAL RESPONSE CAPABILITIES IN THE ARCTIC.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the United States Fish and Wildlife Service, and the Director of the United States Geologic Survey, in consultation with the Marine Mammal Commission and the Secretary of the Interior, shall—

“(A) make publicly available a report describing the response capabilities for sick and injured marine mammals in the Arctic regions of the United States; and

“(B) provide a briefing to the appropriate committees of Congress on that report.

“(2) ARCTIC.—The term ‘Arctic’ has the meaning given the term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

“(3) REQUIREMENTS.—The report under paragraph (1) shall include—

“(A) a description, developed in consultation with the Director of the United States Fish and Wildlife Service, of all marine mammal stranding agreements in place for the Arctic region of the United States, including species covered, response capabilities, facilities and equipment, and data collection and analysis capabilities;

“(B) a list of State and local government agencies that have personnel trained to respond to marine mammal strandings in the Arctic region of the United States;

“(C) an assessment of potential response and data collection partners and sources of local information and knowledge, including Alaska Native people and villages;

“(D) an analysis of spatial and temporal trends in marine mammal strandings and unusual mortality events that are correlated with changing environmental conditions in the Arctic region of the United States;

“(E) a description of training and other resource needs to meet emerging response requirements in the Arctic region of the United States;

“(F) an analysis of oiled marine mammal response and rehabilitation capabilities in the Arctic region of the United States, including personnel, equipment, facilities, training, and husbandry capabilities, and an assessment of factors that affect response and rehabilitation success rates; and

“(G) recommendations to address future stranding response needs for marine mammals in the Arctic region of the United States.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (Public Law 92-522) is further amended by inserting after the item related to section 408A the following:

“Sec. 408B. Reports to Congress.”.

SEC. 13H. AUTHORIZATION OF APPROPRIATIONS.

Section 409 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421g) is amended—

(1) in paragraph (1), by striking “1993 and 1994;” and inserting “2022 through 2026;”;

(2) in paragraph (2), by striking “1993 and 1994;” and inserting “2022 through 2026;”;

(3) in paragraph (3), by striking “fiscal year 1993.” and inserting “for each of fiscal years 2022 through 2026.”.

SEC. 13I. DEFINITIONS.

Section 410 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421h) is amended—

(1) by redesignating paragraphs (1) through (6) as paragraphs (2), (5), (6), (7), (8), and (9), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) The term ‘entangle’ or ‘entanglement’ means an event in the wild in which a living

or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to the marine mammal and is—

“(A) on lands under the jurisdiction of the United States, including beaches and shorelines; or

“(B) in waters under the jurisdiction of the United States, including any navigable waters.”;

(3) in paragraph (2) (as so redesignated) by striking “The term” and inserting “Except as used in section 408, the term”;

(4) by inserting after paragraph (2) (as so redesignated) the following:

“(3) The term ‘Health MAP’ means the Marine Mammal Health Monitoring and Analysis Platform established under section 408A(a)(1).

“(4) The term ‘Observation System’ means the National Integrated Coastal and Ocean Observation System established under section 12304 of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603).”.

SEC. 13J. STUDY ON MARINE MAMMAL MORTALITY.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Under Secretary of Commerce for Oceans and Atmosphere shall, in consultation with the Secretary of the Interior and the Marine Mammal Commission, conduct a study evaluating the connections among marine heat waves, frequency and intensity of harmful algal blooms, prey availability, and habitat degradation, and the impacts of these conditions on marine mammal mortality.

(b) REPORT.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with the Secretary of the Interior and the Marine Mammal Commission, shall prepare, post to a publicly available website, and brief the appropriate committees of Congress on, a report containing the results of the study described in subsection (a). The report shall identify priority research activities, opportunities for collaboration, and current gaps in effort and resource limitations related to advancing scientific understanding of how ocean heat waves, harmful algae blooms, availability of prey, and habitat degradation impact marine mammal mortality. The report shall include recommendations for policies needed to mitigate and respond to mortality events.

Subtitle D—Reauthorization of Coral Reef Conservation Act of 2000

SEC. 14. REAUTHORIZATION OF CORAL REEF CONSERVATION ACT OF 2000.

(a) PURPOSES; FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking sections 202 and 203 and inserting the following:

“SEC. 202. PURPOSES.

“The purposes of this title are—

“(1) to conserve and restore the condition of United States coral reef ecosystems challenged by natural and human-accelerated changes, including increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, water quality degradation, invasive species, and illegal, unreported, and unregulated fishing;

“(2) to promote the science-based management and sustainable use of coral reef ecosystems to benefit local communities and the Nation, including through improved integration and cooperation among Federal, State, and locally managed jurisdictions with coral reef equities;

“(3) to develop sound scientific information on the condition of coral reef ecosystems, continuing and emerging threats to such ecosystems, and the efficacy of innovative tools, technologies, and strategies to

mitigate stressors and restore such ecosystems, including evaluation criteria to determine the effectiveness of management interventions, and accurate mapping for coral reef restoration;

“(4) to assist in the preservation of coral reefs by supporting science-based, consensus-driven State, Tribal, Pacific Islander, territorial, and community-based coral reef management, including monitoring, conservation, and restoration projects that empower local communities, small businesses, and nongovernmental organizations;

“(5) to provide financial resources, technical assistance, and scientific expertise to supplement and strengthen State, Tribal, Indigenous, and community-based management programs and conservation and restoration projects;

“(6) to establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation and restoration projects;

“(7) to support the rapid and effective, science-based assessment and response to emergencies that imminently threaten coral reefs, such as coral disease outbreaks, invasive species, hurricanes, marine heat waves, coral bleaching, and other natural disasters, vessel groundings or chemical spills, and other exigent circumstances; and

“(8) to serve as a model for advancing similar international efforts to monitor, conserve, and restore coral reef ecosystems in the jurisdictions of United States allies and trading partners.

“SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RESTORATION ACTIVITIES.

“(a) IN GENERAL.—The Administrator or the Secretary of the Interior may conduct activities described in subsection (b) to conserve and restore coral reefs and coral reef ecosystems that are consistent with—

“(1) all applicable laws governing resource management in Federal and State waters, including this Act;

“(2) the national coral reef resilience strategy in effect under section 204A;

“(3) coral reef action plans in effect under section 205, as applicable; and

“(4) coral reef emergency plans in effect under section 209, as applicable.

“(b) ACTIVITIES DESCRIBED.—Activities described in this subsection are activities to conserve, research, monitor, assess, and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of a Federal agency specified in subsection (c) or in coordination with a State in waters managed under the jurisdiction of such State, including—

“(1) developing, including through the collection of requisite data, high-quality and digitized maps reflecting—

“(A) current and historical live coral cover data;

“(B) coral reef habitat quality data;

“(C) priority areas for coral reef conservation to maintain biodiversity and ecosystem structure and function, including the reef matrix itself, that benefit coastal communities and living marine resources;

“(D) priority areas for coral reef restoration to enhance biodiversity and ecosystem structure and function, including the reef matrix itself, to benefit coastal communities and living marine resources; and

“(E) areas of concern that may require enhanced monitoring of coral health and cover;

“(2) enhancing compliance with Federal laws that prohibit or regulate—

“(A) the taking of coral products or species associated with coral reefs; or

“(B) the use and management of coral reef ecosystems;

“(3) long-term ecological monitoring of coral reef ecosystems;

“(4) implementing species-specific recovery plans for listed coral species consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(5) restoring degraded coral reef ecosystems;

“(6) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

“(7) monitoring and responding to severe bleaching or mortality events, disease outbreaks, invasive species outbreaks, and significant maritime accidents, including chemical spill cleanup and the removal of grounded vessels;

“(8) conducting scientific research that contributes to the understanding, sustainable use, and long-term conservation of coral reefs;

“(9) enhancing public awareness, understanding, and appreciation of coral reefs and coral reef ecosystems;

“(10) preventing or minimizing the likelihood of vessel impacts or other physical damage to coral reefs through navigational aids and expansion of reef-safe anchorages; and

“(11) centrally archiving, managing, and distributing data sets and coral reef ecosystem assessments and publishing such information on publicly available internet websites of—

“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(B) the Task Force.

“(C) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subsection is one of the following:

“(1) The National Oceanic and Atmospheric Administration.

“(2) The National Park Service.

“(3) The United States Fish and Wildlife Service.

“(4) The Office of Insular Affairs.”.

(b) ADDITIONAL PROVISIONS.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking sections 205 through 210 and inserting the following:

“SEC. 204A. NATIONAL CORAL REEF RESILIENCE STRATEGY.

“(a) IN GENERAL.—The Administrator shall—

“(1) develop a national coral reef resilience strategy; and

“(2) periodically, but not less frequently than every 15 years, review and revise the strategy.

“(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

“(1) A discussion addressing—

“(A) continuing and emerging threats to the resilience of United States coral reef ecosystems;

“(B) remaining gaps in coral reef ecosystem research, monitoring, and assessment;

“(C) the status of management cooperation and integration among Federal, State, Tribal, and locally managed jurisdictions with coral reef equities;

“(D) the status of efforts to manage and disseminate critical information, and enhance interjurisdictional data sharing, related to research, reports, datasets, and maps;

“(E) areas of special focus, which may include—

“(i) improving natural coral recruitment;

“(ii) preventing avoidable losses of corals and their habitat;

“(iii) enhancing the resilience of coral populations;

“(iv) supporting a resilience-based management approach;

“(v) developing, coordinating, and implementing watershed management plans;

“(vi) building and sustaining watershed management capacity at the local level;

“(vii) providing data essential for coral reef fisheries management;

“(viii) building capacity for coral reef fisheries management;

“(ix) increasing understanding of coral reef ecosystem services;

“(x) educating the public on the importance of coral reefs, threats to coral reefs, and solutions to such threats; and

“(xi) evaluating intervention efficacy;

“(F) the status of conservation efforts, including the use of marine protected areas to serve as replenishment zones developed consistent with local practices and traditions and in cooperation with, and with respect for the scientific, technical, and management expertise and responsibilities of, State fish and wildlife management agencies; and

“(G) science-based adaptive management and restoration efforts.

“(2) A statement of national goals and objectives designed to guide—

“(A) future Federal coral reef management and restoration activities authorized under section 203;

“(B) conservation and restoration priorities for grants awarded under section 213; and

“(C) research priorities for the cooperative institutes established under section 215(c).

“(3) General templates for use by covered reef managers to guide the development of—

“(A) coral reef action plans under section 205; and

“(B) coral reef emergency plans under section 209.

“(c) CONSULTATIONS.—In developing all elements of the strategy required by subsection (a), the Administrator shall—

“(1) consult with the Secretary of the Interior, the Task Force, covered States, and Tribal organizations;

“(2) engage stakeholders, including coral reef stewardship partnerships, coral reef institutes and research centers described in section 215(c), and coral reef conservation grant awardees; and

“(3) solicit public review and comment regarding scoping and the draft strategy.

“(d) SUBMISSION TO CONGRESS; PUBLICATION.—The Administrator shall—

“(1) submit the strategy required by subsection (a) and any revisions to the strategy to the appropriate congressional committees; and

“(2) publish the strategy and any such revisions on publicly available internet websites of—

“(A) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(B) the Task Force.

“(e) TRANSITION RULE.—On and after the date of the enactment of this subsection, the 2018 Coral Reef Conservation Program Strategic Plan of the National Oceanic and Atmospheric Administration shall be considered to be the national coral reef resilience strategy in effect under this section until the earlier of—

“(1) September 30, 2033; or

“(2) the date on which the Administrator develops a national coral reef resilience strategy under this section.

“SEC. 205. CORAL REEF ACTION PLANS.

“(a) CORAL REEF ACTION PLANS.—Except as provided in subsection (h), not later than 3 years after the date of the enactment of this section, and not later than 2 years after the publication of a revised national coral reef resilience strategy under section 204A, each covered reef manager shall prepare and submit to the Task Force a coral reef action plan to guide management and restoration activities to be undertaken within the re-

sponsibilities and jurisdiction of the manager.

“(b) REQUIREMENTS.—A covered reef manager preparing a coral reef action plan under subsection (a) shall—

“(1) ensure that the plan is consistent with all elements of the national coral reef resilience strategy in effect; and

“(2) revise the plan not less frequently than once every 5 years.

“(c) PLAN ELEMENTS.—A coral reef action plan under subsection (a) shall include a discussion of the following elements:

“(1) Short- and mid-term coral reef conservation and restoration objectives within the applicable jurisdiction.

“(2) An updated adaptive management framework to inform research, monitoring, and assessment needs.

“(3) The status of any coral reef emergency plans in effect under section 209 covering coral reef ecosystems within the applicable jurisdiction.

“(4) Tools, strategies, and partnerships necessary to identify, monitor, and redress the impacts of pollution, diminished water quality, temperature fluctuations, acidification, overfishing, disease, and other disturbances to coral reef ecosystems within the applicable jurisdiction.

“(5) The status of efforts to improve coral reef ecosystem management cooperation and integration among neighboring Federal, State, Tribal, or locally managed jurisdictions, including the identification of existing research and monitoring activities that can be leveraged for coral reef status and trends assessments within the applicable jurisdiction.

“(6) An accounting of annual expenditures on coral reef management and restoration activities within the applicable jurisdiction while the preceding action plan, if any, was in effect.

“(7) Estimated budgetary and resource considerations necessary to carry out the proposed action plan.

“(d) TECHNICAL ASSISTANCE.—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a covered reef manager developing a coral reef action plan under subsection (a).

“(e) ADOPTION OF CORAL REEF ACTION PLANS.—A covered reef manager may adopt a coral reef action plan developed by another covered reef manager, in full or in part, as relevant to the adopting manager's applicable jurisdiction.

“(f) PUBLIC REVIEW.—The development of a coral reef action plan by a covered reef manager under subsection (a), and the adoption of a plan under subsection (e), shall be subject to public review and comment.

“(g) PUBLICATION.—The Administrator shall publish each coral reef action plan prepared and submitted to the Task Force under this section on publicly available internet websites of—

“(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(2) the Task Force.

“(h) APPLICABILITY TO COVERED STATES AND CORAL REEF STEWARDSHIP PARTNERSHIPS.—A covered State or non-Federal coral reef stewardship partnership is not required to develop a coral reef action plan under subsection (a), but may do so in its own discretion. In developing a coral reef action plan, a covered State or non-Federal coral reef stewardship partnership is encouraged, but not mandated, to comply with the requirements of this section.

“(i) PLAN IN EFFECT.—A coral reef action plan shall be deemed to be in effect if the plan was submitted to the Task Force under this section during the preceding 6 years.

“SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.

“(a) CORAL REEF STEWARDSHIP PARTNERSHIPS.—The Administrator shall establish standards for the identification of coral reefs and the formation of partnerships among government and community members for the stewardship of coral reefs (in this title referred to as ‘coral reef stewardship partnerships’) in accordance with this section, including guidance for preparation and submission of coral reef action plans under section 205 for review and approval by the Administrator.

“(b) IDENTIFICATION OF CORAL REEFS.—Each coral reef stewardship partnership shall identify with particularity the coral reef or ecologically significant component of a coral reef that will be the subject of its stewardship activities.

“(c) MEMBERSHIP FOR FEDERAL CORAL REEFS.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is fully or partially under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

“(1) That Federal agency, a representative of which shall serve as chair of the coral reef stewardship partnership.

“(2) A State, county, or Tribal organization’s resource management agency.

“(3) A coral reef research center described in section 215(c)(4) or another institution of higher education.

“(4) A nongovernmental organization.

“(5) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

“(d) MEMBERSHIP FOR NON-FEDERAL CORAL REEFS.—

“(1) IN GENERAL.—A coral reef stewardship partnership that has identified, as the subject of its stewardship activities, a coral reef or ecologically significant component of a coral reef that is not under the management jurisdiction of any Federal agency specified in section 203(c) shall, at a minimum, include the following:

“(A) A State, county, or Tribal organization’s resource management agency, a representative of which shall serve as the chair of the coral reef stewardship partnership.

“(B) A coral reef research center described in section 215(c)(4) or another institution of higher education.

“(C) A nongovernmental organization.

“(D) Such other members as the partnership considers appropriate, such as interested stakeholder groups.

“(2) ADDITIONAL MEMBERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), a coral reef stewardship partnership described in paragraph (1) may also include representatives of one or more Federal agencies that have management responsibility in the coral reef that is the subject of the partnership’s stewardship activities.

“(B) REQUESTS; APPROVAL.—A representative of a Federal agency described in subparagraph (A) may become a member of a coral reef stewardship partnership described in paragraph (1) if—

“(i) the representative submits a request to become a member to the chair of the partnership referred to in paragraph (1)(A); and

“(ii) the chair consents to the request.

“(e) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to coral reef stewardship partnerships.

“SEC. 207. BLOCK GRANTS AND COOPERATIVE AGREEMENTS.

“(a) IN GENERAL.—The Administrator shall provide block grants of financial assistance to covered States to support management

and restoration activities and further the implementation of coral reef action plans in effect under section 205 by covered States and non-Federal coral reef stewardship partnerships.

“(b) ELIGIBILITY FOR ADDITIONAL AMOUNTS.—

“(1) IN GENERAL.—A covered State shall qualify for and receive additional grant amounts beyond the base award specified in subsection (c)(1) if there is at least one coral reef action plan in effect within the jurisdiction of the covered State developed by that covered State or a non-Federal coral reef stewardship partnership.

“(2) WAIVER.—In any fiscal year before fiscal year 2025, the Administrator shall waive the requirement to qualify for and receive additional grant amounts described in paragraph (1).

“(c) FUNDING FORMULA.—The amount of each block grant awarded to a covered State under this section shall be the sum of—

“(1) a base award of \$100,000; and

“(2) if the State is eligible under subsection (b)—

“(A) an amount that is equal to non-Federal expenditures of up to \$3,000,000 on coral reef management and restoration activities within the jurisdiction of the State during the previous fiscal year, and

“(B) an additional amount, from any funds appropriated for activities under this section that remain after distribution under subparagraph (A), paragraph (1), and subsection (g) based on the proportion of the State’s share of total non-Federal expenditures on coral reef management and restoration activities, as reported within the previous fiscal year, in excess of \$3,000,000, relative to other covered States.

“(d) EXCLUSIONS.—For the purposes of calculating block grant amounts under subsection (c), Federal funds provided to a covered State or non-Federal coral reef stewardship partnership shall not be considered as qualifying non-Federal expenditures, but non-Federal matching funds used to leverage Federal awards may be considered as qualifying non-Federal expenditures.

“(e) RESPONSIBILITIES OF THE ADMINISTRATOR.—The Administrator is responsible for—

“(1) providing guidance on qualifying non-Federal expenditures and the proper documentation of such expenditures;

“(2) issuing annual solicitations to covered States for additional awards under this section; and

“(3) determining the appropriate allocation of additional amounts among covered States in accordance with this section.

“(f) RESPONSIBILITIES OF COVERED STATES.—Each covered State is responsible for documenting non-Federal expenditures within the jurisdiction of the State and formally reporting those expenditures for review in response to annual solicitations by the Administrator under subsection (e).

“(g) COOPERATIVE AGREEMENTS.—The Administrator may enter into cooperative agreements with States to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such States that are consistent with the national coral reef resilience strategy in effect under section 204A.

“SEC. 208. CORAL REEF STEWARDSHIP FUND.

“(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Administrator may enter into an agreement with the National Fish and Wildlife Foundation (in this section referred to as the ‘Foundation’), authorizing the Foundation to receive, hold, and administer funds received under this section.

“(b) FUND.—The Foundation shall invest, reinvest, and otherwise administer the funds

received under this section and maintain such funds and any interest or revenues earned in a separate interest-bearing account, to be known as the ‘Coral Reef Stewardship Fund’ (in this section referred to as the ‘Fund’), and known before the date of the enactment of this section as the Coral Reef Conservation Fund administered through a public-private partnership with the Foundation), established by the Foundation solely to support coral reef stewardship partnership activities that—

“(1) further the purposes of this title; and

“(2) are consistent with—

“(A) the national coral reef resilience strategy in effect under section 204A; and

“(B) coral reef action plans in effect, if any, under section 205 covering a coral reef or ecologically significant component of a coral reef to be impacted by such activities, if applicable.

“(c) AUTHORIZATION TO SOLICIT DONATIONS.—

“(1) IN GENERAL.—Pursuant to an agreement entered into under subsection (a), the Foundation may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services) to further the purposes of this title.

“(2) DEPOSITS IN FUND.—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

“(3) NOTIFICATION REQUIRED.—Not later than 30 days after funds are deposited in the Fund under paragraph (2), the Foundation shall notify the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives of the source and amount of such funds.

“(d) REVIEW OF PERFORMANCE.—The Administrator shall conduct a continuing review of all deposits into, and disbursements from, the Fund. Each review shall include a written assessment concerning the extent to which the Foundation has implemented the goals and requirements of—

“(1) this section; and

“(2) the national coral reef resilience strategy in effect under section 204A.

“(e) ADMINISTRATION.—Under an agreement entered into pursuant to subsection (a), the Administrator may transfer funds appropriated to carry out this title to the Foundation. Amounts received by the Foundation under this subsection may be used for matching, in whole or in part, contributions (whether in money, services, or property) made to the Foundation by private persons, State or local government agencies, or Tribal organizations.

“SEC. 209. CORAL REEF EMERGENCY PLANS.

“(a) IN GENERAL.—A covered reef manager may develop and periodically update a plan (in this title referred to as a ‘coral reef emergency plan’) consistent with the template described in section 204A(b)(3) to guide the rapid and effective response to circumstances that pose an urgent and immediate threat to the coral reef ecosystems within the manager’s responsibilities and jurisdictions, and consistent with any applicable coral reef action plan.

“(b) CORAL REEF EMERGENCIES.—The Administrator shall develop a list of, and criteria for, circumstances that pose an urgent and immediate threat to coral reefs (in this title referred to as ‘coral reef emergencies’), including—

“(1) new and ongoing outbreaks of disease;

“(2) new and ongoing outbreaks of invasive or nuisance species;

“(3) new and ongoing coral bleaching events;

“(4) natural disasters;

“(5) man-made disasters, including vessel groundings, hazardous spills, or coastal construction accidents; and

“(6) other exigent circumstances.

“(c) **BEST RESPONSE PRACTICES.**—The Administrator shall develop guidance on best practices to respond to coral reef emergencies that can be adopted within coral reef emergency plans. Such best practices shall be—

“(1) based on the best available science and integrated with evolving innovative technologies; and

“(2) revised not less frequently than once every 5 years.

“(d) **PLAN ELEMENTS.**—A coral reef emergency plan shall include the following elements:

“(1) A description of particular threats, and the proposed responses, consistent with the best practices developed under subsection (d).

“(2) A delineation of roles and responsibilities for executing the plan.

“(3) Evidence of engagement with interested stakeholder groups, as applicable, in the development of the plan.

“(4) Any other information the Administrator considers to be necessary for the plan.

“(e) **TECHNICAL ASSISTANCE.**—The Administrator and the Task Force shall make all reasonable efforts to provide technical assistance upon request by a covered reef manager developing a coral reef emergency plan under subsection (a).

“(f) **ADOPTION OF CORAL REEF EMERGENCY PLANS.**—A covered reef manager may adopt a coral reef emergency plan developed by another covered reef manager, in full or in part, as relevant to the adopting manager’s applicable jurisdiction.

“(g) **PUBLIC REVIEW.**—The development of a coral reef action plan by a covered reef manager under subsection (a), and the adoption of a plan under subsection (f), shall be subject to public review and comment.

“(h) **PUBLICATION.**—The Administrator shall publish each coral reef emergency plan prepared and submitted to the Task Force under this section on publicly available internet websites of—

“(1) the Coral Reef Conservation Program of the National Oceanic and Atmospheric Administration; and

“(2) the Task Force.

“(i) **PLAN IN EFFECT.**—A coral reef emergency plan shall be deemed to be in effect if the plan was submitted to the Task Force under this section during the preceding 6 years.

“SEC. 210. CORAL REEF EMERGENCY FUND.

“(a) **ESTABLISHMENT OF FUND.**—There is established in the Treasury an interest-bearing fund to be known as the ‘Coral Reef Emergency Fund’, consisting of such amounts as are appropriated to the Fund.

“(b) **USES.**—Amounts in the Fund—

“(1) shall be available only for use by the Administrator to compensate covered coral reef managers to implement a coral reef emergency plan in effect under sections 210 and 212; and

“(2) shall remain available until expended.

“(c) **ACCEPTANCE OF DONATIONS.**—

“(1) **IN GENERAL.**—For purposes of carrying out this title, the Administrator may accept, receive, solicit, hold, administer, and use any gift (including, notwithstanding section 1342 of title 31, United States Code, donations of services).

“(2) **DEPOSITS IN FUND.**—Notwithstanding section 3302 of title 31, United States Code, any funds received as a gift shall be deposited and maintained in the Fund.

“SEC. 211. EMERGENCY ASSISTANCE.

“(a) **CORAL REEF EMERGENCY DECLARATIONS.**—

“(1) **SUA SPONTE DECLARATION.**—

“(A) **IN GENERAL.**—The Administrator may determine and declare a coral reef emer-

gency, including at the recommendation of the Secretary of the Interior.

“(B) **REQUIREMENTS.**—In declaring a coral reef emergency under subparagraph (A), the Administrator shall—

“(i) certify that an emergency has occurred that is ecologically significant and harmful to coral reefs; and

“(ii) submit to the appropriate congressional committees findings and analysis to justify the declaration.

“(2) **PETITIONS.**—If a covered State or non-Federal coral reef stewardship partnership believes that a coral reef emergency has occurred, and is impacting coral reefs or ecologically significant components of coral reefs subject to the responsibilities or jurisdiction of the State or partnership, the State or partnership may petition the Administrator for a declaration of a coral reef emergency.

“(3) **EVALUATION AND ACTION.**—

“(A) **IN GENERAL.**—Not later than 30 days after receiving a petition under paragraph (2) (except as provided in subparagraph (B)), the Administrator shall—

“(i) evaluate the petition to determine whether a coral reef emergency has occurred; and

“(ii) declare a coral reef emergency or deny the petition.

“(B) **EXTENSION.**—The Administrator may extend the deadline provided for under subparagraph (A) by not more than 15 days.

“(4) **APPEAL.**—If the Administrator denies a petition for an emergency declaration submitted under paragraph (2), the State or partnership that submitted the petition may, not later than 15 days after receiving notice of the denial, appeal the denial to the Administrator. Not later than 15 days after receiving an appeal under this paragraph, the Administrator shall grant or deny the appeal.

“(5) **REVOCATION.**—The Administrator may revoke any declaration of a coral reef emergency in whole or in part after determining that circumstances no longer require an emergency response.

“(6) **RECOVERY OF EMERGENCY FUNDING.**—The Administrator may seek compensation from negligent parties to recover emergency funds expended in excess of \$500,000 under this section as a result of an emergency declaration arising from direct impacts to coral reefs from man-made disasters or accidents.

“(b) **FINANCIAL ASSISTANCE AUTHORITY.**—

“(1) **IN GENERAL.**—Upon the declaration of a coral reef emergency under subsection (a), the Administrator shall provide grants to carry out proposals that meet the requirements of paragraph (2) to implement coral reef emergency plans in effect under section 209.

“(2) **REQUIREMENTS.**—A proposal for a grant under this subsection to implement a coral reef emergency plan in effect under section 209 shall include—

“(A) the name of the entity submitting the proposal;

“(B) a copy of the coral reef emergency plan;

“(C) a description of the qualifications of the individuals and entities who will implement the plan;

“(D) an estimate of the funds and time required to complete the implementation of the plan; and

“(E) any other information the Administrator considers to be necessary for evaluating the eligibility of the proposal for a grant under this subsection.

“(3) **REVIEW.**—Not later than 30 days after receiving a proposal for a grant under this subsection, the Administrator shall review the proposal and determine if the proposal meets the requirements of paragraph (2).

“(4) **CONCURRENT REVIEW.**—An entity seeking a grant under this subsection may submit a proposal under paragraph (2) to the Administrator at any time following the submission of a petition for an emergency declaration under subsection (a)(2) that is applicable to coral reefs or ecologically significant components of coral reefs subject to the responsibilities or jurisdiction of the entity.

“SEC. 212. VESSEL GROUNDING INVENTORY.

“The Administrator, in coordination with the heads of other Federal agencies, shall establish and maintain an inventory of all vessel grounding incidents involving United States coral reefs, including a description of—

“(1) the impacts of each such incident to coral reefs and related natural resources;

“(2) vessel and ownership information relating to each such incident, if available;

“(3) the estimated cost of removal of the vessel, remediation, or restoration relating to each such incident;

“(4) the response actions taken by the owner of the vessel, the Administrator, the Commandant of the Coast Guard, or representatives of other Federal or State agencies;

“(5) the status of the response actions, including the dates of—

“(A) vessel removal;

“(B) remediation or restoration activities, including whether a coral reef emergency plan was implemented; and

“(C) any actions taken to prevent future grounding incidents; and

“(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

“SEC. 213. RUTH D. GATES CORAL REEF CONSERVATION GRANT PROGRAM.

“(a) **GRANTS.**—The Administrator shall establish a program (to be known as the ‘Ruth D. Gates Coral Reef Conservation Grant Program’) to provide grants for projects for the conservation and restoration of coral reef ecosystems (in this section referred to as ‘coral reef projects’) pursuant to proposals approved by the Administrator in accordance with this section.

“(b) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—An entity described in paragraph (2) may submit to the Administrator a proposal for a coral reef project.

“(2) **ENTITIES DESCRIBED.**—An entity described in this paragraph is—

“(A) a natural resource management authority of a State or local government or Tribal organization—

“(i) with responsibility for coral reef management; or

“(ii) the activities of which directly or indirectly affect coral reefs or coral reef ecosystems;

“(B) a regional fishery management council established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(C) a coral reef stewardship partnership seeking to implement a coral reef action plan in effect under section 205;

“(D) a coral reef research center designated under section 215(c)(4); or

“(E) another nongovernmental organization or research institution with demonstrated expertise in the conservation or restoration of coral reefs in practice or through significant contributions to the body of existing scientific research on coral reefs.

“(c) **PROJECT PROPOSALS.**—Each proposal for a grant under this section for a coral reef project shall include the following:

“(1) The name of the individual or entity responsible for conducting the project.

“(2) A description of the qualifications of the individual or entity.

“(3) A succinct statement of the purposes of the project.

“(4) An estimate of the funds and time required to complete the project.

“(5) Evidence of support for the project by appropriate representatives of States or other government jurisdictions in which the project will be conducted.

“(6) Information regarding the source and amount of matching funding available to the applicant.

“(7) A description of how the project meets one or more of the criteria under subsection (e)(2).

“(8) In the case of a proposal submitted by a coral reef stewardship partnership, a description of how the project aligns with the applicable coral reef action plan in effect under section 205.

“(9) Any other information the Administrator considers to be necessary for evaluating the eligibility of the project for a grant under this subsection.

“(d) PROJECT REVIEW AND APPROVAL.—

“(1) **IN GENERAL.**—The Administrator shall review each coral reef project proposal submitted under this section to determine if the project meets the criteria set forth in subsection (e).

“(2) **PRIORITIZATION OF CONSERVATION PROJECTS.**—The Administrator shall prioritize the awarding of grants for projects that meet the criteria for approval under subparagraphs (A) through (G) of subsection (e)(2) that are proposed to be conducted within priority areas identified for coral reef conservation by the Administrator and consistent with the national coral reef resilience strategy in effect under section 204A.

“(3) **PRIORITIZATION OF RESTORATION PROJECTS.**—The Administrator shall prioritize the awarding of grants for projects that meet the criteria for approval under subparagraphs (E) through (L) of subsection (e)(2) that are proposed to be conducted within priority areas identified for coral reef restoration by the Administrator and consistent with the national coral reef resilience strategy in effect under section 204A.

“(4) **REVIEW; APPROVAL OR DISAPPROVAL.**—Not later than 180 days after receiving a proposal for a coral reef project under this section, the Administrator shall—

“(A) request and consider written comments on the proposal from each Federal agency, State government, Tribal organization, or other government jurisdiction, including the relevant regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), or any National Marine Sanctuary or Marine National Monument, with jurisdiction or management authority over coral reef ecosystems in the area where the project is to be conducted, including the extent to which the project is consistent with locally established priorities, unless such entities were directly involved in the development of the project proposal;

“(B) provide for the merit-based peer review of the proposal and require standardized documentation of that peer review;

“(C) after considering any written comments and recommendations based on the reviews under subparagraphs (A) and (B), approve or disapprove the proposal; and

“(D) provide written notification of that approval or disapproval, with summaries of all written comments, recommendations, and peer-reviews, to the entity that submitted the proposal, and each of those States, Tribal organizations, and other government jurisdictions that provided comments under subparagraph (A).

“(e) **CRITERIA FOR APPROVAL.**—The Administrator may not approve a proposal for a

coral reef project under this section unless the project—

“(1) is consistent with—

“(A) the national coral reef resilience strategy in effect under section 204A; and

“(B) any Federal or non-Federal coral reef action plans in effect under section 205 covering a coral reef or ecologically significant component of a coral reef to be affected by the project; and

“(2) will enhance the conservation and restoration of coral reefs by—

“(A) addressing conflicts arising from the use of environments near coral reefs or from the use of corals, species associated with coral reefs, and coral products, including supporting consensus-driven, community-based planning and management initiatives for the protection of coral reef ecosystems;

“(B) improving compliance with laws that prohibit or regulate the taking of coral products or species associated with coral reefs or regulate the use and management of coral reef ecosystems;

“(C) designing and implementing networks of real-time water quality monitoring along coral reefs, including data collection related to turbidity, nutrient availability, harmful algal blooms, and plankton assemblages, with an emphasis on coral reefs impacted by agriculture and urban development;

“(D) promoting ecologically sound navigation and anchorages, including mooring buoy systems to promote enhanced recreational access, near coral reefs;

“(E) furthering the goals and objectives of coral reef action plans in effect under section 205 and coral reef emergency plans in effect under section 209;

“(F) mapping the location and distribution of coral reefs and potential coral reef habitat;

“(G) stimulating innovation to advance the ability of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems;

“(H) implementing research to ensure the population viability of listed coral species in United States waters as detailed in the population-based recovery criteria included in species-specific recovery plans consistent with the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

“(I) developing and implementing cost-effective methods to restore degraded coral reef ecosystems or to create geographically appropriate coral reef ecosystems in suitable waters, including by improving habitat or promoting success of keystone species, with an emphasis on novel restoration strategies and techniques to advance coral reef recovery and growth near population centers threatened by rising sea levels and storm surge;

“(J) translating and applying coral genetics research to coral reef ecosystem restoration, including research related to traits that promote resilience to increasing ocean temperatures, ocean acidification, coral bleaching, coral diseases, and invasive species;

“(K) developing and maintaining in situ native coral propagation sites;

“(L) developing and maintaining ex situ coral propagation nurseries and land-based coral gene banks to—

“(i) conserve or augment genetic diversity of native coral populations;

“(ii) support captive breeding of rare coral species; or

“(iii) enhance resilience of native coral populations to increasing ocean temperatures, ocean acidification, coral bleaching, and coral diseases through selective breeding, conditioning, or other approaches that

target genes, gene expression, phenotypic traits, or phenotypic plasticity; or

“(M) maintaining the structure and function of coral reefs, including the reef matrix itself.

“(f) **FUNDING REQUIREMENTS.**—To the extent practicable based upon proposals for coral reef projects submitted to the Administrator, the Administrator shall ensure that funding for grants awarded under this section during a fiscal year is distributed as follows:

“(1) Not less than 40 percent of funds available shall be awarded for projects in the Pacific Ocean within the maritime areas and zones subject to the jurisdiction or control of the United States.

“(2) Not less than 40 percent of the funds available shall be awarded for projects in the Atlantic Ocean, the Gulf of Mexico, or the Caribbean Sea within the maritime areas and zones subject to the jurisdiction or control of the United States.

“(g) **PROJECT REPORTING.**—Each entity receiving a grant under this section shall submit to the Administrator such reports at such times and containing such information for evaluating project performance as the Administrator may require.

“(h) **TASK FORCE.**—The Administrator may consult with the Secretary of the Interior and the Task Force to obtain guidance in establishing priorities and evaluating proposals for coral reef projects under this section.

“SEC. 214. REPORTS ON ADMINISTRATION.

“(a) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this section, and every 2 years thereafter, the Administrator shall submit to the committees specified in subsection (b) a report on the administration of this title during the 2-year period preceding submission of the report, including—

“(1) a description of all activities undertaken to implement the most recent national coral reef resilience strategy under section 204A;

“(2) a statement of all funds obligated under the authorities of this title; and

“(3) a summary, disaggregated by State, of Federal and non-Federal contributions toward the costs of each project or activity funded, in full or in part, under the authorities of this title.

“(b) **COMMITTEES SPECIFIED.**—The committees specified in this subsection are—

“(1) the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate; and

“(2) the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives.

“SEC. 215. AUTHORITY TO ENTER INTO AGREEMENTS.

“(a) **IN GENERAL.**—The Administrator may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this title.

“(b) **COOPERATIVE INSTITUTES.**—

“(1) **DESIGNATION.**—The Administrator shall designate 2 cooperative institutes for the purpose of advancing and sustaining essential capabilities in coral reef research, to be known as the ‘Atlantic Coral Reef Institute’ and the ‘Pacific Coral Reef Institute’.

“(2) **MEMBERSHIP.**—Each institute established under paragraph (1) shall be housed within a single coral reef research center designated by the Administrator under paragraph (4) in the Atlantic and Pacific basins, respectively, and may contract with other coral reef research centers within the same basin to support each institute’s capacity and reach.

“(3) **FUNCTIONS.**—The institutes established under paragraph (1) shall—

“(A) conduct federally directed research to fill national and regional coral reef ecosystem research gaps and improve understanding of, and responses to, continuing and emerging threats to the resilience of United States coral reef ecosystems consistent with the national coral reef resilience strategy in effect under section 204A;

“(B) support ecological research and monitoring to study the effects of conservation and restoration activities funded by this title on promoting more effective coral reef management and restoration; and

“(C) through agreements—

“(i) collaborate directly with governmental resource management agencies, coral reef stewardship partnerships, nonprofit organizations, and other coral reef research centers designated under paragraph (4);

“(ii) assist in the development and implementation of—

“(I) the national coral reef resilience strategy under section 204A;

“(II) coral reef action plans under section 205; and

“(III) coral reef emergency plans under section 209;

“(iii) build capacity within governmental resource management agencies to establish research priorities and translate and apply research findings to management and restoration practices; and

“(iv) conduct public education and awareness programs for policymakers, resource managers, and the general public on—

“(I) coral reefs and coral reef ecosystems;

“(II) best practices for coral reef ecosystem management and restoration;

“(III) the value of coral reefs; and

“(IV) the threats to the sustainability of coral reef ecosystems.

“(4) CORAL REEF RESEARCH CENTERS.—

“(A) IN GENERAL.—The Administrator shall periodically solicit applications and designate all qualifying institutions in a covered State as coral reef research centers.

“(B) CRITERIA.—An institution qualifies for designation as a coral reef research center under subparagraph (A) if the Administrator determines that the institution—

“(i) is operated by an institution of higher education;

“(ii) has established management-driven national or regional coral reef research or restoration programs;

“(iii) has demonstrated abilities to coordinate closely with appropriate Federal and State agencies, as well as other academic and nonprofit organizations; and

“(iv) maintains significant local community engagement and outreach programs related to coral reef ecosystems.

“(C) USE OF RESOURCES OF OTHER AGENCIES.—The Administrator may use, with consent and with or without reimbursement, the land, services, equipment, personnel, and facilities of any agency or instrumentality of—

“(1) the United States;

“(2) any State or local government;

“(3) any Indian Tribe; or

“(4) any foreign government not subject to economic sanctions imposed by the United States.

“SEC. 216. CORAL REEF PRIZE COMPETITIONS.

“(a) IN GENERAL.—The head of any Federal agency with a representative serving on the U.S. Coral Reef Task Force established by Executive Order No. 13089 (16 U.S.C. 6401 note; relating to coral reef protection), may, individually or in cooperation with one or more agencies, carry out a program to award prizes competitively under section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

“(b) PURPOSES.—Any program carried out under this section shall be for the purpose of stimulating innovation to advance the abil-

ity of the United States to understand, research, or monitor coral reef ecosystems, or to develop management or adaptation options to preserve, sustain, and restore coral reef ecosystems.

“(c) PRIORITY PROGRAMS.—Priority shall be given to establishing programs under this section that address communities, environments, or industries that are in distress as a result of the decline or degradation of coral reef ecosystems, including—

“(1) scientific research and monitoring that furthers the understanding of causes behind coral reef decline and degradation and the generally slow recovery following disturbances;

“(2) the development of monitoring or management options for communities or industries that are experiencing significant financial hardship;

“(3) the development of adaptation options to alleviate economic harm and job loss caused by damage to coral reef ecosystems;

“(4) the development of measures to help vulnerable communities or industries, with an emphasis on rural communities and businesses; and

“(5) the development of adaptation and management options for impacted tourism industries.

“SEC. 217. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Administrator \$38,000,000 for each of fiscal years 2022 through 2026 to carry out this title, which shall remain available until expended.

“(b) ADMINISTRATION.—Of the amounts authorized to be appropriated under subsection (a), not more than the lesser of \$1,500,000 or 10 percent of such amounts is authorized to be appropriated for program administration or for overhead costs incurred by the National Oceanic and Atmospheric Administration or the Department of Commerce and assessed as an administrative charge.

“(c) FEDERALLY DIRECTED RESEARCH AND CORAL REEF CONSERVATION PROGRAM GRANTS.—From the amounts authorized to be appropriated under subsection (a), not less than \$8,000,000 is authorized to be appropriated for each of fiscal years 2022 through 2026 to support purposes consistent with this title, of which—

“(1) not less than \$3,500,000 is authorized to be appropriated for each such fiscal year for authorized activities under section 213; and

“(2) not less than \$4,500,000 is authorized to be appropriated for each such fiscal year through cooperative agreements with the cooperative institutes designated under section 215(c).

“(d) BLOCK GRANTS AND COOPERATIVE AGREEMENTS.—There is authorized to be appropriated to the Administrator, \$15,000,000 for each of fiscal years 2022 through 2026, which shall remain available until expended, to carry out section 207.

“SEC. 218. DEFINITIONS.

“In this title:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

“(3) CONSERVATION.—The term ‘conservation’ means the use of methods and procedures necessary to preserve or sustain geographically appropriate corals and associated species as diverse, viable, and self-perpetuating coral reef ecosystems with minimal impacts from invasive species, including—

“(A) all activities associated with resource management, such as monitoring, assessment, protection, restoration, sustainable use, management of habitat, and maintenance or augmentation of genetic diversity;

“(B) mapping;

“(C) scientific expertise and technical assistance in the development and implementation of management strategies for marine protected areas and marine resources consistent with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.) and the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

“(D) law enforcement;

“(E) conflict resolution initiatives;

“(F) community outreach and education; and

“(G) promotion of safe and ecologically sound navigation and anchoring.

“(4) CORAL.—The term ‘coral’ means species of the phylum Cnidaria, including—

“(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals, organ pipe corals, gorgonians), and Helioporacea (blue coral), of the class Anthozoa; and

“(B) all species of the order Anthoathecata (fire corals and other hydrocorals) of the class Hydrozoa.

“(5) CORAL PRODUCTS.—The term ‘coral products’ means any living or dead specimens, parts, or derivatives, or any product containing specimens, parts, or derivatives, of any species referred to in paragraph (4).

“(6) CORAL REEF.—The term ‘coral reef’ means calcium carbonate structures in the form of a reef or shoal, composed in whole or in part by living coral, skeletal remains of coral, crustose coralline algae, and other associated sessile marine plants and animals.

“(7) CORAL REEF ECOSYSTEM.—The term ‘coral reef ecosystem’ means—

“(A) corals and other geographically and ecologically associated marine communities of other reef organisms (including reef plants and animals) associated with coral reef habitat; and

“(B) the biotic and abiotic factors and processes that affect coral physiology, coral-algal symbiosis, and biodiversity in such habitat.

“(8) CORAL REEF ECOSYSTEM SERVICES.—The term ‘coral reef ecosystem services’ means the attributes and benefits provided by coral reef ecosystems including—

“(A) protection of coastal beaches, structures, and infrastructure;

“(B) habitat for organisms of economic, ecological, biomedical, medicinal, and cultural value;

“(C) serving as centers for the promulgation, performance, and training of cultural practices representative of traditional ecological knowledge; and

“(D) aesthetic value.

“(9) COVERED REEF MANAGER.—

“(A) IN GENERAL.—The term ‘covered reef manager’ means a management unit of a Federal agency specified in subparagraph (B) with jurisdiction over a coral reef ecosystem, covered State, or coral reef stewardship partnership.

“(B) FEDERAL AGENCIES SPECIFIED.—A Federal agency specified in this subparagraph is one of the following:

“(i) The National Oceanic and Atmospheric Administration.

“(ii) The National Park Service.

“(iii) The United States Fish and Wildlife Service.

“(iv) The Office of Insular Affairs.

“(10) COVERED STATE.—The term ‘covered State’ means Florida, Hawaii, and the territories of American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.

“(11) INDIAN TRIBE.—The term ‘Indian Tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”

“(12) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).”

“(13) INTERESTED STAKEHOLDER GROUPS.—The term ‘interested stakeholder groups’ includes community members such as businesses, commercial and recreational fishermen, other recreationalists, Federal, State, Tribal, and local government units with related jurisdiction, institutions of higher education, and nongovernmental organizations.”

“(14) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means an organization that is described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.”

“(15) RESTORATION.—The term ‘restoration’ means the use of methods and procedures necessary to enhance, rehabilitate, recreate, or create a functioning coral reef or coral reef ecosystem, in whole or in part, within suitable waters of the historical geographic range of such ecosystems, to provide ecological, economic, cultural, or coastal resiliency services associated with healthy coral reefs and benefit native populations of coral reef organisms.”

“(16) RESILIENCE.—The term ‘resilience’ means the capacity for corals within their native range, coral reefs, or coral reef ecosystems to resist and recover from natural and human disturbances, and maintain structure and function to provide coral reef ecosystem services as determined by clearly identifiable, measurable, and science-based standards.”

“(17) STATE.—The term ‘State’ means—

“(A) any State of the United States that contains a coral reef ecosystem within its seaward boundaries;

“(B) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands; or

“(C) any other territory of the United States or separate sovereign in free association with the United States that contains a coral reef ecosystem within its seaward boundaries.”

“(18) STEWARDSHIP.—The term ‘stewardship’, with respect to a coral reef, includes conservation, restoration, and public outreach and education.”

“(19) TASK FORCE.—The term ‘Task Force’ means the United States Coral Reef Task Force.”

“(20) TRIBAL ORGANIZATION.—The term ‘tribal organization’ has the meaning given the term ‘tribal organization’ in section 3765 of title 38, United States Code.”

(C) CONFORMING AMENDMENT TO NATIONAL OCEANS AND COASTAL SECURITY ACT.—Section 905(a) of the National Oceans and Coastal Security Act (16 U.S.C. 7504(a)) is amended by striking “and coastal infrastructure” and inserting “, coastal infrastructure, and ecosystem services provided by natural systems such as coral reefs”.

SEC. 14A. MODIFICATION TO SECTION 204 OF THE CORAL REEF CONSERVATION ACT OF 2000.

Section 204 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403) is amended—

(1) in subsection (a), by striking “this section” and inserting “section 213”; and

(2) by striking subsections (c) through (j).

Subtitle E—United States Coral Reef Task Force

SEC. 15. ESTABLISHMENT.

There is established a task force to lead, coordinate, and strengthen Federal Govern-

ment actions to better preserve, conserve, and restore coral reef ecosystems, to be known as the “United States Coral Reef Task Force” (in this subtitle referred to as the “Task Force”).

SEC. 15A. DUTIES.

The duties of the Task Force shall be—

(1) to coordinate, in cooperation with State, Tribal, and local government partners, coral reef research centers designated under section 215(c) of the Coral Reef Conservation Act of 2000 (as amended by subtitle D), and other nongovernmental and academic partners as appropriate, activities regarding the mapping, monitoring, research, conservation, mitigation, and restoration of coral reefs and coral reef ecosystems;

(2) to monitor and advise regarding implementation of the policy and Federal agency responsibilities set forth in—

(A) Executive Order No. 13089 (63 Fed. Reg. 32701; relating to coral reef protection); and

(B) the national coral reef resilience strategy developed under section 204A of the Coral Reef Conservation Act of 2000, as amended by subtitle D;

(3) to work with the Secretary of State and the Administrator of the United States Agency for International Development, and in coordination with the other members of the Task Force—

(A) to assess the United States role in international trade and protection of coral species;

(B) to encourage implementation of appropriate strategies and actions to promote conservation and sustainable use of coral reef resources worldwide; and

(C) to collaborate with international communities successful in managing coral reefs;

(4) to provide technical assistance for the development and implementation, as appropriate, of—

(A) the national coral reef resilience strategy under section 204A of the Coral Reef Conservation Act of 2000, as amended by subtitle D;

(B) coral reef action plans under section 205 of that Act; and

(C) coral reef emergency plans under section 209 of that Act; and

(5) to produce a report each year, for submission to the appropriate congressional committees and publication on a publicly available internet website of the Task Force, highlighting the status of the coral reef equities of a covered State on a rotating basis, including—

(A) a summary of recent coral reef management and restoration activities undertaken in that State; and

(B) updated estimates of the direct and indirect economic activity supported by, and other benefits associated with, those coral reef equities.

SEC. 15B. MEMBERSHIP.

(a) VOTING MEMBERSHIP.—The Task Force shall have the following voting members:

(1) The Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of the Interior, who shall be co-chairs of the Task Force.

(2) The Administrator of the United States Agency for International Development.

(3) The Secretary of Agriculture.

(4) The Secretary of Defense.

(5) The Secretary of the Army, acting through the Assistant Secretary of the Army for Civil Works.

(6) The Secretary of Homeland Security, acting through the Administrator of the Federal Emergency Management Agency.

(7) The Commandant of the Coast Guard.

(8) The Attorney General.

(9) The Secretary of State.

(10) The Secretary of Transportation.

(11) The Administrator of the Environmental Protection Agency.

(12) The Ambassador of the United States Trade Representative.

(13) The Administrator of the National Aeronautics and Space Administration.

(14) The Director of the National Science Foundation.

(15) The Governor, or a representative of the Governor, of each covered State.

(b) NONVOTING MEMBERS.—The Task Force shall have the following nonvoting members:

(1) A member appointed by the President of the Federated States of Micronesia.

(2) A member appointed by the President of the Republic of the Marshall Islands.

(3) A member appointed by the President of the Republic of Palau.

SEC. 15C. RESPONSIBILITIES OF FEDERAL AGENCY MEMBERS.

(a) IN GENERAL.—A member of the Task Force specified in paragraphs (1) through (15) of section 15B(a) shall—

(1) identify the actions of the agency that member represents that may affect coral reef ecosystems;

(2) utilize the programs and authorities of that agency to protect and enhance the conditions of such ecosystems, including through the promotion of basic and applied scientific research;

(3) collaborate with the Task Force to appropriately reflect budgetary needs for coral reef conservation and restoration activities in all agency budget planning and justification documents and processes; and

(4) engage in any other coordinated efforts approved by the Task Force.

(b) CO-CHAIRS.—In addition to their responsibilities under subsection (a), the co-chairs of the Task Force shall administer performance of the functions of the Task Force and facilitate the coordination of the members of the Task Force specified in paragraphs (1) through (15) of section 15B(a).

SEC. 15D. WORKING GROUPS.

(a) IN GENERAL.—The co-chairs of the Task Force may establish working groups as necessary to meet the goals and carry out the duties of the Task Force.

(b) REQUESTS FROM MEMBERS.—The members of the Task Force may request that the co-chairs establish a working group under subsection (a).

(c) PARTICIPATION BY NONGOVERNMENTAL ORGANIZATIONS.—The co-chairs may allow nongovernmental organizations as appropriate, including academic institutions, conservation groups, and commercial and recreational fishing associations, to participate in a working group established under subsection (a).

(d) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to working groups established under this section.

SEC. 15E. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

(2) CONSERVATION, CORAL, CORAL REEF, ETC.—The terms “conservation”, “coral”, “coral reef”, “coral reef ecosystem”, “covered State”, “restoration”, “resilience”, and “State” have the meaning given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by subtitle D.

Subtitle F—Department of the Interior Coral Reef Authorities

SEC. 16. CORAL REEF CONSERVATION AND RESTORATION ASSISTANCE.

(a) IN GENERAL.—The Secretary of the Interior, in addition to activities authorized

under section 203 of the Coral Reef Conservation Act of 2000, as amended by this title, may provide scientific expertise, technical assistance, and financial assistance for the conservation and restoration of coral reefs consistent with all applicable laws governing resource management in Federal, State, and Tribal waters, including—

(1) the national coral reef resilience strategy in effect under section 204A of the Coral Reef Conservation Act of 2000, as amended by this title;

(2) coral reef action plans in effect under section 205 of that Act, as applicable; and

(3) coral reef emergency plans in effect under section 209 of that Act, as applicable.

(b) OFFICE OF INSULAR AFFAIRS CORAL REEF INITIATIVE.—The Secretary of the Interior may establish within the Office of Insular Affairs a Coral Reef Initiative Program—

(1) to provide grant funding to support local management, conservation, and protection of coral reef ecosystems in—

(A) insular areas of covered States; and

(B) Freely Associated States;

(2) to complement the other conservation and assistance activities conducted under this subtitle; and

(3) to provide other technical, scientific, and financial assistance and conduct conservation activities that advance the purpose of this subtitle.

(c) CONSULTATION WITH THE DEPARTMENT OF COMMERCE.—The Secretary of the Interior may consult with the Secretary of Commerce regarding the conduct of any activities to conserve and restore coral reefs and coral reef ecosystems in waters managed under the jurisdiction of the Federal agencies specified in paragraphs (2) and (3) of section 203(c) of the Coral Reef Conservation Act of 2000, as amended by this title.

(d) COOPERATIVE AGREEMENTS.—The Secretary of the Interior may enter into cooperative agreements with covered reef managers to fund coral reef conservation and restoration activities in waters managed under the jurisdiction of such managers that—

(1) are consistent with the national coral reef resilience strategy in effect under section 204A of the Coral Reef Conservation Act of 2000, as amended by this title; and

(2) support and enhance the success of—

(A) coral reef action plans in effect under section 205 of that Act; and

(B) coral reef emergency plans in effect under section 209 of that Act.

(e) DEFINITIONS.—In this section, the terms “conservation”, “coral reef”, “covered reef manager”, “covered State”, “restoration”, and “State” have the meaning given those terms in section 218 of the Coral Reef Conservation Act of 2000, as amended by this title.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subtitle for each of fiscal years 2023 to 2027, \$4,000,000.

Subtitle G—Susan L. Williams National Coral Reef Management Fellowship

SEC. 17. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) FELLOW.—The term “fellow” means a National Coral Reef Management Fellow.

(3) FELLOWSHIP.—The term “fellowship” means the National Coral Reef Management Fellowship established in section 17A.

(4) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms “Indian Tribe” and “Tribal organization” have the meanings given those terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

SEC. 17A. ESTABLISHMENT OF FELLOWSHIP PROGRAM.

(a) IN GENERAL.—There is established a National Coral Reef Management Fellowship Program.

(b) PURPOSES.—The purposes of the fellowship are—

(1) to encourage future leaders of the United States to develop additional coral reef management capacity in States and local communities with coral reefs;

(2) to provide management agencies of States, Tribal organizations, and Freely Associated States with highly qualified candidates whose education and work experience meet the specific needs of each State, Indian Tribe, and Freely Associated State; and

(3) to provide fellows with professional experience in management of coastal and coral reef resources.

SEC. 17B. FELLOWSHIP AWARDS.

(a) IN GENERAL.—The Administrator, in coordination with the Secretary of the Interior, shall award the fellowship in accordance with this section.

(b) TERM OF FELLOWSHIP.—A fellowship awarded under this section shall be for a term of not more than 24 months.

(c) QUALIFICATIONS.—The Administrator, in coordination with the Secretary of the Interior, shall award the fellowship to individuals who have demonstrated—

(1) an intent to pursue a career in marine services and outstanding potential for such a career;

(2) leadership potential, actual leadership experience, or both;

(3) a college or graduate degree in biological science, experience that correlates with aptitude and interest for marine management, or both;

(4) proficient writing and speaking skills; and

(5) such other attributes as the Administrator, in coordination with the Secretary of the Interior, consider appropriate.

SEC. 17C. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out this subtitle for each of fiscal years 2022 through 2026, \$1,500,000, to remain available until expended.

Subtitle H—Buy American Seafood

SEC. 18. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) American wild-caught seafood is integral to the Nation's food supply and to American food security;

(2) the seafood supply chain is often long and complex;

(3) American caught and American-processed seafood especially from small-scale fishery operations, can be a sustainable healthy source of protein and micronutrients;

(4) fresh, frozen, dried, and canned domestic seafood can be produced, processed, packaged, and transported in a manner that has a low carbon footprint;

(5) marine species that are small, at lower trophic levels, and pelagic typically have the smallest carbon footprint; and

(6) therefore, any executive agency that purchases seafood products should, to the extent practicable, buy local American-caught or American-harvested and American-processed seafood products from fisheries that are not overfished or experiencing overfishing, in order to support sustainable local seafood businesses, reduce greenhouse gas emissions associated with the seafood product supply chain, and reduce dependence on imported seafood products.

SEC. 18A. CAUGHT IN THE USA.

Section 2(c)(1) of the Act of August 11, 1939 (15 U.S.C. 713c-3(c)(1)) is amended to read as follows:

“(1) The Secretary shall make grants from the fund established under subsection (b) to—

“(A) assist persons in carrying out research and development projects addressed to any aspect of United States marine fisheries, including harvesting, processing, packaging, marketing, and associated infrastructures; or

“(B) assist persons to market and promote the consumption of—

“(i) local or domestic marine fishery products;

“(ii) environmentally and climate-friendly marine fishery products that minimize and employ efforts to avoid bycatch and impacts on marine mammals;

“(iii) invasive species; or

“(iv) well-managed but less known species.”.

Subtitle I—Insular Affairs

SEC. 19. OCEAN AND COASTAL MAPPING INTEGRATION ACT.

Section 12204 of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3503) is amended—

(1) in paragraph (12) by striking “and”;

(2) in paragraph (13) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(14) the study of insular areas and the effects of climate change.”.

Subtitle J—Studies and Reports

SEC. 20. DEEP SEA MINING.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of the environmental impacts of deep seabed mining, including—

(1) characterization of deep seabed ecosystems;

(2) assessment of potential impacts to deep seabed habitat and species from exploratory or extractive activities;

(3) assessment of the potential impacts of sediment plumes from disturbance of the deep seabed on the pelagic food chain; and

(4) approximate quantification of the greenhouse gas emissions associated with deep seabed mining, including emissions possibly from the release of greenhouse gases sequestered in the seabed.

SEC. 20A. NATIONAL ACADEMIES ASSESSMENT OF OCEANIC BLUE CARBON.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of oceanic blue carbon, including—

(1) the impacts of marine species decline on carbon sequestration potential in ocean ecosystems, an estimate of the global carbon dioxide mitigation potential of protecting or recovering populations of fish and marine mammals, and the ecological considerations of such conservation strategies;

(2) an analysis of the geologic stores of carbon and deep sea storage of dissolved carbon in the deep seafloor environment, including current and potential natural long-term carbon storage, identification of gaps in scientific understanding, observations, and data regarding such geologic and deep sea carbon storage; and

(3) the potential impacts to oceanic blue carbon storage by human activities including energy development activities, deep sea

mining, deep sea carbon capture technology, and other disturbances to the sea floor and gas hydrate disruption atop the seabed.

SEC. 20B. NATIONAL ACADEMIES ASSESSMENT OF OIL SPILLS AND PLASTIC INGESTION ON SEA LIFE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a comprehensive assessment of the environmental impacts of plastic ingestion and oil and other fossil fuel spills on sea life, including—

(1) assessment of the potential health and ecological impacts of plastic ingestion on marine life;

(2) assessment of the types of plastics most commonly ingested by marine life and the types that have the most damaging health and ecosystem impacts, and recommendations for preventing and eliminating these plastics from the environment;

(3) quantification of the economic impacts of plastic pollution including the costs of cleanup, impacts on lost tourism, impacts on aquaculture and fishing, and other economic impacts identified by the Academy;

(4) assessment and quantification of the health and ecological impacts oil and other fossil fuel spills, flares, pipeline leaks, and extraction, including greenhouse gas emissions, have on marine life;

(5) quantification of the cost and effectiveness of cleaning up oil and other fossil fuel spills, flares, and pipeline leaks, and repairing damage to marine life, coasts, and businesses;

(6) quantification of the number of people employed in fossil fuel extraction on Federal waters with breakdown by State;

(7) quantification of the number of people employed in marine tourism and the blue economy, including the fishing and seafood industries, impacted by plastic, oil, and other fossil fuel pollution; and

(8) assessment and quantification of riverine sources of coastal plastic pollution in the United States, including a breakdown by sources that includes but is not limited to the Mississippi River.

SEC. 20C. OFFSHORE AQUACULTURE.

Not later than 24 months after the date of enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall enter into an agreement with the Board of Ocean Studies and Board Science, Technology, and Economic Policy of the National Academies of Sciences, Engineering, and Medicine to conduct a comprehensive assessment on the development of offshore aquaculture in the exclusive economic zone including—

(1) assessment of the potential environmental impacts of offshore aquaculture operations, including an evaluation on the risks of siting, water pollution, habitat impact, escape of farmed species on wild population stocks, waste treatment and disposal, feed operations, and the cumulative risks of multiple aquaculture operations in shared ecosystems;

(2) evaluation of the potential for offshore aquaculture to serve as a tool for environmental management, including connections to water quality, watershed management, and fishery conservation and management;

(3) identification of existing control technologies, management practices and regulatory strategies to minimize the environmental impact of offshore aquaculture operations, including from traditional aquaculture methods and practices of Native

Americans, Alaska Natives, and Native Hawaiians;

(4) recommending best management practices related to sustainable feed for the offshore aquaculture industry, including best practices for sourcing from sustainably managed fisheries and traceability of source fish meal ingredients;

(5) evaluation of the potential impact of offshore aquaculture on the economies of coastal communities, particularly those dependent on traditional fishery resources; and

(6) assessment of the impacts of growing international offshore aquaculture operations on the United States seafood market and domestic seafood producers, including dependence of the United States on foreign-sourced seafood.

SEC. 20D. EXPANDING OPPORTUNITIES TO INCREASE THE DIVERSITY, EQUITY, AND INCLUSION OF HIGHLY SKILLED SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (“STEM”) PROFESSIONALS IN OCEAN RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Secretary of Commerce shall expand opportunities to increase the number and the diversity, equity, and inclusion of highly skilled science, technology, engineering, and mathematics (“STEM”) professionals working in National Oceanic and Atmospheric Administration mission-relevant disciplines and broaden the recruitment pool to increase diversity, including expanded partnerships with minority-serving institutions, historically Black colleges and universities, Tribal colleges and universities, non-research universities, two-year technical degrees, and scientific societies.

(b) **AUTHORIZATION OF INDEPENDENT ORGANIZATION.**—The Secretary shall authorize a nonpartisan and independent 501(c)(3) organization to build the public-private partnerships necessary to achieve these priorities.

(c) **DEFINITIONS.**—In this section:

(1) **MINORITY-SERVING INSTITUTION.**—The term “minority-serving institution” includes the entities described in paragraphs (1) through (7) of section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(2) **HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.**—The term “historically Black colleges and universities” has the meaning given the term “part B institution” in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(3) **TRIBAL COLLEGES AND UNIVERSITIES.**—The term “Tribal college or university” has the meaning given such term in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c).

SEC. 20E. STUDY ON EFFECTS OF 6PPD-QUINONE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration, shall seek to enter into an agreement with the National Academies of Science, Engineering, and Medicine to conduct a study on the effects of 6PPD-quinone on salmonids, aquatic species, and watersheds, including an economic analysis of declining salmon populations in the United States and the effect of such declining populations have on importation of salmon from other countries.

Subtitle K—Shark Fin Sales Elimination

SEC. 21. SHARK FIN SALES ELIMINATION.

(a) **PROHIBITION ON SALE OF SHARK FINNS.**—

(1) **PROHIBITION.**—Except as provided in subsection (c), no person shall possess, acquire, receive, transport, offer for sale, sell, or purchase shark fins or products containing shark fins.

(2) **PENALTY.**—A violation of paragraph (1) shall be treated as an act prohibited by sec-

tion 307 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857) and shall be penalized pursuant to section 308 of that Act (16 U.S.C. 1858).

(b) **EXCEPTIONS.**—A person may possess a shark fin that was taken lawfully under a State, territorial, or Federal license or permit to take or land sharks, if the shark fin was separated after the first point of landing in a manner consistent with the license or permit and is—

(1) destroyed or disposed of immediately upon separation from the carcass;

(2) used for noncommercial subsistence purposes in accordance with State or territorial law; or

(3) used solely for display or research purposes by a museum, college, or university, or other person under a State or Federal permit to conduct noncommercial scientific research.

(c) **DOGFISH.**—

(1) **IN GENERAL.**—It shall not be a violation of subsection (b) for any person to possess, acquire, receive, transport, offer for sale, sell, or purchase any fresh or frozen unprocessed fin or tail from any stock of the species *Mustelus canis* (smooth dogfish) or *Squalus acanthias* (spiny dogfish).

(2) **REPORT.**—By not later than January 1, 2027, the Secretary of Commerce shall review the exemption contained in paragraph (1) and shall prepare and submit to Congress a report that includes a recommendation on whether the exemption contained in paragraph (1) should continue or be terminated. In preparing such report and making such recommendation, the Secretary shall analyze factors including—

(A) the economic viability of dogfish fisheries with and without the continuation of the exemption;

(B) the impact to ocean ecosystems of continuing or terminating the exemption;

(C) the impact on enforcement of the ban contained in subsection (b) caused by the exemption; and

(D) the impact of the exemption on shark conservation.

(d) **DEFINITION OF SHARK FIN.**—In this section, the term “shark fin” means—

(1) the unprocessed or dried or otherwise processed detached fin of a shark; or

(2) the unprocessed or dried or otherwise processed detached tail of a shark.

(e) **ENFORCEMENT.**—The provisions of this section, and any regulations issued pursuant thereto, shall be enforced by the Secretary of Commerce. The Secretary may use by agreement, with or without reimbursement, the personnel, services, equipment, and facilities of any other Federal agency or any State agency or Indian Tribe for purposes of enforcing this section.

(f) **STATE AUTHORITY.**—Nothing in this section may be construed to preclude, deny, or limit any right of a State or territory to adopt or enforce any regulation or standard that is more stringent than a regulation or standard in effect under this section.

(g) **SEVERABILITY.**—If any provision of this section or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

Subtitle L—Bolstering Long-term Understanding and Exploration of the Great Lakes, Oceans, Bays, and Estuaries

SEC. 22. PURPOSE.

The purpose of this subtitle is to promote and support—

(1) the monitoring, understanding, and exploration of the Great Lakes, oceans, bays, estuaries, and coasts; and

(2) the collection, analysis, synthesis, and sharing of data related to the Great Lakes, oceans, bays, estuaries, and coasts to facilitate science and operational decision making.

SEC. 22A. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) agencies should optimize data collection, management, and dissemination, to the extent practicable, to maximize their impact for research, commercial, regulatory, and educational benefits and to foster innovation, scientific discoveries, the development of commercial products, and the development of sound policy with respect to the Great Lakes, oceans, bays, estuaries, and coasts;

(2) agencies should consider current and future needs relating to supercomputing capacity, data storage capacity, and public access, address gaps in those areas, and coordinate across agencies as needed;

(3) the United States is a leading member of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, a founding member of the Atlantic Ocean Research Alliance, and a key partner in developing the United Nations Decade of Ocean Science for Sustainable Development;

(4) the Integrated Ocean Observing System and the Global Ocean Observing System are key assets and networks that bolster understanding of the marine environment;

(5) the National Oceanographic Partnership Program is a meaningful venue for collaboration and coordination among Federal agencies, scientists, and ocean users;

(6) the National Centers for Environmental Information of the National Oceanic and Atmospheric Administration should be looked to by other Federal agencies as a primary, centralized repository for Federal ocean data;

(7) the Marine Cadastre, a joint effort of the National Oceanic and Atmospheric Administration and the Bureau of Ocean Energy Management, provides access to data and information for specific issues and activities in ocean resources management to meet the needs of offshore energy and planning efforts;

(8) the regional associations of the Integrated Ocean Observing System, certified by the National Oceanic and Atmospheric Administration for the quality and reliability of their data, are important sources of observation information for the Great Lakes, oceans, bays, estuaries, and coasts; and

(9) the Regional Ocean Partnerships and regional data portals, which provide publicly available tools such as maps, data, and other information to inform decisions and enhance marine development, should be supported by and viewed as collaborators with Federal agencies and ocean users.

SEC. 22B. DEFINITION OF ADMINISTRATOR.

In this subtitle, the term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

SEC. 22C. INCREASED COORDINATION AMONG AGENCIES WITH RESPECT TO DATA AND MONITORING.

(a) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with the associated advisory committee authorized by section 12304(d) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(d)), the Interagency Ocean Observation Committee shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, direct

measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including oceanographic data; and

(2) support cross-agency and multi-platform synergy, by coordinating overlapping data collection by satellites, buoys, submarines, gliders, vessels, and other data collection vehicles and technologies.

(b) FEDERAL GEOGRAPHIC DATA COMMITTEE.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with the National Geospatial Advisory Committee, the Federal Geographic Data Committee shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, continuous measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including satellite and geospatial data; and

(2) support new and old data and metadata certification, quality assurance, quality control, integration, and archiving.

(c) INTERAGENCY COMMITTEE ON OCEAN AND COASTAL MAPPING.—In addition to its responsibilities as of the date of the enactment of this Act, and in consultation with its associated advisory panel authorized by section 12203(g) of the Ocean and Coastal Mapping Integration Act (33 U.S.C. 3502(g)), the Interagency Committee on Ocean and Coastal Mapping shall—

(1) work with international coordinating bodies, as necessary, to ensure robust, continuous satellite and direct measurements of the Great Lakes, oceans, bays, estuaries, and coasts, including bathymetric data; and

(2) make recommendations on how to make data, metadata, and model output accessible to a broader public audience, including through geographic information system layers, graphics, and other visuals.

SEC. 22D. TECHNOLOGY INNOVATION TO COMBAT ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.

(a) DEFINITIONS.—Section 3532 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8001) is amended—

(1) by redesignating paragraphs (6) through (13) as paragraphs (7) through (14), respectively; and

(2) by inserting after paragraph (5) the following:

“(6) INNOVATIVE TECHNOLOGIES.—The term ‘innovative technologies’ includes the following:

“(A) Improved satellite imagery and tracking.

“(B) Advanced electronic monitoring equipment.

“(C) Vessel location data.

“(D) Improved genetic, molecular, or other biological methods of tracking sources of seafood.

“(E) Electronic catch documentation and traceability.

“(F) Such other technologies as the Administrator of the National Oceanic and Atmospheric Administration considers appropriate.”.

(b) TECHNOLOGY PROGRAMS.—Section 3546 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8016) is amended—

(1) in paragraph (3), by striking “and” after the semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) coordinating the application of existing innovative technologies and the development of emerging innovative technologies.”.

SEC. 22E. WORKFORCE STUDY.

(a) IN GENERAL.—Section 303(a) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “Secretary of Commerce” and inserting “Under Secretary of Commerce for Oceans and Atmosphere”;

(2) in paragraph (2), by inserting “, skillsets, or credentials” after “degrees”;

(3) in paragraph (3), by inserting “or highly qualified technical professionals and tradespeople” after “atmospheric scientists”;

(4) in paragraph (4), by inserting “, skillsets, or credentials” after “degrees”;

(5) in paragraph (5)—

(A) by striking “scientist”; and

(B) by striking “; and” and inserting “, observations, and monitoring.”;

(6) in paragraph (6), by striking “into Federal” and all that follows and inserting “, technical professionals, and tradespeople into Federal career positions.”;

(7) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively;

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

“(2) whether there is a shortage in the number of individuals with technical or trade-based skillsets or credentials suited to a career in oceanic and atmospheric data collection, processing, satellite production, or satellite operations.”; and

(9) by adding at the end the following:

“(8) workforce diversity and actions the Federal Government can take to increase diversity in the scientific workforce; and

“(9) actions the Federal Government can take to shorten the hiring backlog for such workforce.”.

(b) COORDINATION.—Section 303(b) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(b)) is amended by striking “Secretary of Commerce” and inserting “Under Secretary of Commerce for Oceans and Atmosphere”.

(c) REPORT.—Section 303(c) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(c)) is amended—

(1) by striking “the date of enactment of this Act” and inserting “the date of the enactment of the Coast Guard Authorization Act of 2022”;

(2) by striking “Secretary of Commerce” and inserting “Under Secretary of Commerce for Oceans and Atmosphere”; and

(3) by striking “to each committee” and all that follows through “section 302 of this Act” and inserting “to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources and the Committee on Science, Space, and Technology of the House of Representatives”.

(d) PROGRAM AND PLAN.—Section 303(d) of the America COMPETES Reauthorization Act of 2010 (33 U.S.C. 893c(d)) is amended—

(1) by striking “Administrator of the National Oceanic and Atmospheric Administration” and inserting “Under Secretary of Commerce for Oceans and Atmosphere”; and

(2) by striking “academic partners” and all that follows and inserting “academic partners.”.

SEC. 22F. ACCELERATING INNOVATION AT CO-OPERATIVE INSTITUTES.

(a) FOCUS ON EMERGING TECHNOLOGIES.—The Administrator of the National Oceanic and Atmospheric Administration shall ensure that the goals of the Cooperative Institutes of the National Oceanic and Atmospheric Administration include focusing on advancing or applying emerging technologies, which may include—

(1) applied uses and development of real-time and other advanced genetic technologies and applications, including such technologies and applications that derive genetic material directly from environmental samples without any obvious signs of biological source material;

(2) deployment of, and improvements to, the durability, maintenance, and other

lifecycle concerns of advanced unmanned vehicles, regional small research vessels, and other research vessels that support and launch unmanned vehicles and sensors; and

(3) supercomputing and big data management, including data collected through electronic monitoring and remote sensing.

(b) **DATA SHARING.**—Each Cooperative Institute shall ensure that data collected from the work of the institute, other than classified, confidential, or proprietary data, are archived and made publicly accessible.

(c) **COORDINATION WITH OTHER PROGRAMS.**—The Cooperative Institutes shall work with the Interagency Ocean Observation Committee, the regional associations of the Integrated Ocean Observing System, and other ocean observing programs to coordinate technology needs and the transition of new technologies from research to operations.

SEC. 22G. OCEAN INNOVATION PRIZE AND PRIORITIZATION.

(a) **OCEAN INNOVATIVE PRIZES.**—Not later than 4 years after the date of the enactment of this Act, and under the authority provided by section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719), the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the heads of relevant Federal agencies, including the Secretary of Defense, and in conjunction with nongovernmental partners, as appropriate and at the discretion of the Administrator, shall establish at least one Ocean Innovation Prize to catalyze the rapid development and deployment of data collection and monitoring technology related to the Great Lakes, oceans, bays, estuaries, and coasts in at least one of the areas specified in subsection (b).

(b) **AREAS.**—The areas specified in this subsection are the following:

(1) Improved eDNA analytics and deployment with autonomous vehicles.

(2) Plastic pollution detection, quantification, and mitigation, including with respect to used fishing gear and tracking technologies to reduce or eliminate bycatch.

(3) Advanced satellite data and other advanced technology for improving scientific assessment.

(4) New stock assessment methods using satellite data or other advanced technologies.

(5) Advanced electronic fisheries monitoring equipment and data analysis tools, including improved fish species recognition software, confidential data management, data analysis and visualization, and storage of electronic reports, imagery, location information, and other data.

(6) Autonomous and other advanced surface vehicles, underwater vehicles, or airborne platforms for data collection and monitoring.

(7) Artificial intelligence and machine learning applications for data collection and monitoring related to the Great Lakes, oceans, bays, estuaries, and coasts.

(8) Coral reef ecosystem monitoring.

(9) Electronic equipment, chemical or biological sensors, data analysis tools, and platforms to identify and fill gaps in robust and shared continuous data related to the Great Lakes, oceans, bays, estuaries, and coasts to inform global earth system models.

(10) Means for protecting aquatic life from injury or other ill effects caused, in whole or in part, by monitoring or exploration activities.

(11) Discovery and dissemination of data related to the Great Lakes, oceans, bays, estuaries, and coasts.

(12) Water quality monitoring, including improved detection and prediction of harmful algal blooms and pollution.

(13) Enhancing blue carbon sequestration and other ocean acidification mitigation opportunities.

(14) Such other areas as may be identified by the Administrator.

(c) **PRIORITIZATION OF PROPOSALS.**—In selecting recipients of Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) solicitations and interagency grants for ocean innovation, including the National Oceanographic Partnership Program, the Administrator shall prioritize proposals for fiscal years 2023 and 2024 that address at least one of the areas specified in subsection (b).

SEC. 22H. REAUTHORIZATION OF NOAA PROGRAMS.

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended—

(1) in paragraph (1), by striking “\$70,814,000 for each of fiscal years 2019 through 2023” and inserting “\$71,000,000 for each of fiscal years 2023 through 2026”;

(2) in paragraph (2), by striking “\$25,000,000 for each of fiscal years 2019 through 2023” and inserting “\$34,000,000 for each of fiscal years 2023 through 2026”;

(3) in paragraph (3), by striking “\$29,932,000 for each of fiscal years 2019 through 2023” and inserting “\$38,000,000 for each of fiscal years 2023 through 2026”;

(4) in paragraph (4), by striking “\$26,800,000 for each of fiscal years 2019 through 2023” and inserting “\$45,000,000 for each of fiscal years 2023 through 2026”;

(5) in paragraph (5), by striking “\$30,564,000 for each of fiscal years 2019 through 2023” and inserting “\$35,000,000 for each of fiscal years 2023 through 2026”.

SEC. 22I. BLUE ECONOMY VALUATION.

(a) **MEASUREMENT OF BLUE ECONOMY INDUSTRIES.**—The Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of Economic Analysis, the Commissioner of the Bureau of Labor Statistics, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall prioritize the collection, aggregation, and analysis of data to measure the value and impact of industries related to the Great Lakes, oceans, bays, estuaries, and coasts on the economy of the United States, including living resources, marine construction, marine transportation, offshore mineral extraction, ship and boat building, tourism, recreation, subsistence, and such other industries the Administrator considers appropriate (known as “Blue Economy” industries).

(b) **COLLABORATION.**—In carrying out subsection (a), the Administrator shall—

(1) work with the Director of the Bureau of Economic Analysis and the heads of other relevant Federal agencies to develop a Coastal and Ocean Economy Satellite Account that includes national and State-level statistics to measure the contribution of the Great Lakes, oceans, bays, estuaries, and coasts to the overall economy of the United States; and

(2) collaborate with national and international organizations and governments to promote consistency of methods, measurements, and definitions to ensure comparability of results between countries.

(c) **REPORT.**—Not less frequently than once every 2 years, the Administrator, in consultation with the Director of the Bureau of Economic Analysis, the Commissioner of the Bureau of Labor Statistics, the Secretary of the Treasury, and the heads of other relevant Federal agencies, shall publish a report that—

(1) defines the Blue Economy, in coordination with Tribal governments, academia, industry, nongovernmental organizations, and other relevant experts;

(2) makes recommendations for updating North American Industry Classification Sys-

tem (NAICS) reporting codes to reflect the Blue Economy; and

(3) provides a comprehensive estimate of the value and impact of the Blue Economy with respect to each State and territory of the United States, including—

(A) the value and impact of—

(i) economic activities that are dependent upon the resources of the Great Lakes, oceans, bays, estuaries, and coasts;

(ii) the population and demographic characteristics of the population along the coasts;

(iii) port and shoreline infrastructure;

(iv) the volume and value of cargo shipped by sea or across the Great Lakes; and

(v) data collected from the Great Lakes, oceans, bays, estuaries, and coasts, including such data collected by businesses that purchase and commodify the data, including weather prediction and seasonal agricultural forecasting; and

(B) to the extent possible, the qualified value and impact of the natural capital of the Great Lakes, oceans, bays, estuaries, and coasts with respect to tourism, recreation, natural resources, and cultural heritage, including other indirect values.

SEC. 22J. ADVANCED RESEARCH PROJECTS AGENCY—OCEANS.

(a) **AGREEMENT.**—Not later than 45 days after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration shall seek to enter into an agreement with the National Academy of Sciences to conduct the comprehensive assessment under subsection (b).

(b) **COMPREHENSIVE ASSESSMENT.**—

(1) **IN GENERAL.**—Under an agreement between the Administrator and the National Academy of Sciences under this section, the National Academy of Sciences shall conduct a comprehensive assessment of the need for and feasibility of establishing an Advanced Research Projects Agency—Oceans (ARPA-O) that operates in coordination with and with nonduplication of existing Federal oceanic research programs, including programs of the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration.

(2) **ELEMENTS.**—The comprehensive assessment carried out pursuant to paragraph (1) shall include—

(A) an assessment of how an ARPA-O could help overcome the long-term and high-risk technological barriers in the development of ocean technologies, with the goal of enhancing the economic, ecological, and national security of the United States through the rapid development of technologies that result in—

(i) improved data collection, monitoring, and prediction of the ocean environment, including sea ice conditions;

(ii) overcoming barriers to the application of new and improved technologies, such as high costs and scale of operational missions;

(iii) improved management practices for protecting ecological sustainability;

(iv) improved national security capacity;

(v) improved technology for fishery population assessments;

(vi) expedited processes between and among Federal agencies to successfully identify, transition, and coordinate research and development output to operations, applications, commercialization, and other uses; and

(vii) ensuring that the United States maintains a technological lead in developing and deploying advanced ocean technologies;

(B) an evaluation of the organizational structures under which an ARPA-O could be organized, which takes into account—

(i) best practices for new research programs;

(ii) consolidation and reorganization of existing Federal oceanic programs to effectuate coordination and nonduplication of such programs;

(iii) metrics and approaches for periodic program evaluation;

(iv) capacity to fund and manage external research awards; and

(v) options for oversight of the activity through a Federal agency, an interagency organization, nongovernmental organization, or other institutional arrangement; and

(C) an estimation of the scale of investment necessary to pursue high priority ocean technology projects.

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the comprehensive assessment conducted under subsection (b).

Subtitle M—Climate Change Education

SEC. 23. FINDINGS.

Congress makes the following findings:

(1) The evidence for human-induced climate change is overwhelming and undeniable.

(2) Atmospheric carbon can be significantly reduced through conservation, by shifting to renewable energy sources such as solar, wind, tidal, and geothermal, and by increasing the efficiency of buildings, including domiciles, and transportation.

(3) Providing clear information about climate change, in a variety of forms, can remove the fear and the sense of helplessness, and encourage individuals and communities to take action.

(4) Implementation of measures that promote energy efficiency, conservation, and renewable energy will greatly reduce human impact on the environment.

(5) Informing people of new technologies and programs as they become available will ensure maximum understanding and maximum effect of those measures.

(6) More than 3,000,000 students graduate from high schools and colleges in the United States each year, armed with attitudes, skills, and knowledge about the climate that inform their actions.

(7) The effect on the climate, positive or negative, of each of those 3,000,000 students lasts beyond a lifetime.

(8) Those students need to be prepared to implement changes in professional and personal practices, to support and help develop new technology and policy, and to address the coming social and economic challenges and opportunities arising from a changing climate.

(9) It has been demonstrated that the people of the United States overwhelmingly support teaching students about the causes, consequences, and potential solutions to climate change in all 50 States and more than 3,000 counties across the United States.

(10) Only 30 percent of middle school and 45 percent of high school science teachers understand the extent of the scientific consensus on climate change.

SEC. 23A. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) CLIMATE CHANGE EDUCATION.—The term “climate change education” means nonformal and formal interdisciplinary learning at all age levels about—

(A) climate change, climate adaptation and mitigation, climate resilience, and climate justice; and

(B) the effects of climate change, climate adaptation and mitigation, climate resilience, and climate justice on the environmental, energy, social, and economic systems of the United States.

(3) CLIMATE LITERACY.—The term “climate literacy” means competence or knowledge of climate change, its causes and impacts, and the technical, scientific, economic, and social dynamics of promising solutions.

(4) CLIMATE JUSTICE.—The term “climate justice” means the fair treatment and meaningful involvement of all people, regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of policies and projects to ensure that each person enjoys the same degree of protection from the adverse effects of climate change.

(5) ENVIRONMENTAL JUSTICE.—The term “environmental justice” means the fair treatment and meaningful involvement of all people, regardless of race, color, culture, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies to ensure that each person enjoys—

(A) the same degree of protection from environmental and health hazards; and

(B) equal access to any Federal agency action on environmental justice issues in order to have a healthy environment in which to live, learn, work, and recreate.

(6) ENVIRONMENTAL JUSTICE COMMUNITY.—The term “environmental justice community” means a community with significant representation of communities of color, low-income communities, or Tribal and indigenous communities that experiences, or is at risk of experiencing, higher or more adverse human health or environmental effects as compared to other communities.

(7) GREEN ECONOMY.—The term “green economy” means an economy that results in improved human and economic well-being and social equity by significantly reducing environmental risks and ecological scarcities.

(8) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(9) LOCAL EDUCATIONAL AGENCY; STATE EDUCATIONAL AGENCY.—The terms “local educational agency” and “State educational agency” have the meanings given those terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(10) NONFORMAL.—The term “nonformal” means, with respect to learning, out-of-school educational programming carried out by nonprofit organizations and public agencies.

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

SEC. 23B. CLIMATE CHANGE EDUCATION PROGRAM.

The Administrator shall establish a Climate Change Education Program to—

(1) increase the climate literacy of the United States by broadening the understanding of climate change, including possible long-term and short-term consequences, disproportionate impacts of those consequences, and potential solutions;

(2) apply the latest scientific and technological discoveries, including through the use of the scientific assets of the Administration, to provide formal and nonformal learning opportunities to individuals of all ages, including individuals of diverse cultural and linguistic backgrounds; and

(3) emphasize actionable information to help people understand and promote implementation of new technologies, programs, and incentives related to climate change, climate adaptation and mitigation, climate re-

silience, climate justice, and environmental justice.

SEC. 23C. GRANT PROGRAM.

(a) IN GENERAL.—As part of the Climate Change Education Program established under section 23B, the Administrator shall establish a program to make grants to the following:

(1) State educational agencies, in partnership with local educational agencies and local nonprofit organizations, for the implementation of aspects of State climate literacy plans for grades 4 through 12 formal and informal climate change education that—

(A) are aligned with State education standards;

(B) ensure that students graduate from high school with climate literacy; and

(C) include at least 1 of the following:

(i) Relevant teacher training and professional development.

(ii) Creation of applied learning project-based models, such as models making optimum use of green features improvements to school facilities, such as energy systems, lighting systems, water management, waste management, and school grounds improvements.

(iii) Incorporation of climate change mitigation and green technologies into new and existing career and technical education career tracks and work-based learning experiences, including development of partnerships with labor organizations, trade organizations, and apprenticeship programs.

(2) Institutions of higher education and networks or partnerships of such institutions to engage teams of faculty and students to develop applied climate research and deliver to local communities direct services related to local climate mitigation and adaptation issues, with priority given to projects that—

(A) foster long-term campus-community partnerships;

(B) show potential to scale work beyond the grant term;

(C) are inclusive for all segments of the population; and

(D) promote equitable and just outcomes.

(3) Professional associations and academic disciplinary societies for projects that build capacity at the State and national levels for continuing education by practicing professionals and the general public in green economy fields.

(4) Youth corps organizations to engage in community-based climate mitigation and adaptation work that includes a substantive educational component.

(b) CONSULTATION.—The Administrator shall annually consult with other relevant agencies of the Federal Government to determine ways in which grant making under subsection (a) can enhance and support other national climate education and training and environmental justice goals.

(c) ENVIRONMENTAL JUSTICE COMMUNITIES.—The Administrator shall ensure that 40 percent of all funds appropriated for grants under paragraphs (2) and (4) of subsection (a) are directed into environmental justice communities.

(d) COMMUNITIES OF PRACTICE.—The Administrator shall establish communities of practice with respect to each of paragraphs (1) through (4) of subsection (a) in order to accelerate learning.

SEC. 23D. REPORT.

Not later than 2 years after the date of the enactment of this Act, and annually thereafter, the Administrator shall submit to Congress a report that evaluates the scientific merits, educational effectiveness, and broader effects of activities carried out under this subtitle.

SEC. 23E. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subtitle \$50,000,000 for each of fiscal years 2022 through 2027.

(b) ALLOCATION OF AMOUNTS FOR GRANT PROGRAM.—

(1) IN GENERAL.—Amounts appropriated to carry out the grant program required by section 23C(a) shall be allocated as follows:

(A) Not less than 40 percent and not more than 60 percent for grants made under paragraph (1) of such section.

(B) Not less than 20 percent and not more than 40 percent for grants made under paragraph (2) of such section.

(C) Not less than 5 percent and not more than 20 percent for grants made under paragraph (3) of such section.

(D) Not less than 5 percent and not more than 20 percent for grants made under paragraph (4) of such section.

(E) Such amount as the Administrator determines appropriate for the administration of this subtitle.

(2) EXCEPTION.—If amounts appropriated to carry out the grant program required by section 23C(a) do not exceed \$10,000,000 in any fiscal year, the National Oceanic and Atmospheric Administration may prioritize grants made under subparagraphs (A) and (B) of paragraph (1) of such section.

Subtitle N—Office of Education Technology to Support the Bureau of Indian Education

SEC. 24. UPDATING BUREAU OF INDIAN AFFAIRS PROGRAMS.

Part B of title XI of the Education Amendments of 1978 (25 U.S.C. 2000 et seq.) is amended by striking “Office of Indian Education Programs” each place it appears (in any font) and inserting “Bureau of Indian Education” (in the corresponding font).

SEC. 24A. ESTABLISHMENT FOR THE OFFICE OF EDUCATION TECHNOLOGY TO SUPPORT THE BUREAU OF INDIAN EDUCATION.

Section 1133 of the Education Amendments of 1978 (25 U.S.C. 2013) is amended by adding at the end the following:

“(c) BUREAU OF INDIAN EDUCATION OFFICE OF EDUCATION TECHNOLOGY.—

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—Not later than 24 months after the date of the enactment of this subsection, the Secretary shall establish the Office of Education Technology under the Assistant Secretary for Indian Affairs to be administered by the Deputy Assistant Secretary of Indian Affairs (Management).

“(B) CAPACITY AND COORDINATION.—Not later than 36 months after the date of the enactment of this subsection, the Office of the Assistant Secretary of Indian Affairs shall coordinate with the Bureau of Indian Education Director to ensure consistent and timely coordination for the Office of Education Technology to be at full capacity.

“(C) TRANSFER.—Not later than 37 months after the date of the enactment of this subsection, the Deputy Assistant Secretary of Indian Affairs (Management), the Secretary (in consultation with the Chief Information Officer for the Department of the Interior), the Assistant Secretary for Indian Affairs, and the Director of the Bureau of Indian Education shall transfer the Office of Educational Technology to the Bureau of Indian Education.

“(2) PURPOSE.—The Office of Education Technology shall ensure that the Bureau of Indian Education has the necessary education technology support to improve educational outcomes.

“(3) DUTIES.—The Office of Education Technology shall—

“(A) manage the procurement, distribution, and updates for information technology and related equipment;

“(B) plan, coordinate, and implement policies related to information technology and related equipment;

“(C) provide technical assistance for the agency school boards, Bureau of Indian Education Funded Schools, and early childhood services; and

“(D) coordinate education technology programs and activities for the Bureau of Indian Education.

“(d) IMPLEMENTATION OF EDUCATION TECHNOLOGY MODERNIZATION SYSTEMS.—

“(1) NEEDS ASSESSMENT.—Not later than 2 years after the date of the enactment of this subsection, the Office of the Assistant Secretary for Indian Affairs and the Bureau of Indian Education shall complete a needs assessment of education technology for Bureau of Indian Education Funded Schools.

“(2) IMPLEMENTATION.—Not later than 3 years after the date of the enactment of this subsection, the Secretary shall complete the implementation of a long-term modernization plan and report progress updates for Bureau of Indian Education Funded Schools.

“(e) REPORTING.—Not later than 3 years after the date of the enactment of this subsection, and each fiscal year thereafter, the Secretary shall submit to the Committee on Natural Resources and Committee on Education and Labor of the House of Representatives and the Committee on Indian Affairs of the Senate, a report that contains—

“(1) a yearly evaluation of the implementation of this Act, including a description of the progress of the Office of Information Technology in carrying out the activities described in subsection (c)(3); and

“(2) such other information the Director of the Bureau of Indian Education, in coordination with the Assistant Secretary for Indian Affairs deems necessary.

“(f) DEFINITIONS.—In this section:

“(1) BUREAU OF INDIAN EDUCATION FUNDED SCHOOLS.—The term ‘Bureau of Indian Education Funded Schools’ means Bureau of Indian Education operated schools, schools operated pursuant to a grant under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), and schools operated pursuant to a contract under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.).

“(2) OFFICE OF EDUCATION TECHNOLOGY.—The term ‘Office of Education Technology’ means the Office of Education Technology supporting the Bureau of Indian Education established under this subsection.”.

Subtitle O—Public Land Renewable Energy Development Act

SEC. 25. DEFINITIONS.

In this subtitle:

(1) COVERED LAND.—The term “covered land” means land that is—

(A) Federal land administered by the Secretary; and

(B) not excluded from the development of geothermal, solar, or wind energy under—

(i) a land use plan; or

(ii) other Federal law.

(2) EXCLUSION AREA.—The term “exclusion area” means covered land that is identified by the Bureau of Land Management as not suitable for development of renewable energy projects.

(3) FEDERAL LAND.—The term “Federal land” means—

(A) public lands; and

(B) lands of the National Forest System as described in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(4) FUND.—The term “Fund” means the Renewable Energy Resource Conservation Fund established by section 25C(c)(1).

(5) LAND USE PLAN.—The term “land use plan” means—

(A) in regard to Federal land, a land use plan established under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) in regard to National Forest System lands, a land management plan approved, amended, or revised under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(6) PRIORITY AREA.—The term “priority area” means covered land identified by the land use planning process of the Bureau of Land Management as being a preferred location for a renewable energy project, including a designated leasing area (as defined in section 2801.5(b) of title 43, Code of Federal Regulations (or a successor regulation)) that is identified under the rule of the Bureau of Land Management entitled “Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections” (81 Fed. Reg. 92122 (December 19, 2016)) (or a successor regulation).

(7) PUBLIC LANDS.—The term “public lands” has the meaning given that term in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(8) RENEWABLE ENERGY PROJECT.—The term “renewable energy project” means a project carried out on covered land that uses wind, solar, or geothermal energy to generate energy.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) VARIANCE AREA.—The term “variance area” means covered land that is—

(A) not an exclusion area;

(B) not a priority area; and

(C) identified by the Secretary as potentially available for renewable energy development and could be approved without a plan amendment, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)).

SEC. 25A. LAND USE PLANNING; UPDATES TO PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENTS.

(a) PRIORITY AREAS.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Energy, shall establish priority areas on covered land for geothermal, solar, and wind energy projects, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)) and the renewable energy permitting goal enacted by the Consolidated Appropriations Act of 2021 (Public Law 116-260). Among applications for a given renewable energy source, proposed projects located in priority areas for that renewable energy source shall—

(A) be given the highest priority for incentivizing deployment thereon; and

(B) be offered the opportunity to participate in any regional mitigation plan developed for the relevant priority areas.

(2) ESTABLISHING PRIORITY AREAS.—

(A) GEOTHERMAL ENERGY.—For geothermal energy, the Secretary shall establish priority areas as soon as practicable, but not later than 5 years, after the date of enactment of this Act.

(B) SOLAR ENERGY.—For solar energy—

(i) solar designated leasing areas (including the solar energy zones established by Bureau of Land Management Solar Energy Program, established in October 2012), and any subsequent land use plan amendments, shall be considered to be priority areas for solar energy projects; and

(ii) the Secretary shall complete a process to consider establishing additional solar priority areas as soon as practicable, but not

later than 3 years, after the date of enactment of this Act.

(C) **WIND ENERGY.**—For wind energy, the Secretary shall complete a process to consider establishing additional wind priority areas as soon as practicable, but not later than 3 years, after the date of enactment of this Act.

(b) **VARIANCE AREAS.**—Variance areas shall be considered for renewable energy project development, consistent with the principles of multiple use (as defined in the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.)) and the renewable energy permitting goal enacted by the Consolidated Appropriations Act of 2021 (Public Law 116-260), and applications for a given renewable energy source located in those variance areas shall be timely processed in order to assist in meeting that goal.

(c) **REVIEW AND MODIFICATION.**—

(1) **IN GENERAL.**—Not less than once every 10 years, the Secretary shall—

(A) review the adequacy of land allocations for geothermal, solar, and wind energy priority, exclusion, and variance areas for the purpose of encouraging and facilitating new renewable energy development opportunities; and

(B) based on the review carried out under subparagraph (A), add, modify, or eliminate priority, variance, and exclusion areas.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to the renewable energy land use planning published in the Desert Renewable Energy Conservation Plan developed by the California Energy Commission, the California Department of Fish and Wildlife, the Bureau of Land Management, and the United States Fish and Wildlife Service until January 1, 2031.

(d) **COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT.**—For purposes of this section, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

(1) for geothermal energy, by updating the document entitled “Final Programmatic Environmental Impact Statement for Geothermal Leasing in the Western United States”, dated October 2008, and incorporating any additional regional analyses that have been completed by Federal agencies since that programmatic environmental impact statement was finalized;

(2) for solar energy, by updating the document entitled “Final Programmatic Environmental Impact Statement (PEIS) for Solar Energy Development in Six Southwestern States”, dated July 2012, and incorporating any additional regional analyses that have been completed by Federal agencies since that programmatic environmental impact statement was finalized; and

(3) for wind energy, by updating the document entitled “Final Programmatic Environmental Impact Statement on Wind Energy Development on BLM-Administered Lands in the Western United States”, dated July 2005, and incorporating any additional regional analyses that have been completed by Federal agencies since the programmatic environmental impact statement was finalized.

(e) **NO EFFECT ON PROCESSING SITE SPECIFIC APPLICATIONS.**—Site specific environmental review and processing of permits for proposed projects shall proceed during preparation of an updated programmatic environmental impact statement, resource management plan, or resource management plan amendment.

(f) **COORDINATION.**—In developing updates required by this section, the Secretary shall coordinate, on an ongoing basis, with appropriate State, Tribal, and local governments, transmission infrastructure owners and operators, developers, and other appropriate enti-

ties to ensure that priority areas identified by the Secretary are—

(1) economically viable (including having access to existing and planned transmission lines);

(2) likely to avoid or minimize impacts to habitat for animals and plants, recreation, cultural resources, and other uses of covered land; and

(3) consistent with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712), including subsection (c)(9) of that section (43 U.S.C. 1712(c)(9)).

SEC. 25B. LIMITED GRANDFATHERING.

(a) **DEFINITION OF PROJECT.**—In this section, the term “project” means a system described in section 2801.9(a)(4) of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(b) **REQUIREMENT TO PAY RENTS AND FEES.**—Unless otherwise agreed to by the owner of a project, the owner of a project that applied for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) on or before December 19, 2017, shall be obligated to pay with respect to the right-of-way all rents and fees in effect before the effective date of the rule of the Bureau of Land Management entitled “Competitive Processes, Terms, and Conditions for Leasing Public Lands for Solar and Wind Energy Development and Technical Changes and Corrections” (81 Fed. Reg. 92122 (December 19, 2016)).

SEC. 25C. DISPOSITION OF REVENUES.

(a) **DISPOSITION OF REVENUES.**—

(1) **AVAILABILITY.**—Subject to future appropriations, and except as provided in paragraph (2), beginning on January 1, 2023, amounts collected from a wind or solar project as bonus bids, rentals, fees, or other payments under a right-of-way, permit, lease, or other authorization, are authorized to be made available as follows:

(A) Twenty-five percent shall be paid by the Secretary of the Treasury to the State within the boundaries of which the revenue is derived.

(B) Twenty-five percent shall be paid by the Secretary of the Treasury to the one or more counties within the boundaries of which the revenue is derived, to be allocated among the counties based on the percentage of land from which the revenue is derived.

(C) Twenty-five percent shall be deposited in the Treasury and be made available to the Secretary to carry out the program established under this subtitle, including the transfer of the funds by the Bureau of Land Management to other Federal agencies and State agencies to facilitate the processing of renewable energy permits on Federal land, with priority given to using the amounts, to the maximum extent practicable without detrimental impacts to emerging markets, to expediting the issuance of permits required for the development of renewable energy projects in the States from which the revenues are derived.

(D) Twenty-five percent shall be deposited in the Renewable Energy Resource Conservation Fund established by subsection (c).

(2) **EXCEPTIONS.**—Paragraph (1) shall not apply to the following:

(A) Amounts collected under section 504(g) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1764(g)).

(B) Amounts deposited into the National Parks and Public Land Legacy Restoration Fund under section 200402(b) of title 54, United States Code.

(b) **PAYMENTS TO STATES AND COUNTIES.**—

(1) **IN GENERAL.**—Amounts paid to States and counties under subsection (a)(1) shall be used consistent with section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(2) **PAYMENTS IN LIEU OF TAXES.**—A payment to a county under paragraph (1) shall

be in addition to a payment in lieu of taxes received by the county under chapter 69 of title 31, United States Code.

(c) RENEWABLE ENERGY RESOURCE CONSERVATION FUND.—

(1) **IN GENERAL.**—There is established in the Treasury a fund to be known as the “Renewable Energy Resource Conservation Fund”, which shall be administered by the Secretary, in consultation with the Secretary of Agriculture.

(2) **USE OF FUNDS.**—The Secretary may make amounts in the Fund available to Federal, State, local, and Tribal agencies to be distributed in regions in which renewable energy projects are located on Federal land. Such amounts may be used to—

(A) restore and protect—

(i) fish and wildlife habitat for affected species;

(ii) fish and wildlife corridors for affected species; and

(iii) wetlands, streams, rivers, and other natural water bodies in areas affected by wind, geothermal, or solar energy development; and

(B) preserve and improve recreational access to Federal land and water in an affected region through an easement, right-of-way, or other instrument from willing landowners for the purpose of enhancing public access to existing Federal land and water that is inaccessible or restricted.

(3) **PARTNERSHIPS.**—The Secretary may enter into cooperative agreements with State and Tribal agencies, nonprofit organizations, and other appropriate entities to carry out the activities described in paragraph (2).

(4) **INVESTMENT OF FUND.**—

(A) **IN GENERAL.**—Amounts deposited in the Fund shall earn interest in an amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities.

(B) **USE.**—Interest earned under subparagraph (A) may be expended in accordance with this subsection.

(5) **REPORT TO CONGRESS.**—At the end of each fiscal year, the Secretary shall submit a report to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that includes a description of—

(A) the amount collected as described in subsection (a), by source, during that fiscal year;

(B) the amount and purpose of payments during that fiscal year to each Federal, State, local, and Tribal agency under paragraph (2); and

(C) the amount remaining in the Fund at the end of the fiscal year.

(6) **INTENT OF CONGRESS.**—It is the intent of Congress that the revenues deposited and used in the Fund shall supplement (and not supplant) annual appropriations for activities described in paragraph (2).

SEC. 25D. SAVINGS.

Notwithstanding any other provision of this subtitle, the Secretary shall continue to manage public lands under the principles of multiple use and sustained yield in accordance with title I of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or the Forest and Rangeland Renewable Resources Planning Act of 1974 (43 U.S.C. 1701 et seq.), as applicable, including due consideration of mineral and nonrenewable energy-related projects and other nonrenewable energy uses, for the purposes of land use planning, permit processing, and conducting environmental reviews.

Subtitle P—Increasing Community Access to Resiliency Grants

SEC. 26. CENTRALIZED WEBSITE FOR RESILIENCY GRANTS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall establish and regularly update a publicly available website that includes—

(1) hyperlinks to all grants administered by the National Oceanic and Atmospheric Administration and hyperlinks to other Federal agencies that offer similar grants to assist State, Tribal, and local governments with resiliency, adaptation, and mitigation of climate change and sea level rise; and

(2) with respect to each such grant, the contact information for an individual who can offer assistance to State, Tribal, and local governments.

(b) OUTREACH.—The Administrator shall conduct outreach activities to inform State, Tribal, and local governments of the resiliency, adaptation, and mitigation grants.

(c) ADMINISTRATOR.—In this section, the term “Administrator” means the Secretary of Commerce acting through the Administrator of the National Oceanic and Atmospheric Administration.

Subtitle Q—Keep America’s Waterfronts Working

SEC. 27. WORKING WATERFRONTS GRANT PROGRAM.

The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) is amended by adding at the end the following:

“SEC. 320. WORKING WATERFRONTS GRANT PROGRAM.

“(a) WORKING WATERFRONT TASK FORCE.—

“(1) ESTABLISHMENT AND FUNCTIONS.—The Secretary of Commerce shall establish a task force to work directly with coastal States, user groups, and coastal stakeholders to identify and address critical needs with respect to working waterfronts.

“(2) MEMBERSHIP.—The members of the task force shall be appointed by the Secretary of Commerce, and shall include—

“(A) experts in the unique economic, social, cultural, ecological, geographic, and resource concerns of working waterfronts; and

“(B) representatives from the National Oceanic and Atmospheric Administration’s Office of Coastal Management, the United States Fish and Wildlife Service, the Department of Agriculture, the Environmental Protection Agency, the United States Geological Survey, the Navy, the National Marine Fisheries Service, the Economic Development Agency, and such other Federal agencies as the Secretary considers appropriate.

“(3) FUNCTIONS.—The task force shall—

“(A) identify and prioritize critical needs with respect to working waterfronts in States that have a management program approved by the Secretary of Commerce pursuant to section 306, in the areas of—

“(i) economic and cultural importance of working waterfronts to communities;

“(ii) changing environments and threats working waterfronts face from environment changes, trade barriers, sea level rise, extreme weather events, ocean acidification, and harmful algal blooms; and

“(iii) identifying working waterfronts and highlighting them within communities;

“(B) outline options, in coordination with coastal States and local stakeholders, to address such critical needs, including adaptation and mitigation where applicable;

“(C) identify Federal agencies that are responsible under existing law for addressing such critical needs; and

“(D) recommend Federal agencies best suited to address any critical needs for which no agency is responsible under existing law.

“(4) INFORMATION TO BE CONSIDERED.—In identifying and prioritizing policy gaps pur-

suant to paragraph (3), the task force shall consider the findings and recommendations contained in section VI of the report entitled ‘The Sustainable Working Waterfronts Toolkit: Final Report’, dated March 2013.

“(5) REPORT.—Not later than 18 months after the date of the enactment of this section, the task force shall submit a report to Congress on its findings.

“(6) IMPLEMENTATION.—The head of each Federal agency identified in the report pursuant to paragraph (3)(C) shall take such action as is necessary to implement the recommendations contained in the report by not later than 1 year after the date of the issuance of the report.

“(b) WORKING WATERFRONT GRANT PROGRAM.—

“(1) The Secretary shall establish a Working Waterfront Grant Program, in cooperation with appropriate State, regional, and other units of government, under which the Secretary may make a grant to any coastal State for the purpose of implementing a working waterfront plan approved by the Secretary under subsection (c).

“(2) Subject to the availability of appropriations, the Secretary shall award matching grants under the Working Waterfronts Grant Program to coastal States with approved working waterfront plans through a regionally equitable, competitive funding process in accordance with the following:

“(A) The Governor, or the lead agency designated by the Governor for coordinating the implementation of this section, where appropriate in consultation with the appropriate local government, shall determine that the application is consistent with the State’s or territory’s approved coastal zone plan, program, and policies prior to submission to the Secretary.

“(B) In developing guidelines under this section, the Secretary shall consult with coastal States, other Federal agencies, and other interested stakeholders with expertise in working waterfront planning.

“(C) Coastal States may allocate grants to local governments, Indian Tribes, agencies, or nongovernmental organizations eligible for assistance under this section.

“(3) In awarding a grant to a coastal State, the Secretary shall consider—

“(A) the economic, cultural, and historical significance of working waterfront to the coastal State;

“(B) the demonstrated working waterfront needs of the coastal State as outlined by a working waterfront plan approved for the coastal State under subsection (c), and the value of the proposed project for the implementation of such plan;

“(C) the ability to successfully leverage funds among participating entities, including Federal programs, regional organizations, State and other government units, landowners, corporations, or private organizations;

“(D) the potential for rapid turnover in the ownership of working waterfront in the coastal State, and where applicable the need for coastal States to respond quickly when properties in existing or potential working waterfront areas or public access areas as identified in the working waterfront plan submitted by the coastal State come under threat or become available; and

“(E) the impact of the working waterfront plan approved for the coastal State under subsection (c) on the coastal ecosystem and the users of the coastal ecosystem.

“(4) The Secretary shall approve or reject an application for such a grant within 60 days after receiving an application for the grant.

“(c) WORKING WATERFRONT PLANS.—

“(1) To be eligible for a grant under subsection (b), a coastal State must submit and

have approved by the Secretary a comprehensive working waterfront plan in accordance with this subsection, or be in the process of developing such a plan and have an established working waterfront program at the State or local level, or the Secretary determines that an existing coastal land use plan for that State is in accordance with this subsection.

“(2) Such plan—

“(A) must provide for preservation and expansion of access to coastal waters to persons engaged in commercial fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business;

“(B) shall include one or more of—

“(i) an assessment of the economic, social, cultural, and historic value of working waterfront to the coastal State;

“(ii) a description of relevant State and local laws and regulations affecting working waterfront in the geographic areas identified in the working waterfront plan;

“(iii) identification of geographic areas where working waterfronts are currently under threat of conversion to uses incompatible with commercial and recreational fishing, recreational fishing and boating businesses, aquaculture, boatbuilding, or other water-dependent, coastal-related business, and the level of that threat;

“(iv) identification of geographic areas with a historic connection to working waterfronts where working waterfronts are not currently available, and, where appropriate, an assessment of the environmental impacts of any expansion or new development of working waterfronts on the coastal ecosystem;

“(v) identification of other working waterfront needs including improvements to existing working waterfronts and working waterfront areas;

“(vi) a strategic and prioritized plan for the preservation, expansion, and improvement of working waterfronts in the coastal State;

“(vii) for areas identified under clauses (iii), (iv), (v), and (vi), identification of current availability and potential for expansion of public access to coastal waters;

“(viii) a description of the degree of community support for such strategic plan; and

“(ix) a contingency plan for properties that revert to the coastal State pursuant to determinations made by the coastal State under subsection (g)(4)(C);

“(C) may include detailed environmental impacts on working waterfronts, including hazards, sea level rise, inundation exposure, and other resiliency issues;

“(D) may be part of the management program approved under section 306;

“(E) shall utilize to the maximum extent practicable existing information contained in relevant surveys, plans, or other strategies to fulfill the information requirements under this paragraph; and

“(F) shall incorporate the policies and regulations adopted by communities under local working waterfront plans or strategies in existence before the date of the enactment of this section.

“(3) A working waterfront plan—

“(A) shall be effective for purposes of this section for the 5-year period beginning on the date it is approved by the Secretary;

“(B) must be updated and re-approved by the Secretary before the end of such period; and

“(C) shall be complimentary to and incorporate the policies and objectives of regional or local working waterfront plans as in effect before the date of enactment of this section or as subsequently revised.

“(4) The Secretary may—

“(A) award planning grants to coastal States for the purpose of developing or revising comprehensive working waterfront plans; and

“(B) award grants consistent with the purposes of this section to States undertaking the working waterfront planning process under this section, for the purpose of preserving and protecting working waterfronts during such process.

“(5) Any coastal State applying for a working waterfront grant under this title shall—

“(A) develop a working waterfront plan, using a process that involves the public and those with an interest in the coastal zone;

“(B) coordinate development and implementation of such a plan with other coastal management programs, regulations, and activities of the coastal State; and

“(C) if the coastal State allows qualified holders (other than the coastal State) to enter into working waterfront covenants, provide as part of the working waterfront plan under this subsection a mechanism or procedure to ensure that the qualified holders are complying their duties to enforce the working waterfront covenant.

“(d) USES, TERMS, AND CONDITIONS.—

“(1) Each grant made by the Secretary under this section shall be subject to such terms and conditions as may be appropriate to ensure that the grant is used for purposes consistent with this section.

“(2) A grant under this section may be used—

“(A) to acquire a working waterfront, or an interest in a working waterfront;

“(B) to make improvements to a working waterfront, including the construction or repair of wharfs, boat ramps, or related facilities; or

“(C) for necessary climate adaptation mitigation.

“(e) PUBLIC ACCESS REQUIREMENT.—A working waterfront project funded by grants made under this section must provide for expansion, improvement, or preservation of reasonable and appropriate public access to coastal waters at or in the vicinity of a working waterfront, except for commercial fishing or other industrial access points where the coastal State determines that public access would be unsafe.

“(f) LIMITATIONS.—

“(1) Except as provided in paragraph (2), a grant awarded under this section may be used to purchase working waterfront or an interest in working waterfront, including an easement, only from a willing seller and at fair market value.

“(2) A grant awarded under this section may be used to acquire working waterfront or an interest in working waterfront at less than fair market value only if the owner certifies to the Secretary that the sale is being entered into willingly and without coercion.

“(3) No Federal, State, or local entity may exercise the power of eminent domain to secure title to any property or facilities in connection with a project carried out under this section.

“(g) ALLOCATION OF GRANTS TO LOCAL GOVERNMENTS AND OTHER ENTITIES.—

“(1) The Secretary shall encourage coastal States to broadly allocate amounts received as grants under this section among working waterfronts identified in working waterfront plans approved under subsection (c).

“(2) Subject to the approval of the Secretary, a coastal State may, as part of an approved working waterfront plan, designate as a qualified holder any unit of State or local government or nongovernmental organization, if the coastal State is ultimately responsible for ensuring that the property will be managed in a manner that is consistent with the purposes for which the land entered into the program.

“(3) A coastal State or a qualified holder designated by a coastal State may allocate to a unit of local government, nongovernmental organization, fishing cooperative, or other entity, a portion of any grant made under this section for the purpose of carrying out this section, except that such an allocation shall not relieve the coastal State of the responsibility for ensuring that any funds so allocated are applied in furtherance of the coastal State's approved working waterfront plan.

“(4) A qualified holder may hold title to or interest in property acquired under this section, except that—

“(A) all persons holding title to or interest in working waterfront affected by a grant under this section, including a qualified holder, private citizen, private business, non-profit organization, fishing cooperative, or other entity, shall enter into a working waterfront covenant;

“(B) such covenant shall be held by the coastal State or a qualified holder designated under paragraph (2);

“(C) if the coastal State determines, on the record after an opportunity for a hearing, that the working waterfront covenant has been violated—

“(i) all right, title, and interest in and to the working waterfront covered by such covenant shall, except as provided in subparagraph (D), revert to the coastal State; and

“(ii) the coastal State shall have the right of immediate entry onto the working waterfront;

“(D) if a coastal State makes a determination under subparagraph (C), the coastal State may convey or authorize the qualified holder to convey the working waterfront or interest in working waterfront to another qualified holder; and

“(E) nothing in this subsection waives any legal requirement under any Federal or State law.

“(h) MATCHING CONTRIBUTIONS.—

“(1) Except as provided in paragraph (2), the Secretary shall require that each coastal State that receives a grant under this section, or a qualified holder designated by that coastal State under subsection (g), shall provide matching funds in an amount equal to at least 25 percent of the total cost of the project carried out with the grant.

“(2) The Secretary may waive the application of paragraph (1) for any qualified holder that is an underserved community, a community that has an inability to draw on other sources of funding because of the small population or low income of the community, or for other reasons the Secretary considers appropriate.

“(3) A local community designated as a qualified holder under subsection (g) may utilize funds or other in-kind contributions donated by a nongovernmental partner to satisfy the matching funds requirement under this subsection.

“(4) As a condition of receipt of a grant under this section, the Secretary shall require that a coastal State provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

“(5) If financial assistance under this section represents only a portion of the total cost of a project, funding from other Federal sources may be applied to the cost of the project. Each portion shall be subject to match requirements under the applicable provision of law.

“(6) The Secretary shall treat as non-Federal match the value of a working waterfront or interest in a working waterfront, including conservation and other easements, that is held in perpetuity by a qualified holder, if

the working waterfront or interest is identified in the application for the grant and acquired by the qualified holder within 3 years of the grant award date, or within 3 years after the submission of the application and before the end of the grant award period. Such value shall be determined by an appraisal performed at such time before the award of the grant as the Secretary considers appropriate.

“(7) The Secretary shall treat as non-Federal match the costs associated with acquisition of a working waterfront or an interest in a working waterfront, and the costs of restoration, enhancement, or other improvement to a working waterfront, if the activities are identified in the project application and the costs are incurred within the period of the grant award, or, for working waterfront described in paragraph (6), within the same time limits described in that paragraph. These costs may include either cash or in-kind contributions.

“(i) LIMIT ON ADMINISTRATIVE COSTS.—No more than 5 percent of the funds made available to the Secretary under this section may be used by the Secretary for planning or administration of the program under this section.

“(j) OTHER TECHNICAL AND FINANCIAL ASSISTANCE.—

“(1) Up to 5 percent of the funds appropriated under this section may be used by the Secretary for purposes of providing technical assistance as described in this subsection.

“(2) The Secretary shall—

“(A) provide technical assistance to coastal States and local governments in identifying and obtaining other sources of available Federal technical and financial assistance for the development and revision of a working waterfront plan and the implementation of an approved working waterfront plan;

“(B) provide technical assistance to States and local governments for the development, implementation, and revision of comprehensive working waterfront plans, which may include, subject to the availability of appropriations, planning grants and assistance, pilot projects, feasibility studies, research, and other projects necessary to further the purposes of this section;

“(C) assist States in developing other tools to protect working waterfronts;

“(D) collect and disseminate to States guidance for best storm water management practices in regards to working waterfronts;

“(E) provide technical assistance to States and local governments on integrating resilience planning into working waterfront preservation efforts; and

“(F) collect and disseminate best practices on working waterfronts and resilience planning.

“(k) OTHER REQUIREMENTS.— All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration or repair work carried out, in whole or in part, with financial assistance made available under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code. With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

“(l) REPORTS.—

“(1) The Secretary shall—

“(A) develop performance measures to evaluate and report on the effectiveness of

the program under this section in accomplishing the purpose of this section; and

“(B) submit to Congress a biennial report that includes such evaluations, an account of all expenditures, and descriptions of all projects carried out using grants awarded under this section.

“(2) The Secretary may submit the biennial report under paragraph (1)(B) by including it in the biennial report required under section 316.

“(m) DEFINITIONS.—In this section:

“(1) The term ‘qualified holder’ means a coastal State or a unit of local or coastal State government or a non-State organization designated by a coastal State under subsection (g).

“(2) The term ‘Secretary’ means the Secretary, acting through the National Oceanic and Atmospheric Administration.

“(3) The term ‘working waterfront’ means real property (including support structures over water and other facilities) that provides access to coastal waters to persons engaged in commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business and is used for, or that supports, commercial and recreational fishing, recreational fishing and boating businesses, boatbuilding, aquaculture, or other water-dependent, coastal-related business.

“(4) The term ‘working waterfront covenant’ means an agreement in recordable form between the owner of working waterfront and one or more qualified holders, that provides such assurances as the Secretary may require that—

“(A) the title to or interest in the working waterfront will be held by a grant recipient or qualified holder in perpetuity, except as provided in subparagraph (C);

“(B) the working waterfront will be managed in a manner that is consistent with the purposes for which the property is acquired pursuant to this section, and the property will not be converted to any use that is inconsistent with the purpose of this section;

“(C) if the title to or interest in the working waterfront is sold or otherwise exchanged—

“(i) all working waterfront owners and qualified holders involved in such sale or exchange shall accede to such agreement; and

“(ii) funds equal to the fair market value of the working waterfront or interest in working waterfront shall be paid to the Secretary by parties to the sale or exchange, and such funds shall, at the discretion of the Secretary, be paid to the coastal State in which the working waterfront is located for use in the implementation of the working waterfront plan of the State approved by the Secretary under this section; and

“(D) such covenant is subject to enforcement and oversight by the coastal State or by another person as determined appropriate by the Secretary.

“(n) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Grant Program \$15,000,000.”.

Subtitle R—Blue Carbon for Our Planet

SEC. 28. INTERAGENCY WORKING GROUP.

(a) ESTABLISHMENT.—The National Science and Technology Council Subcommittee on Ocean Science and Technology shall establish an Interagency Working Group on Coastal Blue Carbon.

(b) PURPOSES.—The Interagency Working Group on Coastal Blue Carbon shall oversee the development of a national map of coastal blue carbon ecosystems, establish national coastal blue carbon ecosystem protection and restoration priorities, assess the biophysical, social, and economic impediments to coastal blue carbon ecosystem restora-

tion, study the effects of climate change, environmental stressors, and human stressors on carbon sequestration rates, and preserve the continuity of coastal blue carbon data.

(c) MEMBERSHIP.—The Interagency Working Group on Coastal Blue Carbon shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs, the Smithsonian Institution, the Army Corps of Engineers, the Department of Agriculture, the Department of Energy, the Department of Defense, the Department of Transportation, the Department of State, the Federal Emergency Management Agency, and the Council on Environmental Quality.

(d) CHAIR.—The Interagency Working Group shall be chaired by the Administrator.

(e) RESPONSIBILITIES.—The Interagency Working Group shall—

(1) oversee the development, update, and maintenance of a national map and inventory of coastal blue carbon ecosystems, including habitat types with a regional focus in analysis that is usable for local level protection planning and restoration;

(2) develop a strategic assessment of the biophysical, chemical, social, statutory, regulatory, and economic impediments to protection and restoration of coastal blue carbon ecosystems;

(3) develop a national strategy for foundational science necessary to study, synthesize, and evaluate the effects of climate change, environmental, and human stressors on sequestration rates and capabilities of coastal blue carbon ecosystems protection;

(4) establish national coastal blue carbon ecosystem protection and restoration priorities, including an assessment of current Federal funding being used for restoration efforts;

(5) ensure the continuity, use, and interoperability of data assets through the Smithsonian Environmental Research Center's Coastal Carbon Data Clearinghouse; and

(6) assess current legal authorities to protect and restore blue carbon ecosystems.

(f) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Interagency Working Group shall provide to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(A) A summary of federally funded coastal blue carbon ecosystem research, monitoring, preservation, and restoration activities, including the budget for each of these activities and describe the progress in advancing the national priorities established in section 28B(a)(4)(A).

(B) An assessment of biophysical, social, and economic impediments to coastal blue carbon ecosystem restoration, including the vulnerability of coastal blue carbon ecosystems to climate impacts, such as sea-level rise, ocean and coastal acidification, and other environmental and human stressors.

(2) STRATEGIC PLAN.—

(A) IN GENERAL.—The Interagency Working group shall create a strategic plan for Federal investments in basic research, development, demonstration, long-term monitoring and stewardship, and deployment of coastal blue carbon ecosystem projects for the 5-year

period beginning at the start of the first fiscal year after the date on which the budget assessment is submitted under paragraph (1). The plan shall include an assessment of the use of existing Federal programs to protect and preserve coastal blue carbon ecosystems and identify the need for any additional authorities or programs.

(B) TIMING.—The Interagency Working Group shall—

(i) submit the strategic plan under paragraph (A) to the Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on a date that is not later than one year after the enactment of this Act and not earlier than the date on which the report under paragraph (1) is submitted to such committees of Congress; and

(ii) submit a revised version of such plan not less than quinquennially thereafter.

(C) FEDERAL REGISTER.—Not later than 90 days before the strategic plan under this paragraph, or any revision thereof, is submitted under subparagraph (B), the Interagency Working Group shall publish such plan in the Federal Register and provide an opportunity for submission of public comments for a period of not less than 60 days.

SEC. 28A. NATIONAL MAP OF COASTAL BLUE CARBON ECOSYSTEMS.

(a) NATIONAL MAP.—The Interagency Working Group shall—

(1) produce, update at least once every five years, and maintain a national level map and inventory of coastal blue carbon ecosystems, including—

(A) the species and types of habitats and species in the ecosystem;

(B) the condition of such habitats including whether a habitat is degraded, drained, eutrophic, or tidally restricted;

(C) type of public or private ownership and any protected status;

(D) the size of the ecosystem;

(E) the salinity boundaries;

(F) the tidal boundaries;

(G) an assessment of carbon sequestration potential, methane production, and net greenhouse gas reductions including consideration of—

(i) quantification;

(ii) verifiability;

(iii) comparison to a historical baseline, as available; and

(iv) permanence of those benefits;

(H) an assessment of cobenefits of ecosystem and carbon sequestration;

(I) the potential for landward migration as a result of sea level rise;

(J) any upstream restrictions detrimental to the watershed process and conditions such as dams, dikes, and levees;

(K) the conversion of coastal blue carbon ecosystems to other land uses and the cause of such conversion; and

(L) a depiction of the effects of climate change, including sea level rise, environmental stressors, and human stressors on the sequestration rate, carbon storage, and potential of coastal blue carbon ecosystems; and

(2) in carrying out paragraph (1)—

(A) incorporate, to the extent possible, existing data collected through federally funded research and by a Federal agency, State agency, local agency, Tribe, including data collected from the National Oceanic and Atmospheric Administration Coastal Change Analysis Program, U.S. Fish and Wildlife Service National Wetlands Inventory, United States Geological Survey LandCarbon program, Federal Emergency Management Agency LiDAR information coordination and knowledge program, Department of Energy

Biological and Environmental Research program, and Department of Agriculture National Coastal Blue Carbon Assessment; and

(B) engage regional technical experts in order to accurately account for regional differences in coastal blue carbon ecosystems.

(b) USE.—The Interagency Working Group shall use the national map and inventory—

(1) to assess the carbon sequestration potential of different coastal blue carbon habitats, and account for any regional differences;

(2) to assess and quantify emissions from degraded and destroyed coastal blue carbon ecosystems;

(3) to develop regional assessments and to provide technical assistance to regional, State, Tribal, and local government agencies, and regional information coordination entities as defined in section 123030(6) of the Integrated Coastal and Ocean Observation System Act (33 U.S.C. 3602);

(4) to assess degraded coastal blue carbon ecosystems and their potential for restoration, including developing scenario modeling to identify vulnerable areas where management, protection, and restoration efforts should be focused;

(5) produce future predictions of coastal blue carbon ecosystems and carbon sequestration rates in the context of climate change, environmental stressors, and human stressors; and

(6) use such map to inform the Administrator of the Environmental Protection Agency's creation of the annual Inventory of U.S. Greenhouse Gas Emissions and Sinks.

SEC. 28B. RESTORATION AND PROTECTIONS FOR EXISTING COASTAL BLUE CARBON ECOSYSTEMS.

(a) IN GENERAL.—The Administrator shall—

(1) lead the Interagency Working Group in implementing the strategic plan under section 28(f)(2);

(2) coordinate monitoring and research efforts among Federal agencies in cooperation with State, local, and Tribal government and international partners and nongovernmental organizations;

(3) establish a national goal for conserving ocean and coastal blue carbon ecosystems within the territory of the United States, and as appropriate setting targets for restoration of degraded coastal blue carbon ecosystems;

(4) in coordination with the Interagency Working Group and as informed by the report under section 28(f) on current Federal expenditures on coastal blue carbon ecosystem restoration, identify—

(A) national coastal blue carbon ecosystem protection and restoration priorities that would produce the highest rate of carbon sequestration and greatest ecosystem benefits such as flood protection, soil and beach retention, erosion reduction, biodiversity, water purification, and nutrient cycling in the context of other environmental stressors and climate change; and

(B) ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on coastal blue carbon ecosystems through existing and new coastal management networks; and

(5) in coordination with State, local, and Tribal governments and coastal stakeholders, develop integrated pilot programs to restore degraded coastal blue carbon ecosystems in accordance with subsection (b).

(b) INTEGRATED PILOT PROGRAMS TO RESTORE AND PROTECT DEGRADED COASTAL BLUE CARBON ECOSYSTEMS.—In carrying out subsection (a)(5), the Administrator shall—

(1) establish integrated pilot programs that develop best management practices, including design criteria and performance func-

tions for coastal blue carbon ecosystem restoration and protection, nature-based adaptation strategies, restoration areas that intersect with the built environments as green-gray infrastructure projects, management practices for landward progression or migration of coastal blue carbon ecosystems, and identify potential barriers to restoration efforts, and increase long-term carbon sequestration and storage;

(2) ensure that the pilot programs cover geographically and ecologically diverse locations with significant ecological, economic, and social benefits, such as flood protection, soil and beach retention, erosion reduction, biodiversity, water purification, and nutrient cycling to reduce hypoxic conditions, and maximum potential for greenhouse gas emission reduction;

(3) establish a procedure for reviewing applications for the pilot program, taking into account—

(A) quantification;

(B) verifiability;

(C) additionality as compared to a historical baseline, when feasible; and

(D) permanence of those benefits;

(4) ensure, through consultation with the Interagency Working Group, that the goals and metrics for the pilot programs are communicated to the appropriate State, Tribe, and local governments, and to the general public;

(5) coordinate with relevant Federal agencies on the Interagency Working Group to prevent unnecessary duplication of effort among Federal agencies and departments with respect to restoration and protection programs;

(6) give priority to proposed eligible restoration activities that would—

(A) result in long-term protection and sequestration of carbon stored in coastal and marine environments;

(B) protect key habitats for fish, wildlife, and the maintenance of biodiversity;

(C) provide coastal protection from development, storms, flooding, and land-based pollution;

(D) protect coastal resources of national, historical, and cultural significance; and

(E) benefit communities of color, low-income communities, Tribal or Indigenous communities, or rural communities; and

(7) report to the Interagency Working Group, and Committee on Science, Space, and Technology of the House of Representatives, the Committee on Natural Resources of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate on the total number of acres of land or water protected or restored through the program, the status of restoration projects, and the blue carbon sequestration potential of each restoration pilot project.

SEC. 28C. NAS ASSESSMENT OF CONTAINMENT OF CARBON DIOXIDE IN DEEP SEAFLOOR ENVIRONMENT.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall seek to enter into an agreement with the National Academy of Sciences to conduct a comprehensive assessment on the long-term effects of geologic stores of carbon dioxide in a deep seafloor environment, including impacts on marine species and ecosystems.

SEC. 28D. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subtitle \$15,000,000 for each of the fiscal years 2023 through 2027.

SEC. 28E. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmosphere in the Under Secretary's capacity as the Administrator of the National Oceanic and Atmospheric Administration.

(2) COASTAL BLUE CARBON ECOSYSTEM.—The term “coastal blue carbon ecosystem” refers to vegetated coastal habitats including mangroves, tidal marshes, seagrasses, kelp forests, and other tidal, freshwater, or salt-water wetlands, and their ability to sequester carbon from the atmosphere, accumulate it in biomass for years to decades, and store it in soils for centuries to millennia. Coastal blue carbon ecosystems include both autochthonous carbon and allochthonous carbon.

(3) STATE.—The term “State” means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, and any other territory of the United States.

Subtitle S—Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements

SEC. 29. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States Government should continue to work with international partners, including nations, nongovernmental organizations, and the private sector, to identify long-standing and emerging areas of concern in wildlife poaching and trafficking related to global supply and demand; and

(2) the activities and required reporting of the Presidential Task Force on Wildlife Trafficking, established by Executive Order No. 13648 (78 Fed. Reg. 40621), and modified by sections 201 and 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621 and 7631) should be reauthorized to minimize the disruption of the work of such Task Force.

SEC. 29A. DEFINITIONS.

Section 2 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7601) is amended—

(1) in paragraph (3), by inserting “involving local communities” after “approach to conservation”;

(2) by amending paragraph (4) to read as follows:

“(4) COUNTRY OF CONCERN.—The term ‘country of concern’ means a foreign country specially designated by the Secretary of State pursuant to section 201(b) as a major source of wildlife trafficking products or their derivatives, a major transit point of wildlife trafficking products or their derivatives, or a major consumer of wildlife trafficking products, in which—

“(A) the government has actively engaged in, or knowingly profited from, the trafficking of protected species; or

“(B) the government facilitates such trafficking through conduct that may include a persistent failure to make serious and sustained efforts to prevent and prosecute such trafficking.”; and

(3) in paragraph (11), by striking “section 201” and inserting “section 301”.

SEC. 29B. FRAMEWORK FOR INTERAGENCY RESPONSE AND REPORTING.

(a) REAUTHORIZATION OF REPORT ON MAJOR WILDLIFE TRAFFICKING COUNTRIES.—Section 201 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7621) is amended—

(1) in subsection (a), by striking “annually thereafter” and inserting “biennially thereafter by June 1 of each year in which a report is required”; and

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

“(c) DESIGNATION.—A country may be designated as a country of concern under subsection (b) regardless of such country’s status as a focus country.”.

(b) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING RESPONSIBILITIES.—Section 301(a) of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631(a)) is amended—

(1) in paragraph (4), by striking “and” at the end;

(2) by redesignating paragraph (5) as paragraph (10); and

(3) by inserting after paragraph (4) the following:

“(5) pursue programs and develop a strategy—

“(A) to expand the role of technology for anti-poaching and anti-trafficking efforts, in partnership with the private sector, foreign governments, academia, and nongovernmental organizations (including technology companies and the transportation and logistics sectors); and

“(B) to enable local governments to develop and use such technologies;

“(6) consider programs and initiatives that address the expansion of the illegal wildlife trade to digital platforms, including the use of digital currency and payment platforms for transactions by collaborating with the private sector, academia, and nongovernmental organizations, including social media, e-commerce, and search engine companies, as appropriate;

“(7)(A) establish and publish a procedure for removing from the list in the biennial report any country of concern that no longer meets the definition of country of concern under section 2(4);

“(B) include details about such procedure in the next report required under section 201;

“(8)(A) implement interventions to address the drivers of poaching, trafficking, and demand for illegal wildlife and wildlife products in focus countries and countries of concern;

“(B) set benchmarks for measuring the effectiveness of such interventions; and

“(C) consider alignment and coordination with indicators developed by the Task Force;

“(9) consider additional opportunities to increase coordination between law enforcement and financial institutions to identify trafficking activity; and”.

(c) PRESIDENTIAL TASK FORCE ON WILDLIFE TRAFFICKING STRATEGIC REVIEW.—Section 301 of the Eliminate, Neutralize, and Disrupt Wildlife Trafficking Act of 2016 (16 U.S.C. 7631), as amended by subsection (b), is further amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking “annually” and inserting “biennially”;

(B) in paragraph (4), by striking “and” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) an analysis of the indicators developed by the Task Force, and recommended by the Government Accountability Office, to track and measure inputs, outputs, law enforcement outcomes, and the market for wildlife products for each focus country listed in the report, including baseline measures, as appropriate, for each indicator in each focus country to determine the effectiveness and appropriateness of such indicators to assess progress and whether additional or separate indicators, or adjustments to indicators, may be necessary for focus countries.”; and

(2) by striking subsection (e).

SEC. 29C. FUNDING SAFEGUARDS.

(a) PROCEDURES FOR OBTAINING CREDIBLE INFORMATION.—Section 620M(d) of the For-

eign Assistance Act of 1961 (22 U.S.C. 2378d(d)) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

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

“(4) routinely request and obtain such information from the United States Agency for International Development, the United States Fish and Wildlife Service, and other relevant Federal agencies that partner with international nongovernmental conservation groups.”.

(b) REQUIRED IMPLEMENTATION.—The Secretary of State shall implement the procedures established pursuant to section 620M(d) of the Foreign Assistance Act of 1961, as amended by subsection (a), including vetting individuals and units, whenever the United States Agency for International Development, the United States Fish and Wildlife Service, or any other relevant Federal agency that partners with international nongovernmental conservation groups provides assistance to any unit of the security forces of a foreign country.

SEC. 29D. ISSUANCE OF SUBPOENAS IN WILDLIFE TRAFFICKING CIVIL PENALTY ENFORCEMENT ACTIONS.

(a) ENDANGERED SPECIES ACT OF 1973.—Section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)) is amended by adding at the end the following:

“(7) ISSUANCE OF SUBPOENAS.—

“(A) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the delivery, receipt, carrying, transport, shipment, sale, or offer for sale in interstate or foreign commerce of any such fish or wildlife or plants imported into, or exported from, the United States, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

“(B) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under subparagraph (A) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(C) REFUSAL TO OBEY SUBPOENAS.—

“(i) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this paragraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

“(ii) FAILURE TO OBEY.—Any failure to obey an order issued by a district court of the United States under clause (i) may be punished by that court as a contempt of that court.”.

(b) LACEY ACT AMENDMENTS OF 1981.—Section 6 of the Lacey Act Amendments of 1981 (16 U.S.C. 3375) is amended by adding at the end the following:

“(e) ISSUANCE OF SUBPOENAS.—

“(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into, or the export from, the United States of any fish or wildlife or plants covered under this Act or relating to the transport, sale, receipt, acquisition, or purchase in interstate or foreign commerce of any such fish or wildlife or plants imported into or exported from the United States, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the pro-

duction of any papers, books, or other records relevant to the subject matter under investigation.

“(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(3) REFUSAL TO OBEY SUBPOENAS.—

“(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

“(B) FAILURE TO OBEY.—Any failure to obey an order issued by a district court of the United States under subparagraph (A) may be punished by that court as a contempt of that court.”.

(c) BALD AND GOLDEN EAGLE PROTECTION ACT.—

(1) CIVIL PENALTIES.—Subsection (b) of the first section of the Act of June 8, 1940 (commonly known as the “Bald and Golden Eagle Protection Act”) (16 U.S.C. 668(b)), is amended—

(A) by striking “(b) Whoever, within the” and inserting the following:

“(b) CIVIL PENALTIES.—

“(1) IN GENERAL.—Whoever, within the”;

(B) in paragraph (1) (as so designated), in the first sentence, by striking “Secretary” and inserting “Secretary of the Interior referred to in this subsection as the ‘Secretary’”;

(C) by adding at the end the following:

“(2) HEARINGS; ISSUANCE OF SUBPOENAS.—

“(A) HEARINGS.—Hearings held during proceedings for the assessment of civil penalties under paragraph (1) shall be conducted in accordance with section 554 of title 5, United States Code.

“(B) ISSUANCE OF SUBPOENAS.—

“(i) IN GENERAL.—For purposes of any hearing held during proceedings for the assessment of civil penalties under paragraph (1), the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may administer oaths.

“(ii) FEES AND MILEAGE FOR WITNESSES.—A witness summoned pursuant to clause (i) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(iii) REFUSAL TO OBEY SUBPOENAS.—

“(I) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subparagraph, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary, to appear and produce documents before the Secretary, or both.

“(II) FAILURE TO OBEY.—Any failure to obey an order issued by a court of the United States under subclause (I) may be punished by that court as a contempt of that court.”.

(2) INVESTIGATORY SUBPOENAS.—Section 3 of the Act of June 8, 1940 (commonly known as the “Bald and Golden Eagle Protection Act”) (16 U.S.C. 668b), is amended by adding at the end the following:

“(d) ISSUANCE OF SUBPOENAS.—

“(1) IN GENERAL.—For the purposes of any inspection or investigation relating to the import into or the export from the United

States of any bald or golden eagles covered under this Act, or any parts, nests, or eggs of any such bald or golden eagles, the Secretary of the Interior may issue subpoenas for the attendance and testimony of witnesses and the production of any papers, books, or other records relevant to the subject matter under investigation.

“(2) FEES AND MILEAGE FOR WITNESSES.—A witness summoned under paragraph (1) shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States.

“(3) REFUSAL TO OBEY SUBPOENAS.—

“(A) IN GENERAL.—In the case of a contumacy or refusal to obey a subpoena served on any person pursuant to this subsection, the district court of the United States for any judicial district in which the person is found, resides, or transacts business, on application by the United States and after notice to that person, shall have jurisdiction to issue an order requiring that person to appear and give testimony before the Secretary of the Interior, to appear and produce documents before the Secretary of the Interior, or both.

“(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court of the United States under subparagraph (A) may be punished by that court as a contempt of that court.”.

SA 5952. Mr. PADILLA (for himself 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 X, add the following:

SEC. 1077. BERRYESSA SNOW MOUNTAIN NATIONAL MONUMENT EXPANSION.

(a) DEFINITIONS.—In this section:

(1) BOARD.—The term “Board” means the Board on Geographic Names established by section 2 of the Act of July 25, 1947 (61 Stat. 456, chapter 330; 43 U.S.C. 364a).

(2) MAP.—The term “Map” means the map entitled “Proposed Walker Ridge (Molok Luyuk) Addition Berryessa Snow Mountain National Monument” and dated October 26, 2021.

(3) MOLOK LUYUK.—The term “Molok Luyuk” means Condor Ridge (in the Patwin language).

(4) NATIONAL MONUMENT.—The term “National Monument” means the Berryessa Snow Mountain National Monument established by Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975), including all land, interests in the land, and objects on the land identified in that Presidential Proclamation.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(6) WALKER RIDGE (MOLOK LUYUK) ADDITION.—The term “Walker Ridge (Molok Luyuk) Addition” means the approximately 3,925 acres of Federal land (including any interests in, or objects on, the land) administered by the Bureau of Land Management in Lake County, California, and identified as “Proposed Walker Ridge (Molok Luyuk) Addition” on the Map.

(b) NATIONAL MONUMENT EXPANSION.—

(1) BOUNDARY MODIFICATION.—The boundary of the National Monument is modified to in-

clude the Walker Ridge (Molok Luyuk) Addition.

(2) MAP.—

(A) CORRECTIONS.—The Secretary may make clerical and typographical corrections to the Map.

(B) PUBLIC AVAILABILITY; EFFECT.—The Map and any corrections to the Map under subparagraph (A) shall—

(i) be publicly available on the website of the Bureau of Land Management; and

(ii) have the same force and effect as if included in this section.

(3) ADMINISTRATION.—Subject to valid existing rights, the Secretary shall administer the Walker Ridge (Molok Luyuk) Addition—

(A) as part of the National Monument;

(B) in accordance with Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975); and

(C) in accordance with applicable laws (including regulations).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Agriculture shall jointly develop a comprehensive management plan for the National Monument in accordance with, and in a manner that fulfills the purposes described in, Presidential Proclamation 9298, dated July 10, 2015 (80 Fed. Reg. 41975).

(2) TRIBAL CONSULTATION.—The Secretary and the Secretary of Agriculture shall consult with affected federally recognized Indian Tribes in—

(A) the development of the management plan under paragraph (1); and

(B) making management decisions relating to the National Monument.

(3) CONTINUED ENGAGEMENT WITH INDIAN TRIBES.—The management plan developed under paragraph (1) shall set forth parameters for continued meaningful engagement with affected federally recognized Indian Tribes in the implementation of the management plan.

(4) EFFECT.—Nothing in this section affects the conduct of fire mitigation or suppression activities at the National Monument, including through the use of existing agreements.

(d) AGREEMENTS AND PARTNERSHIPS.—To the maximum extent practicable and in accordance with applicable laws, on request of an affected federally recognized Indian Tribe, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) shall enter into agreements, contracts, and other cooperative and collaborative partnerships with the federally recognized Indian Tribe regarding management of the National Monument under relevant Federal authority, including—

(1) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.);

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(3) the Tribal Self-Governance Act of 1994 (25 U.S.C. 5361 et seq.);

(4) the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a et seq.);

(5) the good neighbor authority under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a);

(6) Executive Order 13175 (25 U.S.C. 5301 note; relating to consultation and coordination with Indian Tribal governments);

(7) Secretarial Order 3342, issued by the Secretary on October 21, 2016 (relating to identifying opportunities for cooperative and collaborative partnerships with federally recognized Indian Tribes in the management of Federal lands and resources); and

(8) Joint Secretarial Order 3403, issued by the Secretary and the Secretary of Agriculture on November 15, 2021 (relating to ful-

filling the trust responsibility to Indian Tribes in the stewardship of Federal lands and waters).

(e) DESIGNATION OF CONDOR RIDGE (MOLOK LUYUK) IN LAKE AND COLUSA COUNTIES, CALIFORNIA.—

(1) IN GENERAL.—The parcel of Federal land administered by the Bureau of Land Management located in Lake and Colusa Counties in the State of California and commonly referred to as “Walker Ridge” shall be known and designated as “Condor Ridge (Molok Luyuk)”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the parcel of Federal land described in paragraph (1) shall be deemed to be a reference to “Condor Ridge (Molok Luyuk)”.

(3) MAP AND LEGAL DESCRIPTION.—

(A) PREPARATION.—

(i) INITIAL MAP.—The Board shall prepare a map and legal description of the parcel of Federal land designated by paragraph (1).

(ii) CORRECTIONS.—The Board and the Director of the Bureau of Land Management may make clerical and typographical corrections to the map and legal description prepared under clause (i).

(B) CONSULTATION.—In preparing the map and legal description under subparagraph (A)(i), the Board shall consult with—

(i) the Director of the Bureau of Land Management; and

(ii) affected federally recognized Indian Tribes.

(C) PUBLIC AVAILABILITY; EFFECT.—The map and legal description prepared under subparagraph (A)(i) and any correction to the map or legal description made under subparagraph (A)(ii) shall—

(i) be publicly available on the website of the Board, the Bureau of Land Management, or both; and

(ii) have the same force and effect as if included in this section.

SA 5953. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . IRAN HOSTAGES CONGRESSIONAL GOLD MEDAL.

(a) FINDINGS.—Congress finds the following:

(1) On January 20, 1981, United States diplomats, military personnel, and civilians were released after being held hostage for 444 days by militant student supporters of Iran’s Ayatollah Ruhollah Khomeini in a violation of international law. The individuals were taken from the United States Embassy in Tehran, Iran, and the ordeal came to be known as the Iran Hostage Crisis.

(2) The hostages were subjected to intense physical and psychological torture throughout their captivity, such as mock executions, beatings, solitary confinement, and inhospitable living conditions.

(3) Throughout their time held, the hostages were routinely told to denounce the United States and, when they refused, they were tortured, but remained strong in their spirit.

(4) One hostage wrote “Viva la roja, blanco, y azul”, which translates to “Long live the red, white, and blue”, on the wall of his cell as a reminder of the values he swore to protect.

(5) The hostages showed extraordinary courage by continually engaging in acts of resistance against their captors, such as by refusing to sign condemnations of the United States, in the face of gross violations of their human rights.

(6) Many of the hostages still experience trauma as a result of the events of the crisis and deserve to have their suffering recognized.

(7) While, as of the date of enactment of this Act, 35 of the hostages are living, it is important that the people of the United States reflect on the resilience and strength of the hostages, which serve as an example to current generations.

(8) The people of the United States should—

(A) acknowledge the hostages as heroes who—

(i) experienced great tribulation; and
(ii) endured, so that the people of the United States may know the blessing of living in the United States; and

(B) strive to demonstrate the values shown by the hostages.

(9) On January 22, 1981, President Jimmy Carter met with the hostages in West Germany and stated the following: “One of the acts in my life which has been the most moving and gratifying in meeting with and discussing the future and the past with the now liberated Americans who were held hostage in Iran for so long. I pointed out to them that, since their capture by the Iranian terrorists and their being held in this despicable act of savagery, that the American people’s hearts have gone out to them and the Nation has been united as perhaps never before in history and that the prayers that have gone up from the people throughout the world to God for their safety have finally been answered.”

(10) On January 28, 1981, when welcoming the hostages home, President Ronald Reagan stated the following: “You’ve come home to a people who for 444 days suffered the pain of your imprisonment, prayed for your safety, and most importantly, shared your determination that the spirit of free men and women is not a fit subject for barter. You’ve represented under great stress the highest traditions of public service. Your conduct is symbolic of the millions of professional diplomats, military personnel, and others who have rendered service to their country.”

(11) During the 444 days the brave hostages were held, the rest of the United States held its breath, waiting for news of the hostages. The United States hoped and prayed together, as one, for the hostages’ safe return.

(12) Bruce Laingen, who served as United States Ambassador to Iran from 1979 to 1980 and was the highest ranking diplomat held hostage, summed up the experience by saying the following: “Fifty-three Americans who will always have a love affair with this country and who join with you in a prayer of thanksgiving for the way in which this crisis has strengthened the spirit and resilience and strength that is the mark of a truly free society.” It is now the responsibility of the people of the United States to honor the spirit, resilience, and strength that the hostages displayed during their 444 days of imprisonment.

(13) Now, more than 4 decades later, the United States continues to honor the hostages. The recipients of the award bestowed by this section are heroes in every sense of the word. They are role models who wore their pride in the United States with esteem and have allowed for subsequent generations

to appreciate the blessing of living in the United States. Today, as we mark 40 years since their release, the people of the United States acknowledge their endurance, strength, and contributions to seeing a more peaceful world. The hostages suffered for the United States and now it is the duty of the United States to recognize them for it.

(b) DEFINITION.—In this section, the term “hostage” means a person of the United States who was taken captive on November 4, 1979, in Tehran, Iran, at the United States embassy and released on—

(1) July 11, 1980; or

(2) January 20, 1981.

(c) CONGRESSIONAL GOLD MEDAL.—

(1) AWARD AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the award, on behalf of Congress, of a single gold medal of appropriate design to the 53 hostages of the Iran Hostage Crisis, in recognition of their bravery and endurance throughout their captivity, which began on November 4, 1979, and lasted until January 21, 1981.

(2) DESIGN AND STRIKING.—For the purposes of the award referred to in paragraph (1), the Secretary of the Treasury (referred to in this section as the “Secretary”) shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary, in consultation with the Secretary of State.

(3) SMITHSONIAN INSTITUTION.—

(A) IN GENERAL.—Following the award of the gold medal under paragraph (1), the gold medal shall be given to the National Museum of American History of the Smithsonian Institution, where it shall be available for display as appropriate and made available for research.

(B) SENSE OF CONGRESS.—It is the sense of Congress that the Smithsonian Institution should make the gold medal received under subparagraph (A) available for loan, as appropriate, so that the medal may be displayed elsewhere.

(d) BRONZE DUPLICATE MEDALS.—

(1) IN GENERAL.—The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to subsection (c), at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

(2) PROCEEDS OF SALES.—The amounts received from the sale of duplicate medals under paragraph (1) shall be deposited in the United States Mint Public Enterprise Fund.

(e) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this section.

(f) STATUS OF MEDALS.—

(1) NATIONAL MEDALS.—The medals struck pursuant to this section are national medals for purposes of chapter 51 of title 31, United States Code.

(2) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this section shall be considered to be numismatic items.

(g) DETERMINATION OF BUDGETARY EFFECTS.—The budgetary effects of this section, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this section, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 5954. Mr. PADILLA submitted an amendment intended to be proposed to

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

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

SEC. ____ . ASSESSMENT OF TEST INFRASTRUCTURE AND PRIORITIES RELATED TO HYPERSONIC CAPABILITIES AND RELATED TECHNOLOGIES AND HYPERSONIC TEST STRATEGY.

(a) ASSESSMENT.—The Secretary of Defense shall assess the capacity of the Department of Defense to test, evaluate, and qualify hypersonic capabilities and related technologies.

(b) REQUIREMENTS.—The assessment under subsection (a) shall cover the following:

(1) Facilities within the Major Range and Test Facility Base identified pursuant to section 225 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81).

(2) The capability of each facility to simulate various individual and coupled hypersonic conditions in order to accurately simulate a realistic flight-like environment with all relevant aero thermochemical conditions.

(3) An analysis of the test frequency, scheduling lead time, test cost, and capacity of each facility related to testing technologies related to hypersonic flight.

(4) A review of contractor-owned, commercial test flight, and orbital re-entry capsule testbeds that could enhance efforts to test flight vehicles in all phases of hypersonic flight, and other technologies including sensors, communications, thermal protective shields, optical windows, navigation, and environmental sensors.

(c) STRATEGY.—

(1) IN GENERAL.—Based upon the assessment required under subsection (a), the Secretary shall submit to the congressional defense committees, in coordination with hypersonic program management offices, the Air Force Research Laboratory, the Office of Naval Research, the Army Research Laboratory, and the Test Resource Management Center, a strategy on—

(A) how the Department will prioritize Government-owned test facilities and ranges for evaluation of hypersonic technologies, and

(B) to the maximum extent practicable, where the Department should use contractor-owned, commercial flight, and re-entry test capabilities to fill existing testing requirement gaps where they exist to enhance and accelerate flight qualification of critical hypersonic technologies.

(2) ELEMENTS.—The strategy cover the following:

(A) Resources needed to improve the frequency and capacity of hypersonic technologies at ground based-facilities and flight test ranges.

(B) Investments that can be made to incorporate contractor-owned, commercial flight and orbital re-entry capsule testbeds into the overall Department of Defense hypersonic test infrastructure.

(C) Environmental conditions, testing sizes, and duration required for flight qualification of both hypersonic cruise and hypersonic boost-glide technologies.

(d) MAJOR RANGE AND TEST FACILITY BASE.—In this section, the term “Major

Range and Test Facility Base'' has the meaning given that term in section 196(i) of title 10, United States Code.

SA 5955. Mr. PADILLA (for himself 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, add the following:

DIVISION E—PROTECTION OF CERTAIN FEDERAL LAND IN THE STATE OF CALIFORNIA

TITLE L—NORTHWEST CALIFORNIA WILDERNESS, RECREATION, AND WORKING FORESTS

SEC. 5001. DEFINITIONS.

In this title:

(1) **SECRETARY.**—The term "Secretary" means—

(A) with respect to land under the jurisdiction of the Secretary of Agriculture, the Secretary of Agriculture; and

(B) with respect to land under the jurisdiction of the Secretary of the Interior, the Secretary of the Interior.

(2) **STATE.**—The term "State" means the State of California.

Subtitle A—Restoration and Economic Development

SEC. 5011. SOUTH FORK TRINITY-MAD RIVER RESTORATION AREA.

(a) **DEFINITIONS.**—In this section:

(1) **COLLABORATIVELY DEVELOPED.**—The term "collaboratively developed" means, with respect to a restoration project, the development and implementation of the restoration project through a collaborative process that—

(A) includes—

(i) appropriate Federal, State, and local agencies; and

(ii) multiple interested persons representing diverse interests; and

(B) is transparent and nonexclusive.

(2) **PLANTATION.**—The term "plantation" means a forested area that has been artificially established by planting or seeding.

(3) **RESTORATION.**—The term "restoration" means the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed by establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial and aquatic ecosystem sustainability, resilience, and health under current and future conditions.

(4) **RESTORATION AREA.**—The term "restoration area" means the South Fork Trinity-Mad River Restoration Area established by subsection (b).

(5) **SHADED FUEL BREAK.**—The term "shaded fuel break" means a vegetation treatment that—

(A) effectively addresses all slash generated by a project; and

(B) retains, to the maximum extent practicable—

(i) adequate canopy cover to suppress plant regrowth in the forest understory following treatment;

(ii) the longest living trees that provide the most shade over the longest period of time;

(iii) the healthiest and most vigorous trees with the greatest potential for crown growth in—

(I) plantations; and

(II) natural stands adjacent to plantations; and

(iv) mature hardwoods.

(6) **STEWARDSHIP CONTRACT.**—The term "stewardship contract" means an agreement or contract entered into under section 604 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c).

(7) **WILDLAND-URBAN INTERFACE.**—The term "wildland-urban interface" has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) **ESTABLISHMENT.**—Subject to valid existing rights, there is established the South Fork Trinity-Mad River Restoration Area, comprising approximately 871,414 acres of Federal land administered by the Forest Service and the Bureau of Land Management, as generally depicted on the map entitled "South Fork Trinity-Mad River Restoration Area" and dated May 15, 2020.

(c) **PURPOSES.**—The purposes of the restoration area are—

(1) to establish, restore, and maintain fire-resilient late successional forest structures characterized by large trees and multistoried canopies, as ecologically appropriate, in the restoration area;

(2) to protect late successional reserves in the restoration area;

(3) to enhance the restoration of Federal land in the restoration area;

(4) to reduce the threat posed by wildfires to communities in or in the vicinity of the restoration area;

(5) to protect and restore aquatic habitat and anadromous fisheries;

(6) to protect the quality of water within the restoration area; and

(7) to allow visitors to enjoy the scenic, recreational, natural, cultural, and wildlife values of the restoration area.

(d) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the restoration area—

(A) in a manner—

(i) consistent with the purposes described in subsection (c); and

(ii) in the case of the Forest Service, that prioritizes the restoration of the restoration area over other nonemergency vegetation management projects on the portions of the Six Rivers and Shasta-Trinity National Forests in Humboldt and Trinity Counties, California;

(B) in accordance with an agreement entered into by the Chief of the Forest Service and the Director of the United States Fish and Wildlife Service—

(i) for cooperation to ensure the timely consultation required under section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) on restoration projects within the restoration area; and

(ii) to maintain and exchange information on planning schedules and priorities with respect to the restoration area on a regular basis;

(C) in accordance with—

(i) the laws (including regulations) and rules applicable to the National Forest System, with respect to land managed by the Forest Service;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), with respect to land managed by the Bureau of Land Management;

(iii) this title; and

(iv) any other applicable law (including regulations); and

(D) in a manner consistent with congressional intent that consultation for restora-

tion projects within the restoration area be completed in a timely and efficient manner.

(2) **CONFLICT OF LAWS.**—

(A) **IN GENERAL.**—The establishment of the restoration area shall not modify the management status of any land or water that is designated as a component of the National Wilderness Preservation System or the National Wild and Scenic Rivers System, including land or water designated as a component of the National Wilderness Preservation System or the National Wild and Scenic Rivers System by this title (including an amendment made by this title).

(B) **RESOLUTION OF CONFLICT.**—If there is a conflict between a law applicable to a component described in subparagraph (A) and this section, the more restrictive provision shall control.

(3) **USES.**—

(A) **IN GENERAL.**—The Secretary shall only allow uses of the restoration area that the Secretary determines would further the purposes described in subsection (c).

(B) **PRIORITY.**—The Secretary shall give priority to restoration activities within the restoration area.

(C) **LIMITATION.**—Nothing in this section limits the ability of the Secretary to plan, approve, or prioritize activities outside of the restoration area.

(4) **WILDLAND FIRE.**—

(A) **IN GENERAL.**—Nothing in this section prohibits the Secretary, in cooperation with Federal, State, and local agencies, as appropriate, from conducting wildland fire operations in the restoration area, consistent with the purposes of this section.

(B) **PRIORITY.**—To the maximum extent practicable, the Secretary may use prescribed burning and managed wildland fire to achieve the purposes of this section.

(5) **ROAD DECOMMISSIONING.**—

(A) **DEFINITION OF DECOMMISSION.**—In this paragraph, the term "decommission" means, with respect to a road—

(i) to reestablish vegetation on the road; and

(ii) to restore any natural drainage, watershed function, or other ecological process that is disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.

(B) **DECOMMISSIONING.**—To the maximum extent practicable, the Secretary shall decommission any unneeded National Forest System road or any unauthorized road identified for decommissioning within the restoration area—

(i) subject to appropriations;

(ii) consistent with the analysis required under subparts A and B of part 212 of title 36, Code of Federal Regulations (or successor regulations); and

(iii) in accordance with existing law.

(C) **ADDITIONAL REQUIREMENT.**—In making determinations with respect to the decommissioning of a road under subparagraph (B), the Secretary shall consult with—

(i) appropriate State, Tribal, and local governmental entities; and

(ii) members of the public.

(6) **VEGETATION MANAGEMENT.**—

(A) **IN GENERAL.**—Subject to subparagraphs (B), (C), and (D), the Secretary may carry out any vegetation management projects in the restoration area that the Secretary determines to be necessary—

(i) to maintain or restore the characteristics of ecosystem composition and structure;

(ii) to reduce wildfire risk to the community by promoting forests that are fire resilient;

(iii) to improve the habitat of threatened species, endangered species, or sensitive species;

(iv) to protect or improve water quality; or

(v) to enhance the restoration of land within the restoration area.

(B) ADDITIONAL REQUIREMENTS.—

(i) **SHADED FUEL BREAKS.**—In carrying out subparagraph (A), the Secretary shall prioritize, as practicable, the establishment in the restoration area of a network of shaded fuel breaks within—

(I) any portion of the wildland-urban interface that is within 150 feet of private property contiguous to Federal land;

(II) on the condition that the Secretary includes vegetation treatments within a minimum of 25 feet of a road that is open to motorized vehicles as of the date of enactment of this Act if practicable, feasible, and appropriate as part of any shaded fuel break—

(aa) 150 feet of the road; or

(bb) as topography or other conditions require, 275 feet of the road, if the combined total width of the shaded fuel breaks for both sides of the road does not exceed 300 feet; or

(III) 150 feet of any plantation.

(ii) **PLANTATIONS; RIPARIAN RESERVES.**—The Secretary may carry out vegetation management projects—

(I) in an area within the restoration area in which a fish or wildlife habitat is significantly compromised as a result of past management practices (including plantations); and

(II) in designated riparian reserves in the restoration area, as the Secretary determines to be necessary—

(aa) to maintain the integrity of fuel breaks; or

(bb) to enhance fire resilience.

(C) **APPLICABLE LAW.**—The Secretary shall carry out vegetation management projects in the restoration area—

(i) in accordance with—

(I) this section; and

(II) applicable law (including regulations);

(ii) after providing an opportunity for public comment; and

(iii) subject to appropriations.

(D) **BEST AVAILABLE SCIENCE.**—The Secretary shall use the best available science in planning and carrying out vegetation management projects in the restoration area.

(7) GRAZING.—

(A) **EXISTING GRAZING.**—The grazing of livestock in the restoration area, where established before the date of enactment of this Act, shall be permitted to continue—

(i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary;

(ii) in accordance with applicable law (including regulations); and

(iii) in a manner consistent with the purposes described in subsection (c).

(B) **TARGETED NEW GRAZING.**—The Secretary may issue annual targeted grazing permits for the grazing of livestock in an area of the restoration area in which the grazing of livestock is not authorized before the date of enactment of this Act to control noxious weeds, aid in the control of wildfire within the wildland-urban interface, or provide other ecological benefits—

(i) subject to such reasonable regulations, policies, and practices as the Secretary considers to be necessary; and

(ii) in a manner consistent with the purposes described in subsection (c).

(C) **BEST AVAILABLE SCIENCE.**—The Secretary shall use the best available science in determining whether to issue targeted grazing permits under subparagraph (B) within the restoration area.

(e) **WITHDRAWAL.**—Subject to valid existing rights, the restoration area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(f) **USE OF STEWARDSHIP CONTRACTS.**—To the maximum extent practicable, the Secretary shall—

(1) use stewardship contracts to carry out this section; and

(2) use revenue derived from stewardship contracts under paragraph (1) to carry out restoration and other activities within the restoration area, including staff and administrative costs to support timely consultation activities for restoration projects.

(g) **COLLABORATION.**—In developing and carrying out restoration projects in the restoration area, the Secretary shall consult with collaborative groups with an interest in the restoration area.

(h) **ENVIRONMENTAL REVIEW.**—A collaboratively developed restoration project within the restoration area may be carried out in accordance with the provisions for hazardous fuel reduction projects in sections 104, 105, and 106 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6514, 6515, 6516), as applicable.

(i) **MULTIPARTY MONITORING.**—The Secretary of Agriculture shall—

(1) in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of restoration projects within the restoration area; and

(2) incorporate the monitoring results into the management of the restoration area.

(j) **AVAILABLE AUTHORITIES.**—The Secretary shall use any available authorities to secure the funding necessary to fulfill the purposes of the restoration area.

(k) **FOREST RESIDUES UTILIZATION.—**

(1) **IN GENERAL.**—In accordance with applicable law (including regulations) and this section, the Secretary may use forest residues from restoration projects, including shaded fuel breaks, in the restoration area for research and development of biobased products that result in net carbon sequestration.

(2) **PARTNERSHIPS.**—In carrying out paragraph (1), the Secretary may enter into partnerships with institutions of higher education, nongovernmental organizations, industry, Tribes, and Federal, State, and local governmental agencies.

SEC. 5012. REDWOOD NATIONAL AND STATE PARKS RESTORATION.

(a) **PARTNERSHIP AGREEMENTS.**—The Secretary of the Interior may carry out initiatives to restore degraded redwood forest ecosystems in Redwood National and State Parks in partnership with the State, local agencies, and nongovernmental organizations.

(b) **APPLICABLE LAW.**—In carrying out an initiative under subsection (a), the Secretary of the Interior shall comply with applicable law.

SEC. 5013. CALIFORNIA PUBLIC LAND REMEDIATION PARTNERSHIP.

(a) **DEFINITIONS.**—In this section:

(1) **PARTNERSHIP.**—The term “partnership” means the California Public Land Remediation Partnership established by subsection (b).

(2) **PRIORITY LAND.**—The term “priority land” means Federal land in the State that is determined by the partnership to be a high priority for remediation.

(3) **REMEDIATION.—**

(A) **IN GENERAL.**—The term “remediation” means to facilitate the recovery of land or water that has been degraded, damaged, or

destroyed by illegal marijuana cultivation or another illegal activity.

(B) **INCLUSIONS.**—The term “remediation” includes—

(i) the removal of trash, debris, or other material; and

(ii) establishing the composition, structure, pattern, and ecological processes necessary to facilitate terrestrial or aquatic ecosystem sustainability, resilience, or health under current and future conditions.

(b) **ESTABLISHMENT.**—There is established the California Public Land Remediation Partnership.

(c) **PURPOSES.**—The purposes of the partnership are—

(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in the remediation of priority land in the State affected by illegal marijuana cultivation or another illegal activity; and

(2) to use the resources and expertise of each agency, authority, or entity referred to in paragraph (1) in implementing remediation activities on priority land in the State.

(d) **MEMBERSHIP.**—The members of the partnership shall include the following:

(1) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(2) The Secretary of the Interior (or a designee) to represent—

(A) the United States Fish and Wildlife Service;

(B) the Bureau of Land Management; and

(C) the National Park Service.

(3) The Director of the Office of National Drug Control Policy (or a designee).

(4) The Secretary of the State Natural Resources Agency (or a designee) to represent the California Department of Fish and Wildlife.

(5) A designee of the California State Water Resources Control Board.

(6) A designee of the California State Sheriffs' Association.

(7) One member to represent federally recognized Indian Tribes, to be appointed by the Secretary of Agriculture.

(8) One member to represent nongovernmental organizations with an interest in Federal land remediation, to be appointed by the Secretary of Agriculture.

(9) One member to represent local governmental interests, to be appointed by the Secretary of Agriculture.

(10) A law enforcement official from each of the following:

(A) The Department of the Interior.

(B) The Department of Agriculture.

(11) A scientist to provide expertise and advice on methods needed for remediation efforts, to be appointed by the Secretary of Agriculture.

(12) A designee of the National Guard Counterdrug Program.

(e) **DUTIES.**—To further the purposes of this section, the partnership shall—

(1) identify priority land for remediation in the State;

(2) secure resources from Federal sources and non-Federal sources for remediation of priority land in the State;

(3) support efforts by Federal, State, Tribal, and local agencies and nongovernmental organizations in carrying out remediation of priority land in the State;

(4) support research and education on the impacts of, and solutions to, illegal marijuana cultivation and other illegal activities on priority land in the State;

(5) involve other Federal, State, Tribal, and local agencies, nongovernmental organizations, and the public in remediation efforts on priority land in the State, to the maximum extent practicable; and

(6) carry out any other administrative or advisory activities necessary to address remediation of priority land in the State.

(f) **AUTHORITIES.**—Subject to the prior approval of the Secretary of Agriculture, the partnership may—

(1) provide grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) enter into cooperative agreements with, or provide technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested persons;

(3) hire and compensate staff;

(4) obtain funds or services from any source, including—

(A) Federal funds (including funds and services provided under any other Federal law or program); and

(B) non-Federal funds;

(5) contract for goods or services; and

(6) support—

(A) activities of partners; and

(B) any other activities that further the purposes of this section.

(g) **PROCEDURES.**—The partnership shall establish any rules and procedures that the partnership determines to be necessary or appropriate.

(h) **LOCAL HIRING.**—The partnership shall, to the maximum extent practicable and in accordance with existing law, give preference to local entities and individuals in carrying out this section.

(i) **SERVICE WITHOUT COMPENSATION.**—A member of the partnership shall serve without pay.

(j) **DUTIES AND AUTHORITIES OF THE SECRETARIES.**—

(1) **IN GENERAL.**—The Secretary of Agriculture shall convene the partnership on a regular basis to carry out this section.

(2) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary of Agriculture and the Secretary of the Interior may provide technical and financial assistance, on a reimbursable or nonreimbursable basis, as determined to be appropriate by the Secretary of Agriculture or the Secretary of the Interior, as applicable, to the partnership or any members of the partnership to carry out this section.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary of Agriculture and the Secretary of the Interior may enter into cooperative agreements with the partnership, any member of the partnership, or other public or private entities to provide technical, financial, or other assistance to carry out this section.

SEC. 5014. TRINITY LAKE VISITOR CENTER.

(a) **IN GENERAL.**—The Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the “Secretary”), may establish, in cooperation with any other public or private entity that the Secretary determines to be appropriate, a visitor center in Weaverville, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of the Whiskeytown-Shasta-Trinity National Recreation Area.

(b) **REQUIREMENTS.**—The Secretary shall ensure that the visitor center authorized under subsection (a) is designed to provide for the interpretation of the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of the Whiskeytown-Shasta-Trinity National Recreation Area and other Federal land in the vicinity of the visitor center.

(c) **COOPERATIVE AGREEMENTS.**—In a manner consistent with this section, the Secretary may enter into cooperative agreements with the State and any other appropriate institutions and organizations to carry out the purposes of this section.

SEC. 5015. DEL NORTE COUNTY VISITOR CENTER.

(a) **IN GENERAL.**—The Secretary of Agriculture and the Secretary of the Interior, acting jointly or separately (referred to in this section as the “Secretaries”), may establish, in cooperation with any other public or private entity that the Secretaries determine to be appropriate, a visitor center in Del Norte County, California—

(1) to serve visitors; and

(2) to assist in fulfilling the purposes of Redwood National and State Parks, the Smith River National Recreation Area, and any other Federal land in the vicinity of the visitor center.

(b) **REQUIREMENTS.**—The Secretaries shall ensure that the visitor center authorized under subsection (a) is designed to interpret the scenic, biological, natural, historical, scientific, paleontological, recreational, ecological, wilderness, and cultural resources of Redwood National and State Parks, the Smith River National Recreation Area, and any other Federal land in the vicinity of the visitor center.

SEC. 5016. MANAGEMENT PLANS.

(a) **IN GENERAL.**—In revising the land and resource management plan for each of the Shasta-Trinity, Six Rivers, Klamath, and Mendocino National Forests, the Secretary shall—

(1) consider the purposes of the South Fork Trinity-Mad River Restoration Area established by section 5011(b); and

(2) include or update the fire management plan for a wilderness area or wilderness addition established by this title.

(b) **REQUIREMENT.**—In making the revisions under subsection (a), the Secretary shall—

(1) develop spatial fire management plans in accordance with—

(A) the Guidance for Implementation of Federal Wildland Fire Management Policy, dated February 13, 2009, including any amendments to the guidance; and

(B) other appropriate policies;

(2) ensure that a fire management plan—

(A) considers how prescribed or managed fire can be used to achieve ecological management objectives of wilderness and other natural or primitive areas; and

(B) in the case of a wilderness area to which land is added under section 5031, provides consistent direction regarding fire management to the entire wilderness area, including the wilderness addition;

(3) consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public; and

(4) comply with applicable law (including regulations).

SEC. 5017. STUDY; PARTNERSHIPS RELATED TO OVERNIGHT ACCOMMODATIONS.

(a) **STUDY.**—The Secretary of the Interior (referred to in this section as the “Secretary”), in consultation with interested Federal, State, Tribal, and local entities and private and nonprofit organizations, shall conduct a study to evaluate the feasibility and suitability of establishing overnight accommodations near Redwood National and State Parks on—

(1) Federal land that is—

(A) at the northern boundary of Redwood National and State Parks; or

(B) on land within 20 miles of the northern boundary of Redwood National and State Parks; and

(2) Federal land that is—

(A) at the southern boundary of Redwood National and State Parks; or

(B) on land within 20 miles of the southern boundary of Redwood National and State Parks.

(b) **PARTNERSHIPS.**—

(1) **AGREEMENTS AUTHORIZED.**—If the Secretary determines, based on the study con-

ducted under subsection (a), that establishing the accommodations described in that subsection is suitable and feasible, the Secretary may, in accordance with applicable law, enter into 1 or more agreements with qualified private and nonprofit organizations for the development, operation, and maintenance of the accommodations.

(2) **CONTENTS.**—Any agreement entered into under paragraph (1) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization entering into the agreement.

(3) **EFFECT.**—Nothing in this subsection—

(A) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or

(B) amends or modifies the application of any law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle B—Recreation

SEC. 5021. HORSE MOUNTAIN SPECIAL MANAGEMENT AREA.

(a) **ESTABLISHMENT.**—Subject to valid existing rights, there is established the Horse Mountain Special Management Area (referred to in this section as the “special management area”) comprising approximately 7,482 acres of Federal land administered by the Forest Service in Humboldt County, California, as generally depicted on the map entitled “Horse Mountain Special Management Area” and dated May 15, 2020.

(b) **PURPOSE.**—The purpose of the special management area is to enhance the recreational and scenic values of the special management area while conserving the plants, wildlife, and other natural resource values of the area.

(c) **MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act and in accordance with paragraph (2), the Secretary of Agriculture (referred to in this section as the “Secretary”) shall develop a comprehensive plan for the long-term management of the special management area.

(2) **CONSULTATION.**—In developing the management plan required under paragraph (1), the Secretary shall consult with—

(A) appropriate State, Tribal, and local governmental entities; and

(B) members of the public.

(3) **ADDITIONAL REQUIREMENT.**—The management plan required under paragraph (1) shall ensure that recreational use within the special management area does not cause significant adverse impacts on the plants and wildlife of the special management area.

(d) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the special management area—

(A) in furtherance of the purpose described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) **RECREATION.**—The Secretary shall continue to authorize, maintain, and enhance the recreational use of the special management area, including hunting, fishing, camping, hiking, hang gliding, sightseeing, nature study, horseback riding, rafting, mountain bicycling, motorized recreation on authorized routes, and other recreational activities, if the recreational use is consistent with—

(A) the purpose of the special management area;

(B) this section;

(C) other applicable law (including regulations); and

(D) any applicable management plans.

(3) **MOTORIZED VEHICLES.**—

(A) IN GENERAL.—Except as provided in subparagraph (B), the use of motorized vehicles in the special management area shall be permitted only on roads and trails designated for the use of motorized vehicles.

(B) USE OF SNOWMOBILES.—The winter use of snowmobiles shall be allowed in the special management area—

(i) during periods of adequate snow coverage during the winter season; and

(ii) subject to any terms and conditions determined to be necessary by the Secretary.

(4) NEW TRAILS.—

(A) IN GENERAL.—The Secretary may construct new trails for motorized or non-motorized recreation within the special management area in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(B) PRIORITY.—In establishing new trails within the special management area, the Secretary shall—

(i) prioritize the establishment of loops that provide high-quality, diverse recreational experiences; and

(ii) consult with members of the public.

(e) WITHDRAWAL.—Subject to valid existing rights, the special management area is withdrawn from—

(1) all forms of appropriation or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under laws relating to mineral and geothermal leasing.

SEC. 5022. BIGFOOT NATIONAL RECREATION TRAIL.

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the “Secretary”), in cooperation with the Secretary of the Interior, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a study that describes the feasibility of establishing a nonmotorized Bigfoot National Recreation Trail that follows the route described in paragraph (2).

(2) ROUTE.—The route referred to in paragraph (1) shall extend from the Ides Cove Trailhead in the Mendocino National Forest to Crescent City, California, following the route as generally depicted on the map entitled “Bigfoot National Recreation Trail—Proposed” and dated July 25, 2018.

(3) ADDITIONAL REQUIREMENT.—In completing the study required under paragraph (1), the Secretary shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(b) DESIGNATION.—

(1) IN GENERAL.—On a determination by the Secretary that the Bigfoot National Recreation Trail is feasible and meets the requirements for a National Recreation Trail under section 4 of the National Trails System Act (16 U.S.C. 1243), the Secretary shall designate the Bigfoot National Recreation Trail (referred to in this section as the “trail”) in accordance with—

(A) the National Trails System Act (16 U.S.C. 1241 et seq.)

(B) this title; and

(C) other applicable law (including regulations).

(2) ADMINISTRATION.—On designation by the Secretary, the trail shall be administered by the Secretary, in consultation with—

(A) other Federal, State, Tribal, regional, and local agencies;

(B) private landowners; and

(C) other interested organizations.

(3) PRIVATE PROPERTY RIGHTS.—

(A) IN GENERAL.—No portions of the trail may be located on non-Federal land without the written consent of the landowner.

(B) PROHIBITION.—The Secretary shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of the land or interest in the land.

(C) EFFECT.—Nothing in this section—

(i) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(ii) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(c) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local government entities and private entities—

(1) to complete necessary trail construction, reconstruction, realignment, or maintenance; or

(2) carry out education projects relating to the trail.

(d) MAP.—

(1) MAP REQUIRED.—On designation of the trail, the Secretary shall prepare a map of the trail.

(2) PUBLIC AVAILABILITY.—The map referred to in paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5023. ELK CAMP RIDGE RECREATION TRAIL.

(a) DESIGNATION.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary of Agriculture (referred to in this section as the “Secretary”), after providing an opportunity for public comment, shall designate a trail (which may include a system of trails)—

(A) for use by off-highway vehicles, mountain bicycles, or both; and

(B) to be known as the “Elk Camp Ridge Recreation Trail” (referred to in this section as the “trail”).

(2) REQUIREMENTS.—In designating the trail under paragraph (1), the Secretary shall only include routes that are—

(A) as of the date of enactment of this Act, authorized for use by off-highway vehicles, mountain bicycles, or both; and

(B) located on land that is managed by the Forest Service in Del Norte County in the State.

(3) MAP.—A map that depicts the trail shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(b) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the trail—

(A) in accordance with applicable law (including regulations);

(B) in a manner that ensures the safety of citizens who use the trail; and

(C) in a manner that minimizes any damage to sensitive habitat or cultural resources.

(2) MONITORING; EVALUATION.—To minimize the impacts of the use of the trail on environmental and cultural resources, the Secretary shall annually assess the effects of the use of off-highway vehicles and mountain bicycles on—

(A) the trail;

(B) land located in proximity to the trail; and

(C) plants, wildlife, and wildlife habitat.

(3) CLOSURE.—The Secretary, in consultation with the State and Del Norte County in

the State and subject to paragraph (4), may temporarily close or permanently reroute a portion of the trail if the Secretary determines that—

(A) the trail is having an adverse impact on—

(i) wildlife habitat;

(ii) natural resources;

(iii) cultural resources; or

(iv) traditional uses;

(B) the trail threatens public safety; or

(C) closure of the trail is necessary—

(i) to repair damage to the trail; or

(ii) to repair resource damage.

(4) REROUTING.—Any portion of the trail that is temporarily closed by the Secretary under paragraph (3) may be permanently rerouted along any road or trail—

(A) that is—

(i) in existence as of the date of the closure of the portion of the trail;

(ii) located on public land; and

(iii) open to motorized or mechanized use; and

(B) if the Secretary determines that rerouting the portion of the trail would not significantly increase or decrease the length of the trail.

(5) NOTICE OF AVAILABLE ROUTES.—The Secretary shall ensure that visitors to the trail have access to adequate notice relating to the availability of trail routes through—

(A) the placement of appropriate signage along the trail; and

(B) the distribution of maps, safety education materials, and other information that the Secretary determines to be appropriate.

(c) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5024. TRINITY LAKE TRAIL.

(a) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall study the feasibility and public interest of constructing a recreational trail for nonmotorized uses around Trinity Lake (referred to in this section as the “trail”).

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.—Subject to appropriations, and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of the trail is feasible and in the public interest, the Secretary may provide for the construction of the trail.

(B) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—The trail may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the trail.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5025. TRAILS STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, in accordance with subsection (b) and in consultation with interested parties, shall conduct a study to improve motorized and nonmotorized recreation trail opportunities (including mountain bicycling) on land not designated as wilderness within the portions of the Six Rivers, Shasta-Trinity, and Mendocino National Forests located in Del Norte, Humboldt,

Trinity, and Mendocino Counties in the State.

(b) CONSULTATION.—In carrying out the study under subsection (a), the Secretary of Agriculture shall consult with the Secretary of the Interior regarding opportunities to improve, through increased coordination, recreation trail opportunities on land under the jurisdiction of the Secretary of the Interior that shares a boundary with the National Forest System land described in subsection (a).

SEC. 5026. CONSTRUCTION OF MOUNTAIN BICYCLING ROUTES.

(a) TRAIL CONSTRUCTION.—

(1) FEASIBILITY STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the “Secretary”) shall study the feasibility and public interest of constructing recreational trails for mountain bicycling and other nonmotorized uses on the routes as generally depicted in the report entitled “Trail Study for Smith River National Recreation Area Six Rivers National Forest” and dated 2016.

(2) CONSTRUCTION.—

(A) CONSTRUCTION AUTHORIZED.—Subject to appropriations and in accordance with paragraph (3), if the Secretary determines under paragraph (1) that the construction of 1 or more routes described in that paragraph is feasible and in the public interest, the Secretary may provide for the construction of the routes.

(B) MODIFICATIONS.—The Secretary may modify the routes, as determined to be necessary by the Secretary.

(C) USE OF VOLUNTEER SERVICES AND CONTRIBUTIONS.—Routes may be constructed under this section through the acceptance of volunteer services and contributions from non-Federal sources to reduce or eliminate the need for Federal expenditures to construct the route.

(3) COMPLIANCE.—In carrying out this section, the Secretary shall comply with—

(A) the laws (including regulations) generally applicable to the National Forest System; and

(B) this title.

(b) EFFECT.—Nothing in this section affects the ownership, management, or other rights relating to any non-Federal land (including any interest in any non-Federal land).

SEC. 5027. PARTNERSHIPS.

(a) AGREEMENTS AUTHORIZED.—The Secretary may enter into agreements with qualified private and nonprofit organizations to carry out the following activities on Federal land in Mendocino, Humboldt, Trinity, and Del Norte Counties in the State:

(1) Trail and campground maintenance.

(2) Public education, visitor contacts, and outreach.

(3) Visitor center staffing.

(b) CONTENTS.—An agreement entered into under subsection (a) shall clearly define the role and responsibility of the Secretary and the private or nonprofit organization.

(c) COMPLIANCE.—The Secretary shall enter into agreements under subsection (a) in accordance with existing law.

(d) EFFECT.—Nothing in this section—

(1) reduces or diminishes the authority of the Secretary to manage land and resources under the jurisdiction of the Secretary; or

(2) amends or modifies the application of any existing law (including regulations) applicable to land under the jurisdiction of the Secretary.

Subtitle C—Conservation

SEC. 5031. DESIGNATION OF WILDERNESS.

(a) IN GENERAL.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) BLACK BUTTE RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 11,155 acres, as generally depicted on the map entitled “Black Butte Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Black Butte River Wilderness”.

(2) CHANCELULLA WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,382 acres, as generally depicted on the map entitled “Chancelulla Wilderness Additions—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Chancelulla Wilderness designated by section 101(a)(4) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1619).

(3) CHINQUAPIN WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 27,164 acres, as generally depicted on the map entitled “Chinquapin Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Chinquapin Wilderness”.

(4) ELKHORN RIDGE WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 37 acres, as generally depicted on the map entitled “Proposed Elkhorn Ridge Wilderness Additions” and dated October 24, 2019, which is incorporated in, and considered to be a part of, the Elkhorn Ridge Wilderness designated by section 6(d) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2070).

(5) ENGLISH RIDGE WILDERNESS.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 6,204 acres, as generally depicted on the map entitled “English Ridge Wilderness—Proposed” and dated March 29, 2019, which shall be known as the “English Ridge Wilderness”.

(6) HEADWATERS FOREST WILDERNESS.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 4,360 acres, as generally depicted on the map entitled “Headwaters Forest Wilderness—Proposed” and dated October 15, 2019, which shall be known as the “Headwaters Forest Wilderness”.

(7) MAD RIVER BUTTES WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 6,097 acres, as generally depicted on the map entitled “Mad River Buttes Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Mad River Buttes Wilderness”.

(8) MOUNT LASSIC WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 1,288 acres, as generally depicted on the map entitled “Mt. Lassic Wilderness Additions—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Mount Lassic Wilderness designated by section 3(6) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2065).

(9) NORTH FORK WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 16,342 acres, as generally depicted on the map entitled “North Fork Eel Wilderness Additions” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the North Fork Wilderness designated by section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1621).

(10) PATTISON WILDERNESS.—Certain Federal land managed by the Forest Service in

the State, comprising approximately 29,451 acres, as generally depicted on the map entitled “Pattison Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Pattison Wilderness”.

(11) SANHEDRIN WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 112 acres, as generally depicted on the map entitled “Sanhedrin Wilderness Addition—Proposed” and dated March 29, 2019, which is incorporated in, and considered to be a part of, the Sanhedrin Wilderness designated by section 3(2) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2065).

(12) SISKIYOU WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 23,913 acres, as generally depicted on the maps entitled “Siskiyou Wilderness Additions—Proposed (North)” and “Siskiyou Wilderness Additions—Proposed (South)” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Siskiyou Wilderness, as designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1623).

(13) SOUTH FORK EEL RIVER WILDERNESS ADDITION.—Certain Federal land managed by the Bureau of Land Management in the State, comprising approximately 603 acres, as generally depicted on the map entitled “South Fork Eel River Wilderness Additions—Proposed” and dated October 24, 2019, which is incorporated in, and considered to be a part of, the South Fork Eel River Wilderness designated by section 3(10) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2066).

(14) SOUTH FORK TRINITY RIVER WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 26,115 acres, as generally depicted on the map entitled “South Fork Trinity River Wilderness Additions—Proposed” and dated May 15, 2020, which shall be known as the “South Fork Trinity River Wilderness”.

(15) TRINITY ALPS WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service in the State, comprising approximately 61,187 acres, as generally depicted on the maps entitled “Trinity Alps Proposed Wilderness Additions EAST” and “Trinity Alps Wilderness Additions West—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Trinity Alps Wilderness designated by section 101(a)(34) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1623).

(16) UNDERWOOD WILDERNESS.—Certain Federal land managed by the Forest Service in the State, comprising approximately 15,068 acres, as generally depicted on the map entitled “Underwood Wilderness—Proposed” and dated May 15, 2020, which shall be known as the “Underwood Wilderness”.

(17) YOLLA BOLLY-MIDDLE EEL WILDERNESS ADDITIONS.—Certain Federal land managed by the Forest Service and the Bureau of Land Management in the State, comprising approximately 11,243 acres, as generally depicted on the maps entitled “Yolla Bolly Wilderness Proposed—NORTH”, “Yolla Bolly Wilderness Proposed—SOUTH”, and “Yolla Bolly Wilderness Proposed—WEST” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness designated by section 3 of the Wilderness Act (16 U.S.C. 1132).

(18) YUKI WILDERNESS ADDITION.—Certain Federal land managed by the Forest Service

and the Bureau of Land Management in the State, comprising approximately 11,076 acres, as generally depicted on the map entitled “Yuki Wilderness Additions—Proposed” and dated May 15, 2020, which is incorporated in, and considered to be a part of, the Yuki Wilderness designated by section 3(3) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2065).

(b) REDESIGNATION OF NORTH FORK WILDERNESS AS NORTH FORK EEL RIVER WILDERNESS.—

(1) IN GENERAL.—Section 101(a)(19) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1621) is amended by striking “which shall be known as the North Fork Wilderness” and inserting “which shall be known as the ‘North Fork Eel River Wilderness’”.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “North Fork Wilderness” shall be considered to be a reference to the “North Fork Eel River Wilderness”.

(c) ELKHORN RIDGE WILDERNESS MODIFICATION.—The boundary of the Elkhorn Ridge Wilderness established by section 6(d) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2070) is modified by removing approximately 30 acres of Federal land, as generally depicted on the map entitled “Proposed Elkhorn Ridge Wilderness Additions” and dated October 24, 2019.

SEC. 5032. ADMINISTRATION OF WILDERNESS.

(a) IN GENERAL.—Subject to valid existing rights, a wilderness area or wilderness addition established by section 5031(a) (referred to in this section as a “wilderness area or addition”) shall be administered by the Secretary in accordance with this subtitle and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in that Act to the Secretary of Agriculture shall be considered to be a reference to the Secretary.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may carry out any activities in a wilderness area or addition as are necessary for the control of fire, insects, or disease in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 1437 of the 98th Congress (House Report 98-40).

(2) FUNDING PRIORITIES.—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) ADMINISTRATION.—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary of Agriculture shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in a wilderness area or addition, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2)(A) for land under the jurisdiction of the Secretary of Agriculture, the guidelines set forth in the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 5487 of the 96th Congress (H. Rept. 96-617); and

(B) for land under the jurisdiction of the Secretary of the Interior, the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In support of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that the Secretary determines to be necessary to maintain or restore a fish, wildlife, or plant population or habitat in a wilderness area or addition, if the management activity is conducted in accordance with—

(A) an applicable wilderness management plan;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(e) BUFFER ZONES.—

(1) IN GENERAL.—Nothing in this subtitle establishes a protective perimeter or buffer zone around a wilderness area or addition.

(2) OUTSIDE ACTIVITIES OR USES.—The fact that a nonwilderness activity or use can be seen or heard from within a wilderness area or addition shall not preclude the activity or use outside the boundary of the wilderness area or addition.

(f) MILITARY ACTIVITIES.—Nothing in this subtitle precludes—

(1) low-level overflights of military aircraft over a wilderness area or addition;

(2) the designation of a new unit of special airspace over a wilderness area or addition; or

(3) the use or establishment of a military flight training route over a wilderness area or addition.

(g) HORSES.—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, a wilderness area or addition—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(h) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas and additions are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(i) USE BY MEMBERS OF INDIAN TRIBES.—

(1) ACCESS.—In recognition of the past use of wilderness areas and additions by members of Indian Tribes for traditional cultural and religious purposes, the Secretary shall ensure that Indian Tribes have access to the wilderness areas and additions for traditional cultural and religious purposes.

(2) TEMPORARY CLOSURES.—

(A) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian Tribe, may temporarily close to the general public 1 or more specific portions of a wilder-

ness area or addition to protect the privacy of the members of the Indian Tribe in the conduct of the traditional cultural and religious activities in the wilderness area or addition.

(B) REQUIREMENT.—Any closure under subparagraph (A) shall be made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out.

(3) APPLICABLE LAW.—Access to the wilderness areas and wilderness additions under this subsection shall be in accordance with—

(A) Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(j) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area or addition that is acquired by the United States shall—

(1) become part of the wilderness area or addition in which the land is located;

(2) be withdrawn in accordance with subsection (h); and

(3) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

(k) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the devices and access to the devices are essential to a flood warning, flood control, or water reservoir operation activity.

(l) AUTHORIZED EVENTS.—The Secretary may continue to authorize the competitive equestrian event permitted since 2012 in the Chinquapin Wilderness established by section 5031(a)(3) in a manner compatible with the preservation of the area as wilderness.

(m) RECREATIONAL CLIMBING.—Nothing in this title prohibits recreational rock climbing activities in the wilderness areas or additions, such as the placement, use, and maintenance of fixed anchors, including any fixed anchor established before the date of enactment of this Act—

(1) in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

SEC. 5033. DESIGNATION OF POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as potential wilderness areas:

(1) Certain Federal land managed by the Forest Service, comprising approximately 4,005 acres, as generally depicted on the map entitled “Chinquapin Proposed Potential Wilderness” and dated May 15, 2020.

(2) Certain Federal land administered by the National Park Service, comprising approximately 31,000 acres, as generally depicted on the map entitled “Redwood National Park—Potential Wilderness” and dated October 9, 2019.

(3) Certain Federal land managed by the Forest Service, comprising approximately 5,681 acres, as generally depicted on the map entitled “Siskiyou Proposed Potential Wilderness” and dated May 15, 2020.

(4) Certain Federal land managed by the Forest Service, comprising approximately 446 acres, as generally depicted on the map entitled “South Fork Trinity River Proposed Potential Wilderness” and dated May 15, 2020.

(5) Certain Federal land managed by the Forest Service, comprising approximately 1,256 acres, as generally depicted on the map entitled "Trinity Alps Proposed Potential Wilderness" and dated May 15, 2020.

(6) Certain Federal land managed by the Forest Service, comprising approximately 4,386 acres, as generally depicted on the map entitled "Yolla Bolly Middle-Eel Proposed Potential Wilderness" and dated May 15, 2020.

(7) Certain Federal land managed by the Forest Service, comprising approximately 2,918 acres, as generally depicted on the map entitled "Yuki Proposed Potential Wilderness" and dated May 15, 2020.

(b) **MANAGEMENT.**—Except as provided in subsection (c) and subject to valid existing rights, the Secretary shall manage each potential wilderness area designated by subsection (a) (referred to in this section as a "potential wilderness area") as wilderness until the date on which the potential wilderness area is designated as wilderness under subsection (d).

(c) **ECOLOGICAL RESTORATION.**—

(1) **IN GENERAL.**—For purposes of ecological restoration (including the elimination of nonnative species, removal of illegal, unused, or decommissioned roads, repair of skid tracks, and any other activities necessary to restore the natural ecosystems in a potential wilderness area and consistent with paragraph (2)), the Secretary may use motorized equipment and mechanized transport in a potential wilderness area until the date on which the potential wilderness area is designated as wilderness under subsection (d).

(2) **LIMITATION.**—To the maximum extent practicable, the Secretary shall use the minimum tool or administrative practice necessary to accomplish ecological restoration with the least amount of adverse impact on wilderness character and resources.

(d) **WILDERNESS DESIGNATION.**—A potential wilderness area shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(1) the date on which the Secretary publishes in the Federal Register notice that the conditions in the potential wilderness area that are incompatible with the Wilderness Act (16 U.S.C. 1131 et seq.) have been removed; and

(2) the date that is 10 years after the date of enactment of this Act, in the case of a potential wilderness area located on land managed by the Forest Service.

(e) **ADMINISTRATION AS WILDERNESS.**—

(1) **IN GENERAL.**—On the designation of a potential wilderness area as wilderness under subsection (d), the wilderness shall be administered in accordance with—

(A) section 5032; and

(B) the Wilderness Act (16 U.S.C. 1131 et seq.).

(2) **DESIGNATION.**—On the designation as wilderness under subsection (d)—

(A) the land described in subsection (a)(1) shall be incorporated in, and considered to be a part of, the Chinquapin Wilderness established by section 5031(a)(3);

(B) the land described in subsection (a)(3) shall be incorporated in, and considered to be a part of, the Siskiyou Wilderness designated by section 101(a)(30) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1623);

(C) the land described in subsection (a)(4) shall be incorporated in, and considered to be a part of, the South Fork Trinity River Wilderness established by section 5031(a)(14);

(D) the land described in subsection (a)(5) shall be incorporated in, and considered to be a part of, the Trinity Alps Wilderness designated by section 101(a)(34) of the California

Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1623);

(E) the land described in subsection (a)(6) shall be incorporated in, and considered to be a part of, the Yolla Bolly-Middle Eel Wilderness designated by section 3 of the Wilderness Act (16 U.S.C. 1132); and

(F) the land described in subsection (a)(7) shall be incorporated in, and considered to be a part of, the Yuki Wilderness designated by section 3(3) of the Northern California Coastal Wild Heritage Wilderness Act (16 U.S.C. 1132 note; Public Law 109-362; 120 Stat. 2065) and expanded by section 5031(a)(18).

(f) **REPORT.**—Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter until the date on which the potential wilderness areas are designated as wilderness under subsection (d), the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes—

(1) the status of ecological restoration within the potential wilderness areas; and

(2) the progress toward the eventual designation of the potential wilderness areas as wilderness under subsection (d).

SEC. 5034. DESIGNATION OF WILD AND SCENIC RIVERS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"(231) **SOUTH FORK TRINITY RIVER.**—The following segments from the source tributaries in the Yolla Bolly-Middle Eel Wilderness, to be administered by the Secretary of Agriculture:

"(A) The 18.3-mile segment from its multiple source springs in the Cedar Basin of the Yolla Bolly-Middle Eel Wilderness in sec. 15, T. 27 N., R. 10 W., to 0.25 miles upstream of the Wild Mad Road, as a wild river.

"(B) The 0.65-mile segment from 0.25 miles upstream of Wild Mad Road to the confluence with the unnamed tributary approximately 0.4 miles downstream of the Wild Mad Road in sec. 29, T. 28 N., R. 11 W., as a scenic river.

"(C) The 9.8-mile segment from 0.75 miles downstream of Wild Mad Road to Silver Creek, as a wild river.

"(D) The 5.4-mile segment from Silver Creek confluence to Farley Creek, as a scenic river.

"(E) The 3.6-mile segment from Farley Creek to Cave Creek, as a recreational river.

"(F) The 5.6-mile segment from Cave Creek to the confluence of the unnamed creek upstream of Hidden Valley Ranch in sec. 5, T. 15, R. 7 E., as a wild river.

"(G) The 2.5-mile segment from the unnamed creek confluence upstream of Hidden Valley Ranch to the confluence with the unnamed creek flowing west from Bear Wallow Mountain in sec. 29, T. 1 N., R. 7 E., as a scenic river.

"(H) The 3.8-mile segment from the unnamed creek confluence in sec. 29, T. 1 N., R. 7 E., to Plummer Creek, as a wild river.

"(I) The 1.8-mile segment from Plummer Creek to the confluence with the unnamed tributary north of McClellan Place in sec. 6, T. 1 N., R. 7 E., as a scenic river.

"(J) The 5.4-mile segment from the unnamed tributary confluence in sec. 6, T. 1 N., R. 7 E., to Hitchcock Creek, as a wild river.

"(K) The 7-mile segment from Eltapom Creek to the Grouse Creek, as a scenic river.

"(L) The 5-mile segment from Grouse Creek to Coon Creek, as a wild river.

"(232) **EAST FORK SOUTH FORK TRINITY RIVER.**—The following segments, to be administered by the Secretary of Agriculture:

"(A) The 8.4-mile segment from its source in the Pettijohn Basin in the Yolla Bolly-

Middle Eel Wilderness in sec. 10, T. 3 S., R. 10 W., to 0.25 miles upstream of the Wild Mad Road, as a wild river.

"(B) The 3.4-mile segment from 0.25 miles upstream of the Wild Mad Road to the South Fork Trinity River, as a recreational river.

"(233) **RATTLESNAKE CREEK.**—The 5.9-mile segment from the confluence with the unnamed tributary in the southeast corner of sec. 5, T. 1 S., R. 12 W., to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a recreational river.

"(234) **BUTTER CREEK.**—The 7-mile segment from 0.25 miles downstream of the Road 3N08 crossing to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a scenic river.

"(235) **HAYFORK CREEK.**—The following segments, to be administered by the Secretary of Agriculture:

"(A) The 3.2-mile segment from Little Creek to Bear Creek, as a recreational river.

"(B) The 13.2-mile segment from Bear Creek to the northern boundary of sec. 19, T. 3 N., R. 7 E., as a scenic river.

"(236) **OLSEN CREEK.**—The 2.8-mile segment from the confluence of its source tributaries in sec. 5, T. 3 N., R. 7 E., to the northern boundary of sec. 24, T. 3 N., R. 6 E., to be administered by the Secretary of the Interior as a scenic river.

"(237) **RUSCH CREEK.**—The 3.2-mile segment from 0.25 miles downstream of the 32N11 Road crossing to Hayfork Creek, to be administered by the Secretary of Agriculture as a recreational river.

"(238) **ELTAPOM CREEK.**—The 3.4-mile segment from Buckhorn Creek to the South Fork Trinity River, to be administered by the Secretary of Agriculture as a wild river.

"(239) **GROUSE CREEK.**—The following segments, to be administered by the Secretary of Agriculture:

"(A) The 3.9-mile segment from Carson Creek to Cow Creek, as a scenic river.

"(B) The 7.4-mile segment from Cow Creek to the South Fork Trinity River, as a recreational river.

"(240) **MADDEN CREEK.**—The following segments, to be administered by the Secretary of Agriculture:

"(A) The 6.8-mile segment from the confluence of Madden Creek and its unnamed tributary in sec. 18, T. 5 N., R. 5 E., to Fourmile Creek, as a wild river.

"(B) The 1.6-mile segment from Fourmile Creek to the South Fork Trinity River, as a recreational river.

"(241) **CANYON CREEK.**—The following segments, to be administered by the Secretary of Agriculture and the Secretary of the Interior:

"(A) The 6.6-mile segment from the outlet of lower Canyon Creek Lake to Bear Creek upstream of Ripstein, as a wild river.

"(B) The 11.2-mile segment from Bear Creek upstream of Ripstein to the southern boundary of sec. 25, T. 34 N., R. 11 W., as a recreational river.

"(242) **NORTH FORK TRINITY RIVER.**—The following segments, to be administered by the Secretary of Agriculture:

"(A) The 12-mile segment from the confluence of source tributaries in sec. 24, T. 8 N., R. 12 W., to the Trinity Alps Wilderness boundary upstream of Hobo Gulch, as a wild river.

"(B) The 0.5-mile segment from where the river leaves the Trinity Alps Wilderness to where it fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch, as a scenic river.

"(C) The 13.9-mile segment from where the river fully reenters the Trinity Alps Wilderness downstream of Hobo Gulch to the Trinity Alps Wilderness boundary upstream of the County Road 421 crossing, as a wild river.

“(D) The 1.3-mile segment from the Trinity Alps Wilderness boundary upstream of the County Road 421 crossing to the Trinity River, as a recreational river.

“(243) EAST FORK NORTH FORK TRINITY RIVER.—The following segments, to be administered by the Secretary of Agriculture:

“(A) The 9.5-mile segment from the source north of Mt. Hilton in sec. 19, T. 36 N., R. 10 W., to the end of Road 35N20 approximately 0.5 miles downstream of the confluence with the East Branch East Fork North Fork Trinity River, as a wild river.

“(B) The 3.25-mile segment from the end of Road 35N20 to 0.25 miles upstream of Coleridge, as a scenic river.

“(C) The 4.6-mile segment from 0.25 miles upstream of Coleridge to the confluence of Fox Gulch, as a recreational river.

“(244) NEW RIVER.—The following segments, to be administered by the Secretary of Agriculture:

“(A) The 12.7-mile segment of Virgin Creek from its source spring in sec. 22, T. 9 N., R. 7 E., to Slide Creek, as a wild river.

“(B) The 2.3-mile segment of the New River where it begins at the confluence of Virgin and Slide Creeks to Barron Creek, as a wild river.

“(245) MIDDLE EEL RIVER.—The following segments, to be administered by the Secretary of Agriculture:

“(A) The 37.7-mile segment from its source in Frying Pan Meadow to Rose Creek, as a wild river.

“(B) The 1.5-mile segment from Rose Creek to the Black Butte River, as a recreational river.

“(C) The 10.5-mile segment of Balm of Gilead Creek from its source in Hopkins Hollow to the Middle Eel River, as a wild river.

“(D) The 13-mile segment of the North Fork Middle Fork Eel River from the source on Dead Puppy Ridge in sec. 11, T. 26 N., R. 11 W., to the confluence of the Middle Eel River, as a wild river.

“(246) NORTH FORK EEL RIVER, CALIFORNIA.—The 14.3-mile segment from the confluence with Gilman Creek to the Six Rivers National Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

“(247) RED MOUNTAIN CREEK, CALIFORNIA.—The following segments, to be administered by the Secretary of Agriculture:

“(A) The 5.25-mile segment from its source west of Mike's Rock in sec. 23, T. 26 N., R. 12 E., to the confluence with Littlefield Creek, as a wild river.

“(B) The 1.6-mile segment from the confluence with Littlefield Creek to the confluence with the unnamed tributary in sec. 32, T. 26 N., R. 8 E., as a scenic river.

“(C) The 1.25-mile segment from the confluence with the unnamed tributary in sec. 32, T. 4 S., R. 8 E., to the confluence with the North Fork Eel River, as a wild river.

“(248) REDWOOD CREEK.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 6.2-mile segment from the confluence with Lacks Creek to the confluence with Coyote Creek, as a scenic river, on publication by the Secretary of the Interior of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title to establish a manageable addition to the National Wild and Scenic Rivers System.

“(B) The 19.1-mile segment from the confluence with Coyote Creek in sec. 2, T. 8 N., R. 2 E., to the Redwood National Park boundary upstream of Orick in sec. 34, T. 11 N., R. 1 E., as a scenic river.

“(C) The 2.3-mile segment of Emerald Creek (also known as Harry Weir Creek) from its source in sec. 29, T. 10 N., R. 2 E., to

the confluence with Redwood Creek, as a scenic river.

“(249) LACKS CREEK.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 5.1-mile segment from the confluence with 2 unnamed tributaries in sec. 14, T. 7 N., R. 3 E., to Kings Crossing in sec. 27, T. 8 N., R. 3 E., as a wild river.

“(B) The 2.7-mile segment from Kings Crossing to the confluence with Redwood Creek, as a scenic river, on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the segment have been acquired in fee title or as scenic easements to establish a manageable addition to the National Wild and Scenic Rivers System.

“(250) LOST MAN CREEK.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 6.4-mile segment of Lost Man Creek from its source in sec. 5, T. 10 N., R. 2 E., to 0.25 miles upstream of the Prairie Creek confluence, as a recreational river.

“(B) The 2.3-mile segment of Larry Damm Creek from its source in sec. 8, T. 11 N., R. 2 E., to the confluence with Lost Man Creek, as a recreational river.

“(251) LITTLE LOST MAN CREEK.—The 3.6-mile segment of Little Lost Man Creek from its source in sec. 6, T. 10 N., R. 2 E., to 0.25 miles upstream of the Lost Man Creek road crossing, to be administered by the Secretary of the Interior as a wild river.

“(252) SOUTH FORK ELK RIVER.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

“(A) The 3.6-mile segment of the Little South Fork Elk River from the source in sec. 21, T. 3 N., R. 1 E., to the confluence with the South Fork Elk River, as a wild river.

“(B) The 2.2-mile segment of the unnamed tributary of the Little South Fork Elk River from its source in sec. 15, T. 3 N., R. 1 E., to the confluence with the Little South Fork Elk River, as a wild river.

“(C) The 3.6-mile segment of the South Fork Elk River from the confluence of the Little South Fork Elk River to the confluence with Tom Gulch, as a recreational river.

“(253) SALMON CREEK.—The 4.6-mile segment from its source in sec. 27, T. 3 N., R. 1 E., to the Headwaters Forest Reserve boundary in sec. 18, T. 3 N., R. 1 E., to be administered by the Secretary of the Interior as a wild river through a cooperative management agreement with the State of California.

“(254) SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 6.2-mile segment from the confluence with Jack of Hearts Creek to the southern boundary of the South Fork Eel Wilderness in sec. 8, T. 22 N., R. 16 W., as a recreational river to be administered by the Secretary through a cooperative management agreement with the State of California.

“(B) The 6.1-mile segment from the southern boundary of the South Fork Eel Wilderness to the northern boundary of the South Fork Eel Wilderness in sec. 29, T. 23 N., R. 16 W., as a wild river.

“(255) ELDER CREEK.—The following segments, to be administered by the Secretary of the Interior through a cooperative management agreement with the State of California:

“(A) The 3.6-mile segment from its source north of Signal Peak in sec. 6, T. 21 N., R. 15 W., to the confluence with the unnamed tributary near the center of sec. 28, T. 22 N., R. 16 W., as a wild river.

“(B) The 1.3-mile segment from the confluence with the unnamed tributary near the

center of sec. 28, T. 22 N., R. 15 W., to the confluence with the South Fork Eel River, as a recreational river.

“(C) The 2.1-mile segment of Paralyze Canyon from its source south of Signal Peak in sec. 7, T. 21 N., R. 15 W., to the confluence with Elder Creek, as a wild river.

“(256) CEDAR CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

“(A) The 7.7-mile segment from its source in sec. 22, T. 24 N., R. 16 W., to the southern boundary of the Red Mountain unit of the South Fork Eel Wilderness.

“(B) The 1.9-mile segment of North Fork Cedar Creek from its source in sec. 28, T. 24 N., R. 16 E., to the confluence with Cedar Creek.

“(257) EAST BRANCH SOUTH FORK EEL RIVER.—The following segments, to be administered by the Secretary of the Interior as a scenic river on publication by the Secretary of a notice in the Federal Register that sufficient inholdings within the boundaries of the segments have been acquired in fee title or as scenic easements to establish a manageable addition to the National Wild and Scenic Rivers System:

“(A) The 2.3-mile segment of Cruso Cabin Creek from the confluence of 2 unnamed tributaries in sec. 18, T. 24 N., R. 15 W., to the confluence with Elkhorn Creek.

“(B) The 1.8-mile segment of Elkhorn Creek from the confluence of 2 unnamed tributaries in sec. 22, T. 24 N., R. 16 W., to the confluence with Cruso Cabin Creek.

“(C) The 14.2-mile segment of the East Branch South Fork Eel River from the confluence of Cruso Cabin and Elkhorn Creeks to the confluence with Rays Creek.

“(D) The 1.7-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 2, T. 24 N., R. 17 W., to the confluence with the East Branch South Fork Eel River.

“(E) The 1.3-mile segment of the unnamed tributary from its source on the north flank of Red Mountain's north ridge in sec. 1, T. 24 N., R. 17 W., to the confluence with the East Branch South Fork Eel River.

“(F) The 1.8-mile segment of Tom Long Creek from the confluence with the unnamed tributary in sec. 12, T. 5 S., R. 4 E., to the confluence with the East Branch South Fork Eel River.

“(258) MATTOLE RIVER ESTUARY.—The 1.5-mile segment from the confluence of Stansberry Creek to the Pacific Ocean, to be administered as a recreational river by the Secretary of the Interior.

“(259) HONEYDEW CREEK.—The following segments, to be administered as a wild river by the Secretary of the Interior:

“(A) The 5.1-mile segment of Honeydew Creek from its source in the southwest corner of sec. 25, T. 3 S., R. 1 W., to the eastern boundary of the King Range National Conservation Area in sec. 18, T. 3 S., R. 1 E.

“(B) The 2.8-mile segment of West Fork Honeydew Creek from its source west of North Slide Peak to the confluence with Honeydew Creek.

“(C) The 2.7-mile segment of Upper East Fork Honeydew Creek from its source in sec. 23, T. 3 S., R. 1 W., to the confluence with Honeydew Creek.

“(260) BEAR CREEK.—The following segments, to be administered by the Secretary of the Interior:

“(A) The 1.9-mile segment of North Fork Bear Creek from the confluence with the unnamed tributary immediately downstream of the Horse Mountain Road crossing to the confluence with the South Fork, as a scenic river.

“(B) The 6.1-mile segment of South Fork Bear Creek from the confluence in sec. 2, T. 5 S., R. 1 W., with the unnamed tributary

flowing from the southwest flank of Queen Peak to the confluence with the North Fork, as a scenic river.

“(C) The 3-mile segment of Bear Creek from the confluence of the North and South Forks to the southern boundary of sec. 11, T. 4 S., R. 1 E., as a wild river.

“(261) GITCHELL CREEK.—The 3-mile segment of Gitchell Creek from its source near Saddle Mountain to the Pacific Ocean, to be administered by the Secretary of the Interior as a wild river.

“(262) BIG FLAT CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

“(A) The 4-mile segment of Big Flat Creek from its source near King Peak in sec. 36, T. 3 S., R. 1 W., to the Pacific Ocean.

“(B) The 0.8-mile segment of the unnamed tributary from its source in sec. 35, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

“(C) The 2.7-mile segment of North Fork Big Flat Creek from the source in sec. 34, T. 3 S., R. 1 W., to the confluence with Big Flat Creek.

“(263) BIG CREEK.—The following segments, to be administered by the Secretary of the Interior as a wild river:

“(A) The 2.7-mile segment of Big Creek from its source in sec. 26, T. 3 S., R. 1 W., to the Pacific Ocean.

“(B) The 1.9-mile unnamed southern tributary from its source in sec. 25, T. 3 S., R. 1 W., to the confluence with Big Creek.

“(264) ELK CREEK.—The 11.4-mile segment from its confluence with Lookout Creek to its confluence with Deep Hole Creek, to be jointly administered by the Secretaries of Agriculture and the Interior as a wild river.

“(265) EDEN CREEK.—The 2.7-mile segment from the private property boundary in the northwest quarter of sec. 27, T. 21 N., R. 12 W., to the eastern boundary of sec. 23, T. 21 N., R. 12 W., to be administered by the Secretary of the Interior as a wild river.

“(266) DEEP HOLE CREEK.—The 4.3-mile segment from the private property boundary in the southwest quarter of sec. 13, T. 20 N., R. 12 W., to the confluence with Elk Creek, to be administered by the Secretary of the Interior as a wild river.

“(267) INDIAN CREEK.—The 3.3-mile segment from 300 feet downstream of the jeep trail in sec. 13, T. 20 N., R. 13 W., to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.

“(268) FISH CREEK.—The 4.2-mile segment from the source at Buckhorn Spring to the confluence with the Eel River, to be administered by the Secretary of the Interior as a wild river.”.

SEC. 5035. SANHEDRIN SPECIAL CONSERVATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—Subject to valid existing rights, there is established the Sanhedrin Special Conservation Management Area (referred to in this section as the “conservation management area”), comprising approximately 12,254 acres of Federal land administered by the Forest Service in Mendocino County, California, as generally depicted on the map entitled “Sanhedrin Conservation Management Area” and dated May 15, 2020.

(b) PURPOSES.—The purposes of the conservation management area are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, roadless, cultural, historical, natural, educational, and scientific resources of the conservation management area;

(2) to protect and restore late-successional forest structure, oak woodlands and grasslands, aquatic habitat, and anadromous fish-

eries within the conservation management area;

(3) to protect and restore the wilderness character of the conservation management area; and

(4) to allow visitors to enjoy the scenic, natural, cultural, and wildlife values of the conservation management area.

(c) MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the conservation management area—

(A) in a manner consistent with the purposes described in subsection (b); and

(B) in accordance with—

(i) the laws (including regulations) generally applicable to the National Forest System;

(ii) this section; and

(iii) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow uses of the conservation management area that the Secretary determines would further the purposes described in subsection (b).

(d) MOTORIZED VEHICLES.—

(1) IN GENERAL.—Except as provided in paragraph (3), the use of motorized vehicles in the conservation management area shall be permitted only on existing roads, trails, and areas designated for use by such vehicles as of the date of enactment of this Act.

(2) NEW OR TEMPORARY ROADS.—Except as provided in paragraph (3), no new or temporary roads shall be constructed within the conservation management area.

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prevents the Secretary from—

(A) rerouting or closing an existing road or trail to protect natural resources from degradation, or to protect public safety, as determined to be appropriate by the Secretary;

(B) designating routes of travel on land acquired by the Secretary and incorporated into the conservation management area if the designations are—

(i) consistent with the purposes described in subsection (b); and

(ii) completed, to the maximum extent practicable, not later than 3 years after the date of acquisition;

(C) constructing a temporary road on which motorized vehicles are permitted as part of a vegetation management project carried out in accordance with paragraph (4);

(D) authorizing the use of motorized vehicles for administrative purposes; or

(E) responding to an emergency.

(4) DECOMMISSIONING OF TEMPORARY ROADS.—

(A) DEFINITION OF DECOMMISSION.—In this paragraph, the term “decommission” means, with respect to a road—

(i) to reestablish vegetation on the road; and

(ii) to restore any natural drainage, watershed function, or other ecological processes that are disrupted or adversely impacted by the road by removing or hydrologically disconnecting the road prism.

(B) REQUIREMENT.—Not later than 3 years after the date on which the applicable vegetation management project is completed, the Secretary shall decommission any temporary road constructed under paragraph (3)(C).

(e) TIMBER HARVEST.—

(1) IN GENERAL.—Except as provided in paragraph (2), no harvesting of timber shall be allowed within the conservation management area.

(2) EXCEPTIONS.—The Secretary may authorize harvesting of timber in the conservation management area—

(A) if the Secretary determines that the harvesting is necessary to further the purposes of the conservation management area;

(B) in a manner consistent with the purposes described in subsection (b); and

(C) subject to—

(i) such reasonable regulations, policies, and practices as the Secretary determines to be appropriate; and

(ii) all applicable laws (including regulations).

(f) GRAZING.—The grazing of livestock in the conservation management area, where established before the date of enactment of this Act, shall be permitted to continue—

(1) subject to—

(A) such reasonable regulations, policies, and practices as the Secretary considers necessary; and

(B) applicable law (including regulations); and

(2) in a manner consistent with the purposes described in subsection (b).

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may carry out any activities within the conservation management area that the Secretary determines to be necessary to control fire, insects, or diseases, including the coordination of those activities with a State or local agency.

(h) ACQUISITION AND INCORPORATION OF LAND AND INTERESTS IN LAND.—

(1) ACQUISITION AUTHORITY.—In accordance with applicable laws (including regulations), the Secretary may acquire any land or interest in land within or adjacent to the boundaries of the conservation management area by purchase from a willing seller, donation, or exchange.

(2) INCORPORATION.—Any land or interest in land acquired by the Secretary under paragraph (1) shall be—

(A) incorporated into, and administered as part of, the conservation management area; and

(B) withdrawn in accordance with subsection (i).

(i) WITHDRAWAL.—Subject to valid existing rights, all Federal land located in the conservation management area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

Subtitle D—Miscellaneous

SEC. 5041. MAPS AND LEGAL DESCRIPTIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall prepare maps and legal descriptions of—

(1) the South Fork Trinity-Mad River Restoration Area established by section 5011(b);

(2) the Horse Mountain Special Management Area established by section 5021(a);

(3) the wilderness areas and wilderness additions designated by section 5031(a);

(4) the potential wilderness areas designated by section 5033(a); and

(5) the Sanhedrin Special Conservation Management Area established by section 5035(a).

(b) SUBMISSION OF MAPS AND LEGAL DESCRIPTIONS.—The Secretary shall file the maps and legal descriptions prepared under subsection (a) with—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Natural Resources of the House of Representatives.

(c) FORCE OF LAW.—The maps and legal descriptions prepared under subsection (a) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(d) PUBLIC AVAILABILITY.—The maps and legal descriptions prepared under subsection

(a) shall be on file and available for public inspection in the appropriate offices of the Forest Service, the Bureau of Land Management, or the National Park Service, as applicable.

SEC. 5042. UPDATES TO LAND AND RESOURCE MANAGEMENT PLANS.

As soon as practicable after the date of enactment of this Act, in accordance with applicable law (including regulations), the Secretary shall incorporate the designations and studies required by this title into updated management plans for units covered by this title.

SEC. 5043. PACIFIC GAS AND ELECTRIC COMPANY UTILITY FACILITIES AND RIGHTS-OF-WAY.

(a) **EFFECT OF TITLE.**—Nothing in this title—

(1) affects any validly issued right-of-way for the customary operation, maintenance, upgrade, repair, relocation within an existing right-of-way, replacement, or other authorized activity (including the use of any mechanized vehicle, helicopter, and other aerial device) in a right-of-way acquired by or issued, granted, or permitted to Pacific Gas and Electric Company (including any predecessor or successor in interest or assign) that is located on land included in—

(A) the South Fork Trinity-Mad River Restoration Area established by section 5011(b);

(B) the Horse Mountain Special Management Area established by section 5021(a);

(C) the Bigfoot National Recreation Trail established under section 5022(b)(1);

(D) the Sanhedrin Special Conservation Management Area established by section 5035(a); or

(2) prohibits the upgrading or replacement of any—

(A) utility facilities of the Pacific Gas and Electric Company, including those utility facilities in existence on the date of enactment of this Act within—

(i) the South Fork Trinity-Mad River Restoration Area known as—

(I) “Gas Transmission Line 177A or rights-of-way”;

(II) “Gas Transmission Line DFM 1312-02 or rights-of-way”;

(III) “Electric Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way”;

(IV) “Electric Transmission Line Humboldt-Trinity 60 kV or rights-of-way”;

(V) “Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way”;

(VI) “Electric Transmission Line Maple Creek-Hoopa 60 kV or rights-of-way”;

(VII) “Electric Distribution Line-Willow Creek 1101 12 kV or rights-of-way”;

(VIII) “Electric Distribution Line-Willow Creek 1103 12 kV or rights-of-way”;

(IX) “Electric Distribution Line-Low Gap 1101 12 kV or rights-of-way”;

(X) “Electric Distribution Line-Fort Seward 1121 12 kV or rights-of-way”;

(XI) “Forest Glen Border District Regulator Station or rights-of-way”;

(XII) “Durreet District Gas Regulator Station or rights-of-way”;

(XIII) “Gas Distribution Line 4269C or rights-of-way”;

(XIV) “Gas Distribution Line 43991 or rights-of-way”;

(XV) “Gas Distribution Line 4993D or rights-of-way”;

(XVI) “Sportsmans Club District Gas Regulator Station or rights-of-way”;

(XVII) “Highway 36 and Zenia District Gas Regulator Station or rights-of-way”;

(XVIII) “Dinsmore Lodge 2nd Stage Gas Regulator Station or rights-of-way”;

(XIX) “Electric Distribution Line-Wildwood 1101 12kV or rights-of-way”;

(XX) “Low Gap Substation”;

(XXI) “Hyampom Switching Station”;

(XXII) “Wildwood Substation”;

(ii) the Bigfoot National Recreation Trail known as—

(I) “Gas Transmission Line 177A or rights-of-way”;

(II) “Electric Transmission Line Humboldt-Trinity 115 kV or rights-of-way”;

(III) “Electric Transmission Line Bridgeville-Cottonwood 115 kV or rights-of-way”;

(IV) “Electric Transmission Line Humboldt-Trinity 60 kV or rights-of-way”;

(iii) the Sanhedrin Special Conservation Management Area known as “Electric Distribution Line-Willits 1103 12 kV or rights-of-way”;

(iv) the Horse Mountain Special Management Area known as “Electric Distribution Line Willow Creek 1101 12 kV or rights-of-way”;

(B) utility facilities of the Pacific Gas and Electric Company in rights-of-way issued, granted, or permitted by the Secretary adjacent to a utility facility referred to in subparagraph (A).

(b) **PLANS FOR ACCESS.**—Not later than the later of the date that is 1 year after the date of enactment of this Act or the date of issuance of a new utility facility right-of-way within the South Fork Trinity-Mad River Restoration Area, Bigfoot National Recreation Trail, Sanhedrin Special Conservation Management Area, or Horse Mountain Special Management Area, the Secretary, in consultation with the Pacific Gas and Electric Company, shall publish plans for regular and emergency access by the Pacific Gas and Electric Company to the rights-of-way of the Pacific Gas and Electric Company.

TITLE LI—CENTRAL COAST HERITAGE PROTECTION

SEC. 5101. DEFINITIONS.

In this title:

(1) **SCENIC AREA.**—The term “scenic area” means a scenic area designated by section 5107(a).

(2) **SECRETARY.**—The term “Secretary” means—

(A) with respect to land managed by the Bureau of Land Management, the Secretary of the Interior; and

(B) with respect to land managed by the Forest Service, the Secretary of Agriculture.

(3) **STATE.**—The term “State” means the State of California.

(4) **WILDERNESS AREA.**—The term “wilderness area” means a wilderness area or wilderness addition designated by section 5102(a).

SEC. 5102. DESIGNATION OF WILDERNESS.

(a) **IN GENERAL.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following areas in the State are designated as wilderness areas and as components of the National Wilderness Preservation System:

(1) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 35,116 acres, as generally depicted on the map entitled “Proposed Caliente Mountain Wilderness” and dated November 13, 2019, which shall be known as the “Caliente Mountain Wilderness”.

(2) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 13,332 acres, as generally depicted on the map entitled “Proposed Soda Lake Wilderness” and dated June 25, 2019, which shall be known as the “Soda Lake Wilderness”.

(3) Certain land in the Bakersfield Field Office of the Bureau of Land Management comprising approximately 12,585 acres, as generally depicted on the map entitled “Proposed Temblor Range Wilderness” and dated June 25, 2019, which shall be known as the “Temblor Range Wilderness”.

(4) Certain land in the Los Padres National Forest comprising approximately 23,670 acres, as generally depicted on the map entitled “Chumash Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Chumash Wilderness as designated by section 2(5) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102-301; 106 Stat. 243).

(5) Certain land in the Los Padres National Forest comprising approximately 54,036 acres, as generally depicted on the maps entitled “Dick Smith Wilderness Area Additions—Proposed Map 1 of 2 (Bear Canyon and Cuyama Peak Units)” and “Dick Smith Wilderness Area Additions—Proposed Map 2 of 2 (Buckhorn and Mono Units)” and dated November 14, 2019, which shall be incorporated into and managed as part of the Dick Smith Wilderness as designated by section 101(a)(6) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1620).

(6) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 7,289 acres, as generally depicted on the map entitled “Garcia Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Garcia Wilderness as designated by section 2(4) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102-301; 106 Stat. 243).

(7) Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 8,774 acres, as generally depicted on the map entitled “Machesna Mountain Wilderness—Proposed Additions” and dated October 30, 2019, which shall be incorporated into and managed as part of the Machesna Mountain Wilderness as designated by section 101(a)(38) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1624).

(8) Certain land in the Los Padres National Forest comprising approximately 30,184 acres, as generally depicted on the map entitled “Matilija Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Matilija Wilderness as designated by section 2(2) of the Los Padres Condor Range and River Protection Act (16 U.S.C. 1132 note; Public Law 102-301; 106 Stat. 242).

(9) Certain land in the Los Padres National Forest comprising approximately 23,969 acres, as generally depicted on the map entitled “San Rafael Wilderness Area Additions—Proposed” and dated February 2, 2021, which shall be incorporated into and managed as part of the San Rafael Wilderness as designated by Public Law 90-271 (16 U.S.C. 1132 note; 82 Stat. 51).

(10) Certain land in the Los Padres National Forest comprising approximately 2,921 acres, as generally depicted on the map entitled “Santa Lucia Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Santa Lucia Wilderness as designated by section 2(c) of the Endangered American Wilderness Act of 1978 (16 U.S.C. 1132 note; Public Law 95-237; 92 Stat. 41).

(11) Certain land in the Los Padres National Forest comprising approximately 14,313 acres, as generally depicted on the map entitled “Sespe Wilderness Area Additions—Proposed” and dated March 29, 2019, which shall be incorporated into and managed as part of the Sespe Wilderness as designated by section 2(1) of the Los Padres Condor Range

and River Protection Act (16 U.S.C. 1132 note; Public Law 102-301; 106 Stat. 242).

(12) Certain land in the Los Padres National Forest comprising approximately 17,870 acres, as generally depicted on the map entitled "Diablo Caliente Wilderness Area—Proposed" and dated March 29, 2019, which shall be known as the "Diablo Caliente Wilderness".

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and legal descriptions of the wilderness areas with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the maps and legal descriptions.

(3) PUBLIC AVAILABILITY.—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

SEC. 5103. DESIGNATION OF THE MACHESNA MOUNTAIN POTENTIAL WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 2,359 acres, as generally depicted on the map entitled "Machesna Mountain Potential Wilderness" and dated March 29, 2019, is designated as the Machesna Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of the Machesna Mountain Potential Wilderness Area (referred to in this section as the "potential wilderness area") with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) FORCE OF LAW.—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical and typographical errors in the map and legal description.

(3) PUBLIC AVAILABILITY.—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) MANAGEMENT.—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) TRAIL USE, CONSTRUCTION, RECONSTRUCTION, AND REALIGNMENT.—

(1) IN GENERAL.—In accordance with paragraph (2), the Secretary may reconstruct, realign, or reroute the Pine Mountain Trail.

(2) REQUIREMENT.—In carrying out the reconstruction, realignment, or rerouting under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the reconstruction, realignment, or rerouting with the least amount of adverse impact on wilderness character and resources.

(3) MOTORIZED VEHICLES AND MACHINERY.—In accordance with paragraph (2), the Secretary may use motorized vehicles and ma-

chinery to carry out the trail reconstruction, realignment, or rerouting authorized by this subsection.

(4) MOTORIZED AND MECHANIZED VEHICLES.—The Secretary may permit the use of motorized and mechanized vehicles on the existing Pine Mountain Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (h).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) COOPERATIVE AGREEMENTS.—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private entities to complete the trail reconstruction, realignment, or rerouting authorized by subsection (d).

(g) BOUNDARIES.—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 150 feet of the centerline of the new location of any trail that has been reconstructed, realigned, or rerouted under subsection (d).

(h) WILDERNESS DESIGNATION.—

(1) IN GENERAL.—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail reconstruction, realignment, or rerouting authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) ADMINISTRATION OF WILDERNESS.—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the Machesna Mountain Wilderness Area, as designated by section 101(a)(38) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1624) and expanded by section 5102; and

(B) administered in accordance with section 5104 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5104. ADMINISTRATION OF WILDERNESS.

(a) IN GENERAL.—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with this title and the Wilderness Act (16 U.S.C. 1131 et seq.), except that—

(1) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act; and

(2) any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the Secretary of Agriculture shall be considered to be a reference to the Secretary that has jurisdiction over the wilderness area.

(b) FIRE MANAGEMENT AND RELATED ACTIVITIES.—

(1) IN GENERAL.—The Secretary may take any measures in a wilderness area as are necessary for the control of fire, insects, and diseases in accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and House Report 98-40 of the 98th Congress.

(2) FUNDING PRIORITIES.—Nothing in this title limits funding for fire and fuels management in the wilderness areas.

(3) REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.—As soon as prac-

ticable after the date of enactment of this Act, the Secretary shall amend the local information in the Fire Management Reference System or individual operational plan that applies to the land designated as a wilderness area.

(4) ADMINISTRATION.—Consistent with paragraph (1) and other applicable Federal law, to ensure a timely and efficient response to fire emergencies in the wilderness areas, the Secretary shall enter into agreements with appropriate State or local firefighting agencies.

(c) GRAZING.—The grazing of livestock in the wilderness areas, if established before the date of enactment of this Act, shall be permitted to continue, subject to any reasonable regulations as the Secretary considers necessary in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4));

(2) the guidelines set forth in Appendix A of House Report 101-405, accompanying H.R. 2570 of the 101st Congress for land under the jurisdiction of the Secretary of the Interior;

(3) the guidelines set forth in House Report 96-617, accompanying H.R. 5487 of the 96th Congress for land under the jurisdiction of the Secretary of Agriculture; and

(4) all other laws governing livestock grazing on Federal public land.

(d) FISH AND WILDLIFE.—

(1) IN GENERAL.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this title affects the jurisdiction or responsibilities of the State with respect to fish and wildlife on public land in the State.

(2) MANAGEMENT ACTIVITIES.—In furtherance of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activities that are necessary to maintain or restore fish and wildlife populations and habitats in the wilderness areas, if the management activities are—

(A) consistent with relevant wilderness management plans;

(B) conducted in accordance with appropriate policies, such as the policies established in Appendix B of House Report 101-405; and

(C) in accordance with memoranda of understanding between the Federal agencies and the State Department of Fish and Wildlife.

(e) BUFFER ZONES.—

(1) IN GENERAL.—Congress does not intend for the designation of wilderness areas by this title to lead to the creation of protective perimeters or buffer zones around each wilderness area.

(2) ACTIVITIES OR USES UP TO BOUNDARIES.—The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude the activities or uses up to the boundary of the wilderness area.

(f) MILITARY ACTIVITIES.—Nothing in this title precludes—

(1) low-level overflights of military aircraft over the wilderness areas;

(2) the designation of new units of special airspace over the wilderness areas; or

(3) the use or establishment of military flight training routes over wilderness areas.

(g) HORSES.—Nothing in this title precludes horseback riding in, or the entry of recreational saddle or pack stock into, a wilderness area—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to any terms and conditions determined to be necessary by the Secretary.

(h) WITHDRAWAL.—Subject to valid existing rights, the wilderness areas are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(i) INCORPORATION OF ACQUIRED LAND AND INTERESTS.—Any land within the boundary of a wilderness area that is acquired by the United States shall—

(1) become part of the wilderness area in which the land is located; and

(2) be managed in accordance with—

(A) this section;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

(j) TREATMENT OF EXISTING WATER DIVERSIONS IN THE SAN RAFAEL WILDERNESS ADDITIONS.—

(1) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture may issue a special use authorization to the owners of the 2 existing water transport or diversion facilities, including administrative access roads (each referred to in this subsection as a “facility”), located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 13 and 14) and the Peak Mountain unit (T. 10 N., R. 28 W., secs. 23 and 26) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(A) the facility was in existence on the date on which the land on which the facility is located was designated as part of the National Wilderness Preservation System (referred to in this subsection as “the date of designation”);

(B) the facility has been in substantially continuous use to deliver water for the beneficial use on the non-Federal land of the owner since the date of designation;

(C) the owner of the facility holds a valid water right for use of the water on the non-Federal land of the owner under State law, with a priority date that predates the date of designation; and

(D) it is not practicable or feasible to relocate the facility to land outside of the wilderness and continue the beneficial use of water on the non-Federal land recognized under State law.

(2) TERMS AND CONDITIONS.—

(A) REQUIRED TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may—

(i) allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of a facility, if the Secretary determines that—

(I) the use is the minimum necessary to allow the facility to continue delivery of water to the non-Federal land for the beneficial uses recognized by the water right held under State law; and

(II) the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible; and

(ii) preclude use of the facility for the diversion or transport of water in excess of the water right recognized by the State on the date of designation.

(B) DISCRETIONARY TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131) if the beneficial use of water on the non-Federal land is not diminished.

(k) TREATMENT OF EXISTING ELECTRICAL DISTRIBUTION LINE IN THE SAN RAFAEL WILDERNESS ADDITIONS.—

(1) AUTHORIZATION FOR CONTINUED USE.—The Secretary of Agriculture may issue a

special use authorization to the owners of the existing electrical distribution line to the Plowshare Peak communication site (referred to in this subsection as a “facility”) located on National Forest System land in the San Rafael Wilderness Additions in the Moon Canyon unit (T. 11 N., R. 30 W., secs. 2, 3, and 4) for the continued operation, maintenance, and reconstruction of the facility if the Secretary determines that—

(A) the facility was in existence on the date on which the land on which the facility is located was designated as part of the National Wilderness Preservation System (referred to in this subsection as “the date of designation”);

(B) the facility has been in substantially continuous use to deliver electricity to the communication site; and

(C) it is not practicable or feasible to relocate the distribution line to land outside of the wilderness.

(2) TERMS AND CONDITIONS.—

(A) REQUIRED TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may allow use of motorized equipment and mechanized transport for operation, maintenance, or reconstruction of the electrical distribution line, if the Secretary determines that the use of nonmotorized equipment and nonmechanized transport is impracticable or infeasible.

(B) DISCRETIONARY TERMS AND CONDITIONS.—In a special use authorization issued under paragraph (1), the Secretary may require or allow modification or relocation of the facility in the wilderness, as the Secretary determines necessary, to reduce impacts to wilderness values set forth in section 2 of the Wilderness Act (16 U.S.C. 1131).

(l) CLIMATOLOGICAL DATA COLLECTION.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir operation activities.

SEC. 5105. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) INDIAN CREEK, MONO CREEK, AND MATILILJA CREEK, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5034) is amended by adding at the end the following:

“(269) INDIAN CREEK, CALIFORNIA.—The following segments of Indian Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 9.5-mile segment of Indian Creek from its source in sec. 19, T. 7 N., R. 26 W., to the Dick Smith Wilderness boundary, as a wild river.

“(B) The 1-mile segment of Indian Creek from the Dick Smith Wilderness boundary to 0.25 miles downstream of Road 6N24, as a scenic river.

“(C) The 3.9-mile segment of Indian Creek from 0.25 miles downstream of Road 6N24 to the southern boundary of sec. 32, T. 6 N., R. 26 W., as a wild river.

“(270) MONO CREEK, CALIFORNIA.—The following segments of Mono Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 4.2-mile segment of Mono Creek from its source in sec. 1, T. 7 N., R. 26 W., to 0.25 miles upstream of Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., as a wild river.

“(B) The 2.1-mile segment of Mono Creek from 0.25 miles upstream of the Don Victor Fire Road in sec. 28, T. 7 N., R. 25 W., to 0.25 miles downstream of Don Victor Fire Road

in sec. 34, T. 7 N., R. 25 W., as a recreational river.

“(C) The 14.7-mile segment of Mono Creek from 0.25 miles downstream of Don Victor Fire Road in sec. 34, T. 7 N., R. 25 W., to the Ogilvy Ranch private property boundary in sec. 22, T. 6 N., R. 26 W., as a wild river.

“(D) The 3.5-mile segment of Mono Creek from the Ogilvy Ranch private property boundary to the southern boundary of sec. 33, T. 6 N., R. 26 W., as a recreational river.

“(271) MATILILJA CREEK, CALIFORNIA.—The following segments of Matilija Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 7.2-mile segment of the Matilija Creek from its source in sec. 25, T. 6 N., R. 25 W., to the private property boundary in sec. 9, T. 5 N., R. 24 W., as a wild river.

“(B) The 7.25-mile segment of the Upper North Fork Matilija Creek from its source in sec. 36, T. 6 N., R. 24 W., to the Matilija Wilderness boundary, as a wild river.”

(b) SESPE CREEK, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (142) and inserting the following:

“(142) SESPE CREEK, CALIFORNIA.—The following segments of Sespe Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 2.7-mile segment of Sespe Creek from the private property boundary in sec. 10, T. 6 N., R. 24 W., to the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., as a wild river.

“(B) The 15-mile segment of Sespe Creek from the Hartman Ranch private property boundary in sec. 14, T. 6 N., R. 24 W., to the western boundary of sec. 6, T. 5 N., R. 22 W., as a recreational river.

“(C) The 6.1-mile segment of Sespe Creek from the western boundary of sec. 6, T. 5 N., R. 22 W., to the confluence with Trout Creek, as a scenic river.

“(D) The 28.6-mile segment of Sespe Creek from the confluence with Trout Creek to the southern boundary of sec. 35, T. 5 N., R. 20 W., as a wild river.”

(c) SISQUOC RIVER, CALIFORNIA.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (143) and inserting the following:

“(143) SISQUOC RIVER, CALIFORNIA.—The following segments of the Siquoc River and its tributaries in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 33-mile segment of the main stem of the Siquoc River extending from its origin downstream to the Los Padres Forest boundary, as a wild river.

“(B) The 4.2-mile segment of the South Fork Siquoc River from its source northeast of San Rafael Mountain in sec. 2, T. 7 N., R. 28 W., to its confluence with the Siquoc River, as a wild river.

“(C) The 10.4-mile segment of Manzanita Creek from its source west of San Rafael Peak in sec. 4, T. 7 N., R. 28 W., to the San Rafael Wilderness boundary upstream of Nira Campground, as a wild river.

“(D) The 0.6-mile segment of Manzanita Creek from the San Rafael Wilderness boundary upstream of the Nira Campground to the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek, as a recreational river.

“(E) The 5.8-mile segment of Manzanita Creek from the San Rafael Wilderness boundary downstream of the confluence of Davy Brown Creek to the private property boundary in sec. 1, T. 8 N., R. 30 W., as a wild river.

“(F) The 3.8-mile segment of Manzanita Creek from the private property boundary in sec. 1, T. 8 N., R. 30 W., to the confluence of the Siquoc River, as a recreational river.

“(G) The 3.4-mile segment of Davy Brown Creek from its source west of Ranger Peak in sec. 32, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Munch Canyon, as a wild river.

“(H) The 1.4-mile segment of Davy Brown Creek from 300 feet upstream of its confluence with Munch Canyon to its confluence with Manzana Creek, as a recreational river.

“(I) The 2-mile segment of Munch Canyon from its source north of Ranger Peak in sec. 33, T. 8 N., R. 29 W., to 300 feet upstream of its confluence with Sunset Valley Creek, as a wild river.

“(J) The 0.5-mile segment of Munch Canyon from 300 feet upstream of its confluence with Sunset Valley Creek to its confluence with Davy Brown Creek, as a recreational river.

“(K) The 2.6-mile segment of Fish Creek from 500 feet downstream of Sunset Valley Road to its confluence with Manzana Creek, as a wild river.

“(L) The 1.5-mile segment of East Fork Fish Creek from its source in sec. 26, T. 8 N., R. 29 W., to its confluence with Fish Creek, as a wild river.”

(d) **PIRU CREEK, CALIFORNIA.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking paragraph (199) and inserting the following:

“(199) **PIRU CREEK, CALIFORNIA.**—The following segments of Piru Creek in the State of California, to be administered by the Secretary of Agriculture:

“(A) The 9.1-mile segment of Piru Creek from its source in sec. 3, T. 6 N., R. 22 W., to the private property boundary in sec. 4, T. 6 N., R. 21 W., as a wild river.

“(B) The 17.2-mile segment of Piru Creek from the private property boundary in sec. 4, T. 6 N., R. 21 W., to 0.25 miles downstream of the Gold Hill Road, as a scenic river.

“(C) The 4.1-mile segment of Piru Creek from 0.25 miles downstream of Gold Hill Road to the confluence with Trail Canyon, as a wild river.

“(D) The 7.25-mile segment of Piru Creek from the confluence with Trail Canyon to the confluence with Buck Creek, as a scenic river.

“(E) The 3-mile segment of Piru Creek from 0.5 miles downstream of Pyramid Dam at the first bridge crossing to the boundary of the Sespe Wilderness, as a recreational river.

“(F) The 13-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the boundary of the Sespe Wilderness, as a wild river.

“(G) The 2.2-mile segment of Piru Creek from the boundary of the Sespe Wilderness to the upper limit of Piru Reservoir, as a recreational river.”

(e) **EFFECT.**—The designation of additional miles of Piru Creek under subsection (d) shall not affect valid water rights in existence on the date of enactment of this Act.

(f) **MOTORIZED USE OF TRAILS.**—Nothing in this section (including the amendments made by this section) affects the motorized use of trails designated by the Forest Service for motorized use that are located adjacent to and crossing upper Piru Creek, if the use is consistent with the protection and enhancement of river values under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.).

SEC. 5106. DESIGNATION OF THE FOX MOUNTAIN POTENTIAL WILDERNESS.

(a) **DESIGNATION.**—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain land in the Los Padres National Forest comprising approximately 41,082 acres, as generally depicted on the map entitled “Fox Mountain Potential Wilderness Area” and dated November 14, 2019, is designated as the Fox Mountain Potential Wilderness Area.

(b) MAP AND LEGAL DESCRIPTION.—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description of the Fox Mountain Potential Wilderness Area (referred to in this section as the “potential wilderness area”) with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the map and legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

(c) **MANAGEMENT.**—Except as provided in subsection (d) and subject to valid existing rights, the Secretary shall manage the potential wilderness area in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(d) **TRAIL USE CONSTRUCTION, RECONSTRUCTION, AND REALIGNMENT.—**

(1) **IN GENERAL.**—In accordance with paragraph (2), the Secretary of Agriculture may—

(A) construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail; and

(B) reconstruct or realign—

(i) the Bull Ridge Trail; and

(ii) the Rocky Ridge Trail.

(2) **REQUIREMENT.**—In carrying out the construction, reconstruction, or alignment under paragraph (1), the Secretary shall—

(A) comply with all existing laws (including regulations); and

(B) to the maximum extent practicable, use the minimum tool or administrative practice necessary to accomplish the construction, reconstruction, or alignment with the least amount of adverse impact on wilderness character and resources.

(3) **MOTORIZED VEHICLES AND MACHINERY.**—In accordance with paragraph (2), the Secretary may use motorized vehicles and machinery to carry out the trail construction, reconstruction, or realignment authorized by this subsection.

(4) **MECHANIZED VEHICLES.**—The Secretary may permit the use of mechanized vehicles on the existing Bull Ridge Trail and Rocky Ridge Trail in accordance with existing law (including regulations) and this subsection until such date as the potential wilderness area is designated as wilderness in accordance with subsection (h).

(e) **WITHDRAWAL.**—Subject to valid existing rights, the Federal land in the potential wilderness area is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) **COOPERATIVE AGREEMENTS.**—In carrying out this section, the Secretary may enter into cooperative agreements with State, Tribal, and local governmental entities and private entities to complete the trail construction, reconstruction, and realignment authorized by subsection (d).

(g) **BOUNDARIES.**—The Secretary shall modify the boundary of the potential wilderness area to exclude any area within 50 feet of the centerline of the new location of any trail that has been constructed, reconstructed, or realigned under subsection (d).

(h) WILDERNESS DESIGNATION.—

(1) **IN GENERAL.**—The potential wilderness area, as modified under subsection (g), shall be designated as wilderness and as a component of the National Wilderness Preservation System on the earlier of—

(A) the date on which the Secretary publishes in the Federal Register notice that the trail construction, reconstruction, or alignment authorized by subsection (d) has been completed; and

(B) the date that is 20 years after the date of enactment of this Act.

(2) **ADMINISTRATION OF WILDERNESS.**—On designation as wilderness under this section, the potential wilderness area shall be—

(A) incorporated into the San Rafael Wilderness, as designated by Public Law 90-271 (16 U.S.C. 1132 note; 82 Stat. 51) and expanded by section 5102; and

(B) administered in accordance with section 5104 and the Wilderness Act (16 U.S.C. 1131 et seq.).

SEC. 5107. DESIGNATION OF SCENIC AREAS.

(a) **IN GENERAL.**—Subject to valid existing rights, there are established the following scenic areas:

(1) **CONDOR RIDGE SCENIC AREA.**—Certain land in the Los Padres National Forest comprising approximately 18,666 acres, as generally depicted on the map entitled “Condor Ridge Scenic Area—Proposed” and dated March 29, 2019, which shall be known as the “Condor Ridge Scenic Area”.

(2) **BLACK MOUNTAIN SCENIC AREA.**—Certain land in the Los Padres National Forest and the Bakersfield Field Office of the Bureau of Land Management comprising approximately 16,216 acres, as generally depicted on the map entitled “Black Mountain Scenic Area—Proposed” and dated March 29, 2019, which shall be known as the “Black Mountain Scenic Area”.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and legal description of the Condor Ridge Scenic Area and Black Mountain Scenic Area with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary of Agriculture may correct any clerical and typographical errors in the maps and legal descriptions.

(3) **PUBLIC AVAILABILITY.**—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service and Bureau of Land Management.

(c) **PURPOSE.**—The purpose of the scenic areas is to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the scenic areas.

(d) MANAGEMENT.—

(1) **IN GENERAL.**—The Secretary shall administer the scenic areas—

(A) in a manner that conserves, protects, and enhances the resources of the scenic areas, and in particular the scenic character attributes of the scenic areas; and

(B) in accordance with—

(i) this section;

(ii) the Federal Land Policy and Management Act (43 U.S.C. 1701 et seq.) for land under the jurisdiction of the Secretary of the Interior;

(iii) any laws (including regulations) relating to the National Forest System, for land

under the jurisdiction of the Secretary of Agriculture; and

(iv) any other applicable law (including regulations).

(2) USES.—The Secretary shall only allow those uses of the scenic areas that the Secretary determines would further the purposes described in subsection (c).

(e) WITHDRAWAL.—Subject to valid existing rights, the Federal land in the scenic areas is withdrawn from all forms of—

(1) entry, appropriation, or disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

(f) PROHIBITED USES.—The following shall be prohibited on the Federal land within the scenic areas:

(1) Permanent roads.

(2) Permanent structures.

(3) Timber harvesting except when necessary for the purposes described in subsection (g).

(4) Transmission lines.

(5) Except as necessary to meet the minimum requirements for the administration of the scenic areas and to protect public health and safety—

(A) the use of motorized vehicles; or

(B) the establishment of temporary roads.

(6) Commercial enterprises, except as necessary for realizing the purposes of the scenic areas.

(g) WILDFIRE, INSECT, AND DISEASE MANAGEMENT.—Consistent with this section, the Secretary may take any measures in the scenic areas that the Secretary determines to be necessary to control fire, insects, and diseases, including, as the Secretary determines to be appropriate, the coordination of those activities with the State or a local agency.

(h) ADJACENT MANAGEMENT.—The fact that an otherwise authorized activity or use can be seen or heard within a scenic area shall not preclude the activity or use outside the boundary of the scenic area.

SEC. 5108. CONDOR NATIONAL SCENIC TRAIL.

(a) FINDING.—Congress finds that the Condor National Scenic Trail established under paragraph (31) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is named after the California Condor, a critically endangered bird species that lives along the corridor of the Condor National Scenic Trail.

(b) PURPOSES.—The purposes of the Condor National Scenic Trail are—

(1) to provide a continual extended hiking corridor that connects the southern and northern portions of the Los Padres National Forest, spanning the entire length of the forest along the coastal mountains of southern and central California; and

(2) to provide for the public enjoyment of the nationally significant scenic, historic, natural, and cultural resources of the Los Padres National Forest.

(c) AMENDMENT.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“(31) CONDOR NATIONAL SCENIC TRAIL.—

“(A) IN GENERAL.—The Condor National Scenic Trail, a trail extending approximately 400 miles from Lake Piru in the southern portion of the Los Padres National Forest to the Betchers Gap Campground in the northern portion of the Los Padres National Forest.

“(B) ADMINISTRATION.—The Condor National Scenic Trail shall be administered by the Secretary of Agriculture, in consultation with—

“(i) other Federal, State, Tribal, regional, and local agencies;

“(ii) private landowners; and

“(iii) other interested organizations.

“(C) RECREATIONAL USES.—Notwithstanding section 7(c), the use of motorized vehicles on roads or trails included in the Condor National Scenic Trail on which motorized vehicles are permitted as of the date of enactment of this paragraph may be permitted.

“(D) PRIVATE PROPERTY RIGHTS.—

“(i) PROHIBITION.—The Secretary shall not acquire for the Condor National Scenic Trail any land or interest in land outside the exterior boundary of any federally managed area without the consent of the owner of land or interest in land.

“(ii) EFFECT.—Nothing in this paragraph—

“(I) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

“(II) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

“(E) REALIGNMENT.—The Secretary of Agriculture may realign segments of the Condor National Scenic Trail as necessary to fulfill the purposes of the Condor National Scenic Trail.”.

(d) STUDY.—

(1) STUDY REQUIRED.—Not later than 3 years after the date of enactment of this Act, in accordance with this subsection, the Secretary of Agriculture shall conduct a study that—

(A) addresses the feasibility of, and alternatives for, connecting the northern and southern portions of the Los Padres National Forest by establishing a trail across the applicable portions of the northern and southern Santa Lucia Mountains of the southern California Coastal Range; and

(B) considers realignment of the Condor National Scenic Trail or construction of new segments for the Condor National Scenic Trail to avoid existing segments of the Condor National Scenic Trail that allow motorized vehicles.

(2) CONTENTS.—In carrying out the study required under paragraph (1), the Secretary of Agriculture shall—

(A) comply with the requirements for studies for a national scenic trail described in section 5(b) of the National Trails System Act (16 U.S.C. 1244(b));

(B) provide for a continual hiking route through and connecting the southern and northern sections of the Los Padres National Forest;

(C) promote recreational, scenic, wilderness, and cultural values;

(D) enhance connectivity with the overall system of National Forest System trails;

(E) consider new connectors and realignment of existing trails;

(F) emphasize safe and continuous public access, dispersal from high-use areas, and suitable water sources; and

(G) to the extent practicable, provide all-year use.

(3) ADDITIONAL REQUIREMENT.—In completing the study required under paragraph (1), the Secretary of Agriculture shall consult with—

(A) appropriate Federal, State, Tribal, regional, and local agencies;

(B) private landowners;

(C) nongovernmental organizations; and

(D) members of the public.

(4) SUBMISSION.—The Secretary of Agriculture shall submit the study required under paragraph (1) to—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(5) ADDITIONS AND ALTERATIONS TO THE CONDOR NATIONAL SCENIC TRAIL.—

(A) IN GENERAL.—On completion of the study required under paragraph (1), if the Secretary of Agriculture determines that additional or alternative trail segments are feasible for inclusion in the Condor National Scenic Trail, the Secretary of Agriculture shall include the segments in the Condor National Scenic Trail.

(B) EFFECTIVE DATE.—An addition or alteration to the Condor National Scenic Trail determined to be feasible under subparagraph (A) shall take effect on the date on which the Secretary of Agriculture publishes in the Federal Register notice that the additional or alternative segments are included in the Condor National Scenic Trail.

(e) COOPERATIVE AGREEMENTS.—In carrying out this section (including the amendments made by this section), the Secretary of Agriculture may enter into cooperative agreements with State, Tribal, and local government entities and private entities to complete necessary construction, reconstruction, and realignment projects authorized for the Condor National Scenic Trail under this section (including the amendments made by this section).

SEC. 5109. FOREST SERVICE STUDY.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture (acting through the Chief of the Forest Service) shall study the feasibility of opening a new trail, for vehicles measuring 50 inches or less, connecting Forest Service Highway 95 to the existing off-highway vehicle trail system in the Ballinger Canyon off-highway vehicle area.

SEC. 5110. NONMOTORIZED RECREATION OPPORTUNITIES.

Not later than 6 years after the date of enactment of this Act, the Secretary of Agriculture, in consultation with interested parties, shall conduct a study to improve nonmotorized recreation trail opportunities (including mountain bicycling) on land not designated as wilderness within the Santa Barbara, Ojai, and Mt. Pinos ranger districts.

SEC. 5111. USE BY MEMBERS OF INDIAN TRIBES.

(a) ACCESS.—The Secretary shall ensure that Indian Tribes have access, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), to the wilderness areas, scenic areas, and potential wilderness areas designated by this title for traditional cultural and religious purposes.

(b) TEMPORARY CLOSURES.—

(1) IN GENERAL.—In carrying out this section, the Secretary, on request of an Indian Tribe, may temporarily close to the general public 1 or more specific portions of a wilderness area, scenic area, or potential wilderness area designated by this title to protect the privacy of the members of the Indian Tribe in the conduct of traditional cultural and religious activities.

(2) REQUIREMENT.—Any closure under paragraph (1) shall be—

(A) made in such a manner as to affect the smallest practicable area for the minimum period of time necessary for the activity to be carried out; and

(B) be consistent with—

(i) Public Law 95-341 (commonly known as the “American Indian Religious Freedom Act”) (42 U.S.C. 1996 et seq.); and

(ii) the Wilderness Act (16 U.S.C. 1131 et seq.).

TITLE LII—SAN GABRIEL MOUNTAINS FOOTHILLS AND RIVERS PROTECTION

SEC. 5201. DEFINITION OF STATE.

In this title, the term “State” means the State of California.

Subtitle A—San Gabriel National Recreation Area

SEC. 5211. PURPOSES.

The purposes of this subtitle are—

(1) to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the Recreation Area;

(2) to provide environmentally responsible, well-managed recreational opportunities within the Recreation Area;

(3) to improve access to and from the Recreation Area;

(4) to provide expanded educational and interpretive services to increase public understanding of, and appreciation for, the natural and cultural resources of the Recreation Area;

(5) to facilitate the cooperative management of the land and resources within the Recreation Area, in collaboration with—

- (A) the State;
- (B) political subdivisions of the State;
- (C) historical, business, cultural, civic, recreational, tourism, and other nongovernmental organizations; and
- (D) the public; and

(6) to allow the continued use of the Recreation Area by all individuals, entities, and local government agencies in activities relating to integrated water management, flood protection, water conservation, water quality, water rights, water supply, groundwater recharge and monitoring, wastewater treatment, public roads and bridges, and utilities within or adjacent to the Recreation Area.

SEC. 5212. DEFINITIONS.

In this subtitle:

(1) **ADJUDICATION.**—The term “adjudication” means any final judgment, order, ruling, or decree entered in any judicial proceeding adjudicating or affecting—

- (A) a water right;
- (B) surface water management; or
- (C) groundwater management.

(2) **ADVISORY COUNCIL.**—The term “Advisory Council” means the San Gabriel National Recreation Area Public Advisory Council established under section 5217(a).

(3) **FEDERAL LAND.**—The term “Federal land” means—

(A) public land under the jurisdiction of the Secretary; and

(B) land under the jurisdiction of the Secretary of Defense, acting through the Chief of Engineers.

(4) **MANAGEMENT PLAN.**—The term “management plan” means the management plan for the Recreation Area required under section 5214(d).

(5) **PARTNERSHIP.**—The term “Partnership” means the San Gabriel National Recreation Area Partnership established by section 5218(a).

(6) **PUBLIC WATER SYSTEM.**—The term “public water system” has the meaning given the term in—

- (A) section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f); or
- (B) section 116275 of the California Health and Safety Code.

(7) **RECREATION AREA.**—The term “Recreation Area” means the San Gabriel National Recreation Area established by section 5213(a).

(8) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(9) **UTILITY FACILITY.**—The term “utility facility” means—

- (A)(i) any electric substation, communication facility, tower, pole, line, ground wire, communication circuit, or other structure; and
- (ii) any related infrastructure; and
- (B) any facility associated with a public water system.

(10) **WATER RESOURCE FACILITY.**—The term “water resource facility” means—

- (A) an irrigation or pumping facility;
- (B) a dam or reservoir;
- (C) a flood control facility;
- (D) a water conservation works (including a debris protection facility);
- (E) a sediment placement site;
- (F) a rain gauge or stream gauge;
- (G) a water quality facility;
- (H) a water storage tank or reservoir;
- (I) a recycled water facility or water pumping, conveyance, or distribution system;
- (J) a water or wastewater treatment facility;
- (K) an aqueduct, canal, ditch, pipeline, well, hydropower project, or transmission or other ancillary facility;
- (L) a groundwater recharge facility;
- (M) a water conservation facility;
- (N) a water filtration plant; and
- (O) any other water diversion, conservation, groundwater recharge, storage, or carriage structure.

SEC. 5213. SAN GABRIEL NATIONAL RECREATION AREA.

(a) **ESTABLISHMENT; BOUNDARIES.**—Subject to valid existing rights, there is established as a unit of the National Park System in the State the San Gabriel National Recreation Area depicted as the “Proposed San Gabriel National Recreation Area” on the map entitled “San Gabriel National Recreation Area Proposed Boundary”, numbered 503/152,737, and dated July 2019.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the Recreation Area with—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this title, except that the Secretary may correct any clerical or typographical error in the map or legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(c) **ADMINISTRATION AND JURISDICTION.**—

(1) **PUBLIC LAND.**—The public land included in the Recreation Area shall be administered by the Secretary, acting through the Director of the National Park Service.

(2) **DEPARTMENT OF DEFENSE LAND.**—Notwithstanding the inclusion of Federal land under the jurisdiction of the Secretary of Defense in the Recreation Area, nothing in this subtitle—

(A) transfers administrative jurisdiction of that Federal land from the Secretary of Defense; or

(B) otherwise affects any Federal land under the jurisdiction of the Secretary of Defense.

(3) **STATE AND LOCAL JURISDICTION.**—Nothing in this subtitle alters, modifies, or diminishes any right, responsibility, power, authority, jurisdiction, or entitlement of the State, a political subdivision of the State, including a court of competent jurisdiction, regulatory commission, board, or department, or any State or local agency under any applicable Federal, State, or local law (including regulations).

SEC. 5214. MANAGEMENT.

(a) **NATIONAL PARK SYSTEM.**—Subject to valid existing rights, the Secretary shall manage the public land included in the Recreation Area in a manner that protects and enhances the natural resources and values of the public land, in accordance with—

- (1) this subtitle;

(2) the laws generally applicable to units of the National Park System, including section 100101(a), chapter 1003, and sections 100751(a), 100752, 100753, and 102101 of title 54, United States Code; and

(3) other applicable law (including regulations), adjudications, and orders.

(b) **COOPERATION WITH SECRETARY OF DEFENSE.**—The Secretary shall cooperate with the Secretary of Defense to develop opportunities for the management of the Federal land under the jurisdiction of the Secretary of Defense included in the Recreation Area in accordance with the purposes described in section 5211, to the maximum extent practicable.

(c) **TREATMENT OF NON-FEDERAL LAND.**—

(1) **IN GENERAL.**—Nothing in this subtitle—

(A) authorizes the Secretary to take any action that would affect the use of any land not owned by the United States within the Recreation Area;

(B) affects the use of, or access to, any non-Federal land within the Recreation Area;

(C) modifies any provision of Federal, State, or local law with respect to public access to, or use of, non-Federal land;

(D) requires any owner of non-Federal land to allow public access (including Federal, State, or local government access) to private property or any other non-Federal land;

(E) alters any duly adopted land use regulation, approved land use plan, or any other regulatory authority of any State or local agency or unit of Tribal government;

(F) creates any liability, or affects any liability under any other law, of any private property owner or other owner of non-Federal land with respect to any person injured on the private property or other non-Federal land;

(G) conveys to the Partnership any land use or other regulatory authority;

(H) causes any Federal, State, or local regulation or permit requirement intended to apply to units of the National Park System to affect—

(i) the Federal land under the jurisdiction of the Secretary of Defense; or

(ii) non-Federal land within the boundaries of the Recreation Area; or

(I) requires any local government to participate in any program administered by the Secretary.

(2) **COOPERATION.**—The Secretary is encouraged to work with owners of non-Federal land who have agreed to cooperate with the Secretary to advance the purposes of this subtitle.

(3) **BUFFER ZONES.**—

(A) **IN GENERAL.**—Nothing in this subtitle establishes any protective perimeter or buffer zone around the Recreation Area.

(B) **ACTIVITIES OR USES UP TO BOUNDARIES.**—The fact that an activity or use of land can be seen or heard from within the Recreation Area shall not preclude the activity or land use up to the boundary of the Recreation Area.

(4) **FACILITIES.**—Nothing in this subtitle affects the operation, maintenance, modification, construction, destruction, removal, relocation, improvement, or expansion of—

(A) any water resource facility or public water system;

(B) any solid waste, sanitary sewer, water, or wastewater treatment, groundwater recharge or conservation, hydroelectric, or conveyance distribution system;

(C) any recycled water facility; or

(D) any other utility facility located within or adjacent to the Recreation Area.

(5) **EXEMPTION.**—Section 100903 of title 54, United States Code, shall not apply to—

- (A) the Puente Hills landfill; or

(B) any materials recovery facility or intermodal facility associated with the Recreation Area.

(d) **MANAGEMENT PLAN.**—

(1) **DEADLINE.**—Not later than 3 years after the date of enactment of this Act, the Secretary and the Advisory Council shall establish a comprehensive management plan for the Recreation Area that supports the purposes described in section 5211.

(2) **USE OF EXISTING PLANS.**—In developing the management plan, to the extent consistent with this section, the Secretary may incorporate any provision of a land use or other plan applicable to the public land included in the Recreation Area.

(3) **INCORPORATION OF VISITOR SERVICES PLAN.**—To the maximum extent practicable, the Secretary shall incorporate into the management plan the visitor services plan under section 5219(a)(2).

(4) **PARTNERSHIP.**—In developing the management plan, the Secretary shall—

(A) consider recommendations of the Partnership; and

(B) to the maximum extent practicable, incorporate recommendations of the Partnership into the management plan, if the Secretary determines that the recommendations are feasible and consistent with—

(i) the purposes described in section 5211;

(ii) this subtitle; and

(iii) applicable law (including regulations).

(e) **FISH AND WILDLIFE.**—Nothing in this subtitle affects the jurisdiction of the State with respect to fish or wildlife located on public land in the State.

SEC. 5215. ACQUISITION OF NON-FEDERAL LAND WITHIN RECREATION AREA.

(a) **LIMITED ACQUISITION AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary may acquire non-Federal land within the boundaries of the Recreation Area only through exchange, donation, or purchase from a willing seller.

(2) **DETERMINATION REQUIRED.**—Before acquiring any land or interest in land pursuant to this subsection, the Secretary shall make a determination that the land contains an important biological, cultural, historic, or recreational value.

(b) **PROHIBITION ON USE OF EMINENT DOMAIN.**—Nothing in this subtitle authorizes the use of eminent domain to acquire land or an interest in land.

(c) **TREATMENT OF ACQUIRED LAND.**—Any land or interest in land acquired by the United States within the boundaries of the Recreation Area shall be—

(1) included in the Recreation Area; and

(2) administered by the Secretary in accordance with—

(A) this subtitle; and

(B) other applicable laws (including regulations).

SEC. 5216. WATER RIGHTS; WATER RESOURCE FACILITIES; PUBLIC ROADS; UTILITY FACILITIES.

(a) **NO EFFECT ON WATER RIGHTS.**—Nothing in this subtitle or section 5222—

(1) affects the use or allocation, as in existence on the date of enactment of this Act, of any water, water right, or interest in water (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, groundwater, and public trust interest);

(2) affects any public or private contract in existence on the date of enactment of this Act for the sale, lease, loan, or transfer of any water (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, and groundwater);

(3) relinquishes or reduces any water right reserved or appropriated by the United States in the State on or before the date of enactment of this Act;

(4) authorizes or imposes any new reserved Federal water right or expands water usage pursuant to any existing Federal reserved riparian or appropriative right;

(5) relinquishes or reduces any water right (including potable, recycled, reclaimed, waste, imported, exported, banked, or stored water, surface water, and groundwater) held, reserved, or appropriated by any public entity or other individual or entity on or before the date of enactment of this Act;

(6) interferes or conflicts with the exercise of the powers or duties of any watermaster, public agency, public water system, court of competent jurisdiction, or other body or entity responsible for groundwater or surface water management or groundwater replenishment as designated or established pursuant to any adjudication or Federal or State law, including the management of the San Gabriel River watershed and basin, to provide water supply or other environmental benefits;

(7) impedes or adversely impacts any previously adopted Los Angeles County Drainage Area project, as described in the report of the Chief of Engineers dated June 30, 1992 (including any supplement or addendum to that report), or any maintenance agreement to operate that project;

(8) interferes or conflicts with any action by a watermaster, water agency, public water system, court of competent jurisdiction, or public agency pursuant to any Federal or State law, water right, or adjudication, including any action relating to—

(A) water conservation;

(B) water quality;

(C) surface water diversion or impoundment;

(D) groundwater recharge;

(E) water treatment;

(F) conservation or storage of water;

(G) the pollution, waste discharge, or pumping of groundwater; or

(H) the spreading, injection, pumping, storage, or use, in connection with the management or regulation of the San Gabriel River, of water from—

(i) a local source;

(ii) a storm water flow;

(iii) runoff; or

(iv) imported or recycled water;

(9) interferes with, obstructs, hinders, or delays the exercise of, or access to, any water right by the owner of a public water system or any other individual or entity, including the construction, operation, maintenance, replacement, removal, repair, location, or relocation of—

(A) a well;

(B) a pipeline;

(C) a water pumping, treatment, diversion, impoundment, or storage facility; or

(D) any other facility or property necessary or useful—

(i) to access any water right; or

(ii) to operate any public water system;

(10) requires the initiation or reinitiation of consultation with the United States Fish and Wildlife Service under, or the application of any provision of, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) relating to any action affecting any water, water right, or water management or water resource facility in the San Gabriel River watershed and basin; or

(11) authorizes any agency or employee of the United States, or any other person, to take any action inconsistent with any of paragraphs (1) through (10).

(b) **WATER RESOURCE FACILITIES.**—

(1) **NO EFFECT ON EXISTING WATER RESOURCE FACILITIES.**—Nothing in this subtitle or section 5222 affects—

(A) the use, operation, maintenance, repair, construction, destruction, removal, reconfiguration, expansion, improvement, or

replacement of a water resource facility or public water system within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument; or

(B) access to a water resource facility within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument.

(2) **NO EFFECT ON NEW WATER RESOURCE FACILITIES.**—Nothing in this subtitle or section 5222 precludes the establishment of a new water resource facility (including instream sites, routes, and areas) within the Recreation Area or the San Gabriel Mountains National Monument if the water resource facility or public water system is necessary to preserve or enhance the health, safety, reliability, quality, or accessibility of water supply, or utility services to residents of Los Angeles County.

(3) **FLOOD CONTROL.**—Nothing in this subtitle or section 5222—

(A) imposes any new restriction or requirement on flood protection, water conservation, water supply, groundwater recharge, water transfers, or water quality operations or maintenance; or

(B) increases the liability of an agency or public water system carrying out flood protection, water conservation, water supply, groundwater recharge, water transfers, or water quality operations.

(4) **DIVERSION OR USE OF WATER.**—Nothing in this subtitle or section 5222 authorizes or requires the use of water or water rights in, or the diversion of water to, the Recreation Area or San Gabriel Mountains National Monument.

(c) **UTILITY FACILITIES AND RIGHTS OF WAY.**—Nothing in this subtitle or section 5222—

(1) affects the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, inspection, renewal, reconstruction, alteration, addition, relocation, improvement, removal, or replacement of a utility facility or appurtenant right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument;

(2) affects access to a utility facility or right-of-way within or adjacent to the Recreation Area or the San Gabriel Mountains National Monument; or

(3) precludes the establishment of a new utility facility or right-of-way (including instream sites, routes, and areas) within the Recreation Area or the San Gabriel Mountains National Monument if such a facility or right-of-way is necessary for public health and safety, electricity supply, or other utility services.

(d) **ROADS; PUBLIC TRANSIT.**—

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

(A) **PUBLIC ROAD.**—The term “public road” means any paved road or bridge (including any appurtenant structure and right-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii) (I) open to vehicular use by the public; or

(II) used by a public agency or utility for the operation, maintenance, improvement, repair, removal, relocation, construction, destruction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(B) **PUBLIC TRANSIT.**—The term “public transit” means any transit service (including operations and rights-of-way) that is—

(i) operated or maintained by a non-Federal entity; and

(ii) (I) open to the public; or

(II) used by a public agency or contractor for the operation, maintenance, repair, construction, or rehabilitation of infrastructure, a utility facility, or a right-of-way.

(2) NO EFFECT ON PUBLIC ROADS OR PUBLIC TRANSIT.—Nothing in this subtitle or section 5222—

(A) authorizes the Secretary to take any action that would affect the operation, maintenance, repair, or rehabilitation of public roads or public transit (including activities necessary to comply with Federal or State safety or public transit standards); or

(B) creates any new liability, or increases any existing liability, of an owner or operator of a public road.

SEC. 5217. SAN GABRIEL NATIONAL RECREATION AREA PUBLIC ADVISORY COUNCIL.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an advisory council, to be known as the “San Gabriel National Recreation Area Public Advisory Council”.

(b) DUTIES.—The Advisory Council shall advise the Secretary regarding the development and implementation of—

(1) the management plan; and

(2) the visitor services plan under section 5219(a)(2).

(c) APPLICABLE LAW.—The Advisory Council shall be subject to—

(1) the Federal Advisory Committee Act (5 U.S.C. App.); and

(2) all other applicable laws (including regulations).

(d) MEMBERSHIP.—The Advisory Council shall consist of 22 members, to be appointed by the Secretary after taking into consideration recommendations of the Partnership, of whom—

(1) 2 shall represent local, regional, or national environmental organizations;

(2) 2 shall represent the interests of outdoor recreation, including off-highway vehicle recreation, within the Recreation Area;

(3) 2 shall represent the interests of community-based organizations, the missions of which include expanding access to the outdoors;

(4) 2 shall represent business interests;

(5) 1 shall represent Indian Tribes within or adjacent to the Recreation Area;

(6) 1 shall represent the interests of homeowners’ associations within the Recreation Area;

(7) 3 shall represent the interests of holders of adjudicated water rights, public water systems, water agencies, wastewater and sewer agencies, recycled water facilities, and water management and replenishment entities;

(8) 1 shall represent energy and mineral development interests;

(9) 1 shall represent owners of Federal grazing permits or other land use permits within the Recreation Area;

(10) 1 shall represent archaeological and historical interests;

(11) 1 shall represent the interests of environmental educators;

(12) 1 shall represent cultural history interests;

(13) 1 shall represent environmental justice interests;

(14) 1 shall represent electrical utility interests; and

(15) 2 shall represent the affected public at large.

(e) TERMS.—

(1) STAGGERED TERMS.—A member of the Advisory Council shall be appointed for a term of 3 years, except that, of the members first appointed—

(A) 7 shall be appointed for a term of 1 year; and

(B) 7 shall be appointed for a term of 2 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the Advisory Council on the expiration of the term of service of the member.

(3) VACANCY.—A vacancy on the Advisory Council shall be filled in the same manner in which the original appointment was made.

(f) QUORUM.—

(1) IN GENERAL.—Ten members of the Advisory Council shall constitute a quorum.

(2) NO EFFECT ON OPERATIONS.—The operations of the Advisory Council shall not be impaired by the fact that a member has not yet been appointed if a quorum has been attained under paragraph (1).

(g) CHAIRPERSON; PROCEDURES.—The Advisory Council shall—

(1) select a chairperson from among the members of the Advisory Council; and

(2) establish such rules and procedures as the Advisory Council considers to be necessary or desirable.

(h) SERVICE WITHOUT PAY.—A member of the Advisory Council shall serve without pay.

(i) TERMINATION.—The Advisory Council shall terminate on—

(1) the date that is 5 years after the date on which the management plan is adopted by the Secretary; or

(2) such later date as the Secretary considers to be appropriate.

SEC. 5218. SAN GABRIEL NATIONAL RECREATION AREA PARTNERSHIP.

(a) ESTABLISHMENT.—There is established a partnership, to be known as the “San Gabriel National Recreation Area Partnership”.

(b) PURPOSES.—The purposes of the Partnership are—

(1) to coordinate the activities of Federal, State, Tribal, and local authorities and the private sector in advancing the purposes of this subtitle; and

(2) to use the resources and expertise of each agency in improving management and recreational opportunities within the Recreation Area.

(c) MEMBERSHIP.—The Partnership shall include the following:

(1) The Secretary (or a designee) to represent the National Park Service.

(2) The Secretary of Defense (or a designee) to represent the Corps of Engineers.

(3) The Secretary of Agriculture (or a designee) to represent the Forest Service.

(4) The Secretary of the Natural Resources Agency of the State (or a designee) to represent—

(A) the California Department of Parks and Recreation; and

(B) the Rivers and Mountains Conservancy.

(5) One designee of the Los Angeles County Board of Supervisors.

(6) One designee of the Puente Hills Habitat Preservation Authority.

(7) Four designees of the San Gabriel Council of Governments, of whom 1 shall be selected from a local land conservancy.

(8) One designee of the San Gabriel Valley Economic Partnership.

(9) One designee of the Los Angeles County Flood Control District.

(10) One designee of the San Gabriel Valley Water Association.

(11) One designee of the Central Basin Water Association.

(12) One designee of the Main San Gabriel Basin Watermaster.

(13) One designee of a public utility company, to be appointed by the Secretary.

(14) One designee of the Watershed Conservation Authority.

(15) One designee of the Advisory Council for the period during which the Advisory Council remains in effect.

(16) One designee of San Gabriel Mountains National Monument Community Collaborative.

(d) DUTIES.—To advance the purposes described in section 5211, the Partnership shall—

(1) make recommendations to the Secretary regarding the development and implementation of the management plan;

(2) review and comment on the visitor services plan under section 5219(a)(2), and facilitate the implementation of that plan;

(3) assist units of local government, regional planning organizations, and nonprofit organizations in advancing the purposes of the Recreation Area by—

(A) carrying out programs and projects that recognize, protect, and enhance important resource values within the Recreation Area;

(B) establishing and maintaining interpretive exhibits and programs within the Recreation Area;

(C) developing recreational and educational opportunities in the Recreation Area in accordance with the purposes of this subtitle;

(D) increasing public awareness of, and appreciation for, natural, historic, scenic, and cultural resources of the Recreation Area;

(E) ensuring that signs identifying points of public access and sites of interest are posted throughout the Recreation Area;

(F) promoting a wide range of partnerships among governments, organizations, and individuals to advance the purposes of the Recreation Area; and

(G) ensuring that management of the Recreation Area takes into consideration—

(i) local ordinances and land-use plans; and

(ii) adjacent residents and property owners;

(4) make recommendations to the Secretary regarding the appointment of members to the Advisory Council; and

(5) carry out any other actions necessary to achieve the purposes of this subtitle.

(e) AUTHORITIES.—Subject to approval by the Secretary, for the purposes of preparing and implementing the management plan, the Partnership may use Federal funds made available under this section—

(1) to make grants to the State, political subdivisions of the State, nonprofit organizations, and other persons;

(2) to enter into cooperative agreements with, or provide grants or technical assistance to, the State, political subdivisions of the State, nonprofit organizations, Federal agencies, and other interested parties;

(3) to hire and compensate staff;

(4) to obtain funds or services from any source, including funds and services provided under any other Federal law or program;

(5) to contract for goods or services; and

(6) to support activities of partners and any other activities that—

(A) advance the purposes of the Recreation Area; and

(B) are in accordance with the management plan.

(f) TERMS OF OFFICE; REAPPOINTMENT; VACANCIES.—

(1) TERMS.—A member of the Partnership shall be appointed for a term of 3 years.

(2) REAPPOINTMENT.—A member may be reappointed to serve on the Partnership on the expiration of the term of service of the member.

(3) VACANCY.—A vacancy on the Partnership shall be filled in the same manner in which the original appointment was made.

(g) QUORUM.—

(1) IN GENERAL.—11 members of the Partnership shall constitute a quorum.

(2) NO EFFECT ON OPERATIONS.—The operations of the Partnership shall not be impaired by the fact that a member has not yet been appointed if a quorum has been attained under paragraph (1).

(h) CHAIRPERSON; PROCEDURES.—The Partnership shall—

(1) select a chairperson from among the members of the Partnership; and

(2) establish such rules and procedures as the Partnership considers to be necessary or desirable.

(i) **SERVICE WITHOUT COMPENSATION.**—A member of the Partnership shall serve without compensation.

(j) **DUTIES AND AUTHORITIES OF SECRETARY.**—

(1) **IN GENERAL.**—The Secretary shall convene the Partnership on a regular basis to carry out this subtitle.

(2) **TECHNICAL AND FINANCIAL ASSISTANCE.**—The Secretary may provide to the Partnership or any member of the Partnership, on a reimbursable or nonreimbursable basis, such technical and financial assistance as the Secretary determines to be appropriate to carry out this subtitle.

(3) **COOPERATIVE AGREEMENTS.**—The Secretary may enter into a cooperative agreement with the Partnership, a member of the Partnership, or any other public or private entity to provide technical, financial, or other assistance to carry out this subtitle.

(4) **CONSTRUCTION OF FACILITIES ON NON-FEDERAL LAND.**—

(A) **IN GENERAL.**—To facilitate the administration of the Recreation Area, the Secretary may, subject to valid existing rights, construct administrative or visitor use facilities on land owned by a nonprofit organization, local agency, or other public entity in accordance with this subtitle and applicable law (including regulations).

(B) **ADDITIONAL REQUIREMENTS.**—A facility under this paragraph may only be developed—

(i) with the consent of the owner of the non-Federal land; and

(ii) in accordance with applicable Federal, State, and local laws (including regulations) and plans.

(5) **PRIORITY.**—The Secretary shall give priority to actions that—

(A) conserve the significant natural, historic, cultural, and scenic resources of the Recreation Area; and

(B) provide educational, interpretive, and recreational opportunities consistent with the purposes of the Recreation Area.

(k) **COMMITTEES.**—The Partnership shall establish—

(1) a Water Technical Advisory Committee to advise the Secretary regarding water-related issues relating to the Recreation Area; and

(2) a Public Safety Advisory Committee to advise the Secretary regarding public safety issues relating to the Recreation Area.

SEC. 5219. VISITOR SERVICES AND FACILITIES.

(a) **VISITOR SERVICES.**—

(1) **PURPOSE.**—The purpose of this subsection is to facilitate the development of an integrated visitor services plan to improve visitor experiences in the Recreation Area through—

(A) expanded recreational opportunities; and

(B) increased interpretation, education, resource protection, and enforcement.

(2) **VISITOR SERVICES PLAN.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall develop and carry out an integrated visitor services plan for the Recreation Area in accordance with this paragraph.

(B) **CONTENTS.**—The visitor services plan shall—

(i) assess current and anticipated future visitation to the Recreation Area, including recreation destinations;

(ii) consider the demand for various types of recreation (including hiking, picnicking, horseback riding, and the use of motorized and mechanized vehicles), as permissible and appropriate;

(iii) evaluate—

(I) the impacts of recreation on natural and cultural resources, water rights and water resource facilities, public roads, adjacent residents and property owners, and utilities within the Recreation Area; and

(II) the effectiveness of current enforcement efforts;

(iv) assess the current level of interpretive and educational services and facilities;

(v) include recommendations—

(I) to expand opportunities for high-demand recreational activities, in accordance with the purposes described in section 5211;

(II) to better manage Recreation Area resources and improve the experience of Recreation Area visitors through—

(aa) expanded interpretive and educational services and facilities; and

(bb) improved enforcement; and

(III) to better manage Recreation Area resources to reduce negative impacts on the environment, ecology, and integrated water management activities in the Recreation Area;

(vi) in coordination and consultation with affected owners of non-Federal land, assess options to incorporate recreational opportunities on non-Federal land into the Recreation Area—

(I) in a manner consistent with the purposes and uses of the non-Federal land; and

(II) with the consent of the non-Federal landowner;

(vii) assess opportunities to provide recreational opportunities that connect with adjacent National Forest System land; and

(viii) be developed and carried out in accordance with applicable Federal, State, and local laws and ordinances.

(C) **CONSULTATION.**—In developing the visitor services plan, the Secretary shall—

(i) consult with—

(I) the Partnership;

(II) the Advisory Council;

(III) appropriate State and local agencies; and

(IV) interested nongovernmental organizations; and

(ii) involve members of the public.

(b) **VISITOR USE FACILITIES.**—

(1) **IN GENERAL.**—The Secretary may construct visitor use facilities in the Recreation Area.

(2) **REQUIREMENTS.**—Each facility under paragraph (1) shall be developed in accordance with applicable Federal, State, and local—

(A) laws (including regulations); and

(B) plans.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may accept and use donated funds, property, in-kind contributions, and services to carry out this subtitle.

(2) **PROHIBITION.**—Nothing in paragraph (1) permits the Secretary to accept non-Federal land that has been acquired after the date of enactment of this Act through the use of eminent domain.

(d) **COOPERATIVE AGREEMENTS.**—In carrying out this subtitle, the Secretary may make grants to, or enter into cooperative agreements with, units of State, Tribal, and local governments and private entities to conduct research, develop scientific analyses, and carry out any other initiative relating to the management of, and visitation to, the Recreation Area.

Subtitle B—San Gabriel Mountains

SEC. 5221. DEFINITIONS.

In this subtitle:

(1) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.

(2) **WILDERNESS AREA OR ADDITION.**—The term “wilderness area or addition” means any wilderness area or wilderness addition designated by section 5223(a).

SEC. 5222. NATIONAL MONUMENT BOUNDARY MODIFICATION.

(a) **IN GENERAL.**—The San Gabriel Mountains National Monument established by Presidential Proclamation 9194 (54 U.S.C. 320301 note) (referred to in this section as the “Monument”) is modified to include the approximately 109,167 acres of additional National Forest System land depicted as the “Proposed San Gabriel Mountains National Monument Expansion” on the map entitled “Proposed San Gabriel Mountains National Monument Expansion” and dated June 26, 2019.

(b) **ADMINISTRATION.**—The Secretary shall administer the Monument (including the land added to the Monument by subsection (a)), in accordance with—

(1) Presidential Proclamation 9194 (54 U.S.C. 320301 note);

(2) the laws generally applicable to the Monument; and

(3) this subtitle.

(c) **MANAGEMENT PLAN.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall consult with the State, local governments, and interested members of the public to update the San Gabriel Mountains National Monument Plan to provide management direction and protection for the land added to the Monument by subsection (a).

SEC. 5223. DESIGNATION OF WILDERNESS AREAS AND ADDITIONS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following parcels of National Forest System land in the State are designated as wilderness and as components of the National Wilderness Preservation System:

(1) **CONDOR PEAK WILDERNESS.**—Certain Federal land in the Angeles National Forest, comprising approximately 8,207 acres, as generally depicted on the map entitled “Condor Peak Wilderness—Proposed” and dated June 6, 2019, which shall be known as the “Condor Peak Wilderness”.

(2) **SAN GABRIEL WILDERNESS ADDITIONS.**—Certain Federal land in the Angeles National Forest, comprising approximately 2,032 acres, as generally depicted on the map entitled “San Gabriel Wilderness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the San Gabriel Wilderness designated by Public Law 90-318 (16 U.S.C. 1132 note; 82 Stat. 131).

(3) **SHEEP MOUNTAIN WILDERNESS ADDITIONS.**—Certain Federal land in the Angeles National Forest, comprising approximately 13,726 acres, as generally depicted on the map entitled “Sheep Mountain Wilderness Additions” and dated June 6, 2019, which is incorporated in, and considered to be a part of, the Sheep Mountain Wilderness designated by section 101(a)(29) of the California Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98-425; 98 Stat. 1623).

(4) **YERBA BUENA WILDERNESS.**—Certain Federal land in the Angeles National Forest, comprising approximately 6,694 acres, as generally depicted on the map entitled “Yerba Buena Wilderness—Proposed” and dated June 6, 2019, which shall be known as the “Yerba Buena Wilderness”.

(b) **MAP AND LEGAL DESCRIPTION.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and a legal description of the wilderness areas and additions with—

(A) the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **FORCE OF LAW.**—The map and legal description filed under paragraph (1) shall have the same force and effect as if included in this subtitle, except that the Secretary may

correct any clerical or typographical error in the map or legal description.

(3) **PUBLIC AVAILABILITY.**—The map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate offices of the Forest Service.

SEC. 5224. ADMINISTRATION OF WILDERNESS AREAS AND ADDITIONS.

(a) **IN GENERAL.**—Subject to valid existing rights, the wilderness areas and additions shall be administered by the Secretary in accordance with this section and the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date of that Act shall be considered to be a reference to the date of enactment of this Act.

(b) **FIRE MANAGEMENT AND RELATED ACTIVITIES.**—

(1) **IN GENERAL.**—The Secretary may carry out such activities in a wilderness area or addition as are necessary for the control of fire, insects, or diseases in accordance with—

(A) section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)); and

(B) House Report 98-40 of the 98th Congress.

(2) **FUNDING PRIORITIES.**—Nothing in this subtitle limits funding for fire or fuels management in a wilderness area or addition.

(3) **REVISION AND DEVELOPMENT OF LOCAL FIRE MANAGEMENT PLANS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall amend, as applicable, any local fire management plan that applies to a wilderness area or addition.

(4) **ADMINISTRATION.**—In accordance with paragraph (1) and any other applicable Federal law, to ensure a timely and efficient response to a fire emergency in a wilderness area or addition, the Secretary shall—

(A) not later than 1 year after the date of enactment of this Act, establish agency approval procedures (including appropriate delegations of authority to the Forest Supervisor, District Manager, or other agency officials) for responding to fire emergencies; and

(B) enter into agreements with appropriate State or local firefighting agencies.

(c) **GRAZING.**—The grazing of livestock in a wilderness area or addition, if established before the date of enactment of this Act, shall be administered in accordance with—

(1) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(2) the guidelines contained in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(d) **FISH AND WILDLIFE.**—

(1) **IN GENERAL.**—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this subtitle affects the jurisdiction or responsibility of the State with respect to fish or wildlife on public land in the State.

(2) **MANAGEMENT ACTIVITIES.**—

(A) **IN GENERAL.**—In support of the purposes and principles of the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary may conduct any management activity that the Secretary determines to be necessary to maintain or restore a fish or wildlife population or habitat in a wilderness area or addition, if the activity is conducted in accordance with—

(i) applicable wilderness management plans; and

(ii) appropriate policies, such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405).

(B) **INCLUSIONS.**—A management activity under subparagraph (A) may include the oc-

casional and temporary use of motorized vehicles, if the use, as determined by the Secretary, would promote healthy, viable, and more naturally distributed wildlife populations that would enhance wilderness values while causing the minimum impact necessary to accomplish those tasks.

(C) **EXISTING ACTIVITIES.**—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)) and other appropriate policies (such as the policies established in Appendix B of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405)), the State may use aircraft (including helicopters) in a wilderness area or addition to survey, capture, transplant, monitor, or provide water for a wildlife population, including bighorn sheep.

(e) **BUFFER ZONES.**—

(1) **IN GENERAL.**—Nothing in this subtitle establishes any protective perimeter or buffer zone around a wilderness area or addition.

(2) **ACTIVITIES OR USES UP TO BOUNDARIES.**—The fact that a nonwilderness activity or use can be seen or heard from within a wilderness area or addition shall not preclude the activity or use up to the boundary of the wilderness area or addition.

(f) **MILITARY ACTIVITIES.**—Nothing in this title precludes—

(1) low-level overflights of military aircraft over a wilderness area or addition;

(2) the designation of a new unit of special airspace over a wilderness area or addition; or

(3) the use or establishment of a military flight training route over a wilderness area or addition.

(g) **HORSES.**—Nothing in this subtitle precludes horseback riding in, or the entry of recreational or commercial saddle or pack stock into, a wilderness area or addition—

(1) in accordance with section 4(d)(5) of the Wilderness Act (16 U.S.C. 1133(d)(5)); and

(2) subject to such terms and conditions as the Secretary determines to be necessary.

(h) **LAW ENFORCEMENT.**—Nothing in this subtitle precludes any law enforcement or drug interdiction effort within a wilderness area or addition, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.).

(i) **WITHDRAWAL.**—Subject to valid existing rights, the wilderness areas and additions are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral materials and geothermal leasing laws.

(j) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within the boundary of a wilderness area or addition that is acquired by the United States shall—

(1) become part of the wilderness area or addition in which the land is located; and

(2) be managed in accordance with this section, the Wilderness Act (16 U.S.C. 1131 et seq.), and any other applicable law (including regulations).

(k) **CLIMATOLOGICAL DATA COLLECTION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and subject to such terms and conditions as the Secretary may prescribe, the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in a wilderness area or addition if the Secretary determines that the device and access to the device is essential to a flood warning, flood control, or water reservoir operation activity.

(l) **AUTHORIZED EVENT.**—The Secretary may authorize the Angeles Crest 100 competitive running event to continue in substantially the same manner in which the

event was operated and permitted in 2015 within the land added to the Sheep Mountain Wilderness by section 5223(a)(3) and the Pleasant View Ridge Wilderness Area designated by section 1802(8) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11; 123 Stat. 1054), if the event is authorized and conducted in a manner compatible with the preservation of the areas as wilderness.

SEC. 5225. DESIGNATION OF WILD AND SCENIC RIVERS.

(a) **DESIGNATION.**—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5105(a)) is amended by adding at the end the following:

“(272) **EAST FORK SAN GABRIEL RIVER, CALIFORNIA.**—The following segments of the East Fork San Gabriel River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 10-mile segment from the confluence of the Prairie Fork and Vincent Gulch to 100 yards upstream of the Heaton Flats trailhead and day use area, as a wild river.

“(B) The 2.7-mile segment from 100 yards upstream of the Heaton Flats trailhead and day use area to 100 yards upstream of the confluence with Williams Canyon, as a recreational river.

“(273) **NORTH FORK SAN GABRIEL RIVER, CALIFORNIA.**—The 4.3-mile segment of the North Fork San Gabriel River from the confluence with Cloudburst Canyon to 0.25 miles upstream of the confluence with the West Fork San Gabriel River, to be administered by the Secretary of Agriculture as a recreational river.

“(274) **WEST FORK SAN GABRIEL RIVER, CALIFORNIA.**—The following segments of the West Fork San Gabriel River, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 6.7-mile segment from 0.25 miles downstream of its source near Red Box Gap in sec. 14, T. 2 N., R. 12 W., to the confluence with the unnamed tributary 0.25 miles downstream of the power lines in sec. 22, T. 2 N., R. 11 W., as a recreational river.

“(B) The 1.6-mile segment of the West Fork from 0.25 miles downstream of the powerlines in sec. 22, T. 2 N., R. 11 W., to the confluence with Bobcat Canyon, as a wild river.

“(275) **LITTLE ROCK CREEK, CALIFORNIA.**—The following segments of Little Rock Creek and tributaries, to be administered by the Secretary of Agriculture in the following classes:

“(A) The 10.3-mile segment from its source on Mt. Williamson in sec. 6, T. 3 N., R. 9 W., to 100 yards upstream of the confluence with the South Fork Little Rock Creek, as a wild river.

“(B) The 6.6-mile segment from 100 yards upstream of the confluence with the South Fork Little Rock Creek to the confluence with Santiago Canyon, as a recreational river.

“(C) The 1-mile segment of Cooper Canyon Creek from 0.25 miles downstream of Highway 2 to 100 yards downstream of Cooper Canyon Campground, as a scenic river.

“(D) The 1.3-mile segment of Cooper Canyon Creek from 100 yards downstream of Cooper Canyon Campground to the confluence with Little Rock Creek, as a wild river.

“(E) The 1-mile segment of Buckhorn Creek from 100 yards downstream of the Buckhorn Campground to its confluence with Cooper Canyon Creek, as a wild river.”.

(b) **WATER RESOURCE FACILITIES; WATER USE.**—

(1) **WATER RESOURCE FACILITIES.**—

(A) **DEFINITIONS.**—In this paragraph:

(i) **WATER RESOURCE FACILITY.**—The term “water resource facility” means—

(I) an irrigation or pumping facility;
 (II) a dam or reservoir;
 (III) a flood control facility;
 (IV) a water conservation works (including a debris protection facility);
 (V) a sediment placement site;
 (VI) a rain gauge or stream gauge;
 (VII) a water quality facility;
 (VIII) a recycled water facility or water pumping, conveyance, or distribution system;

(IX) a water storage tank or reservoir;
 (X) a water treatment facility;
 (XI) an aqueduct, canal, ditch, pipeline, well, hydropower project, or transmission or other ancillary facility;
 (XII) a groundwater recharge facility;
 (XIII) a water filtration plant; and
 (XIV) any other water diversion, conservation, storage, or carriage structure.

(i) **WILD AND SCENIC RIVER SEGMENT.**—The term “wild and scenic river segment” means a component of the national wild and scenic rivers system designated by paragraph (272), (273), (274), or (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (a)).

(B) **NO EFFECT ON EXISTING WATER RESOURCE FACILITIES.**—Nothing in this section alters, modifies, or affects—

(i) the use, operation, maintenance, repair, construction, destruction, reconfiguration, expansion, relocation, or replacement of a water resource facility downstream of a wild and scenic river segment, subject to the condition that the physical structures of such a facility or reservoir shall not be located within the wild and scenic river segment; or

(ii) access to a water resource facility downstream of a wild and scenic river segment.

(C) **NO EFFECT ON NEW WATER RESOURCE FACILITIES.**—Nothing in this section precludes the establishment of a new water resource facility (including instream sites, routes, and areas) downstream of a wild and scenic river segment.

(2) **LIMITATION.**—Any new reservation of water or new use of water pursuant to existing water rights held by the United States to advance the purposes of the National Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) shall be for nonconsumptive instream use only within the wild and scenic river segments (as defined in paragraph (1)(A)).

(3) **EXISTING LAW.**—Nothing in this section affects the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 5226. WATER RIGHTS.

(a) **STATUTORY CONSTRUCTION.**—Nothing in this title, and no action carried out pursuant to this title—

(1) constitutes an express or implied reservation of any water or water right, or authorizes an expansion of water use pursuant to existing water rights held by the United States, with respect to—

(A) the San Gabriel Mountains National Monument;

(B) the wilderness areas and additions; and

(C) the components of the national wild and scenic rivers system designated by paragraphs (272), (273), (274), and (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 5225(a)) and land adjacent to the components;

(2) affects, alters, modifies, or conditions any water right in the State in existence on the date of enactment of this Act, including any water rights held by the United States;

(3) establishes a precedent with respect to any designation of wilderness or wild and scenic rivers after the date of enactment of this Act;

(4) affects, alters, or modifies the interpretation of, or any designation, decision, adju-

dication, or action carried out pursuant to, any other Act; or

(5) limits, alters, modifies, or amends any interstate compact or equitable apportionment decree that apportions water among or between the State and any other State.

(b) **STATE WATER LAW.**—The Secretary shall comply with applicable procedural and substantive requirements under State law to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to—

(1) the San Gabriel Mountains National Monument;

(2) the wilderness areas and additions; and

(3) the components of the national wild and scenic rivers system designated by paragraphs (272), (273), (274), and (275) of section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by section 5225(a)).

SA 5956. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Abrams Upgrade Program, strike the amount in the Senate Authorized column and insert “1,289,934”.

SA 5957. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4201, in the item relating to Combat Vehicle Improvement Programs, strike the amount in the Senate Authorized column and insert “289,510”.

SA 5958. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. GOVERNMENT ACCOUNTABILITY OFFICE UNIMPLEMENTED PRIORITY RECOMMENDATIONS.

The Comptroller General of the United States shall, as part of the Comptroller General’s annual reporting to committees of Congress—

(1) consolidate Matters for Congressional Consideration from the Government Accountability Office in one report organized by policy topic that includes the amount of time such Matters have been unimplemented and submit such report to congressional leadership and the oversight committees of each House;

(2) with respect to the annual letters sent by the Comptroller General to individual agency heads and relevant congressional committees on the status of unimplemented priority recommendations, identify any additional congressional oversight actions that can help agencies implement such priority recommendations and address any underlying issues relating to such implementation;

(3) make publicly available the information described in paragraphs (1) and (2); and

(4) publish any known costs of unimplemented priority recommendations, if applicable.

SA 5959. Mr. PORTMAN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FENTANYL-RELATED SUBSTANCES.

(a) **IN GENERAL.**—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

“(e)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of fentanyl-related substances, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

“(2) In paragraph (1), the term ‘fentanyl-related substances’ includes any substance that is structurally related to fentanyl by 1 or more of the following modifications:

“(A) By replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle.

“(B) By substitution in or on the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups.

“(C) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups.

“(D) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle.

“(E) By replacement of the N-propionyl group by another acyl group.”.

(b) **NO MINIMUM SENTENCE.**—Section 401(b)(1)(C) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(C)) is amended by adding at the end the following: “Any minimum term of imprisonment required to be imposed under this subparagraph shall not apply with respect to a controlled substance described in subsection (e)(1) of schedule I.”.

SA 5960. 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 ON BULK FUEL STRATEGY AND DELIVERY CAPABILITIES OF UNITED STATES INDO-PACIFIC COMMAND.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the current state of the bulk fuel strategy and delivery capabilities of the United States Indo-Pacific Command, including the use by the United States Indo-Pacific Command of commercial solutions.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current state of pre-positioned fuel in the area of responsibility of the United States Indo-Pacific Command, including the relevant equipment and infrastructure needed for disbursed placement and delivery for a scalable and resilient contingency response, including projects that have been completed, projects that are underway, and associated timelines.

(2) A plan to ensure fuel security and sustainment in such area of responsibility for the duration of a prolonged conflict and an assessment of the improvements necessary to address fuel storage and the consistent movement and availability of fuel via air and waterways in the region.

(3) A description of existing commercial capabilities that the Department of Defense is leveraging to rapidly meet fuel requirements.

(4) An assessment of further investments required to ensure logistical superiority and uninterrupted sustainment of operations in such area of responsibility.

SA 5961. Ms. KLOBUCHAR (for herself, Mr. COONS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—AFGHAN ADJUSTMENT ACT
TITLE I—AFGHAN ADJUSTMENT ACT**

SECTION 5101. SHORT TITLE.

This title may be cited as the “Afghan Adjustment Act”.

SEC. 5102. DEFINITIONS.

(a) **IN GENERAL.**—Except as otherwise specifically provided, any term used in this title that is used in the immigration laws shall have the meaning given the term in the immigration laws.

(b) **DEFINITIONS.**—In this title:

(1) **IMMIGRATION LAWS.**—The term “immigration laws” has the meaning given the term in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)).

(2) **SPECIAL IMMIGRANT STATUS.**—The term “special immigrant status” means special immigrant status provided under—

(A) the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8); or

(B) section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note; Public Law 109–163).

(3) **SPECIFIED APPLICATION.**—The term “specified application” means—

(A) an application for special immigrant status;

(B) an application to seek admission to the United States through the United States Refugee Admission Program for an individual who has received a Priority 1 or Priority 2 referral to such program; and

(C) an application for a special immigrant visa under section 5107 or an amendment made by that section.

(4) **UNITED STATES REFUGEE ADMISSIONS PROGRAM.**—The term “United States Refugee Admissions Program” means the program to resettle refugees in the United States pursuant to the authorities provided in sections 101(a)(42), 207, and 412 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42), 1157, and 1522).

SEC. 5103. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nationals of Afghanistan residing outside the United States who meet the requirements for admission to the United States through a specified application have aided the United States mission in Afghanistan during the past 20 years; and

(2) the United States should increase support for such nationals.

SEC. 5104. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE UNITED STATES.

(a) **RESPONSE TO CONGRESSIONAL INQUIRIES.**—The Secretary of State shall respond to inquiries by Members of Congress regarding a specified application submitted by, or on behalf of, a national of Afghanistan who has provided a confidentiality release.

(b) **OFFICE IN LIEU OF EMBASSY.**—During the period in which there is no operational United States embassy in Afghanistan, the Secretary of State shall establish and maintain an office capable of—

(1) reviewing specified applications submitted by nationals of Afghanistan residing in Afghanistan;

(2) issuing visas to such nationals;

(3) to the greatest extent practicable, providing services to such nationals that would normally be provided by an embassy; and

(4) carrying out any other function the Secretary considers necessary.

SEC. 5105. INTERAGENCY TASK FORCE ON AFGHAN ALLY STRATEGY.

(a) **ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the President shall establish an Interagency Task Force on Afghan Ally Strategy (referred to in this section as the “Task Force”)—

(1) to develop and oversee the implementation of the strategy described in subsection (d)(1)(B)(iv); and

(2) to submit the report, and provide a briefing on the report, described in subsection (d).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Task Force shall be comprised of—

(A) the Secretary of State;

(B) the Secretary of Homeland Security;

(C) the Secretary of Defense;

(D) the Director of the Federal Bureau of Investigation;

(E) the Director of National Intelligence; and

(F) any other Government official, as designated by the President.

(2) **DELEGATION.**—A member of the Task Force may designate a representative to carry out the duties under this section.

(c) **CHAIR.**—The Task Force shall be chaired by the Secretary of State.

(d) **DUTIES.**—

(1) **REPORT AND STRATEGY.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Task Force shall submit to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives a report that includes a strategy for supporting nationals of Afghanistan residing outside the United States who meet the requirements for admission to the United States through a specified application.

(B) **ELEMENTS.**—The report required by subparagraph (A) shall include the following:

(i) Estimates of—

(I)(aa) the total number of nationals of Afghanistan residing in Afghanistan who have submitted specified applications that are pending and, as of the date on which the report is submitted, have not been adjudicated; and

(bb) the number of such nationals, disaggregated by type of specified application described in subparagraphs (A), (B), and (C) of section 5102(b)(3); and

(II)(aa) the total number of nationals of Afghanistan residing in Afghanistan who meet the requirements for admission to the United States through specified applications; and

(bb) the number of such nationals, disaggregated by type of specified application described in subparagraphs (A), (B), and (C) of section 5102(b)(3).

(ii) A description of the steps the Secretary of State has taken and is taking to facilitate the relocation and resettlement of nationals of Afghanistan who—

(I) supported the United States mission in Afghanistan; and

(II) remain in Afghanistan or in third countries.

(iii) An identification of all considerations, including resource constraints, that limit the ability of the Secretary of State to facilitate such relocations and resettlements.

(iv) A strategy and detailed plan that—

(I) sets forth the manner in which members of the Task Force will address such considerations in order to facilitate such relocations and resettlements over different periods of time (including 1-year, 5-year, and 10-year periods) and an analysis of the expected number of nationals of Afghanistan who would be relocated or resettled through such strategy; and

(II) addresses the constraints and opportunities for expanding support for such relocations and resettlements, including—

(aa) the availability of remote processing for individuals residing in Afghanistan;

(bb) the availability and capacity of mechanisms for individuals to be relocated from Afghanistan, including air charter or land passage;

(cc) the availability and capacity of sites in third countries to process applications and conduct any required vetting, including identifying and establishing additional sites;

(dd) resource, personnel, and equipment requirements to increase the capacity to better support such nationals of Afghanistan and reduce application processing times;

(ee) the provision of updates and necessary information to affected individuals and relevant nongovernmental organizations; and

(ff) any other matter the Task Force considers relevant to the implementation of the strategy.

(v) Recommendations for how Congress can expand the number of nationals of Afghanistan who can be relocated or resettled over such periods of time by providing additional authorities or resources.

(C) FORM.—The report required by subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(2) BRIEFING.—Not later than 60 days after submitting the report required by paragraph (1), the Task Force shall brief the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives on the contents of such report.

(e) TERMINATION.—The Task Force shall remain in effect until the earlier of—

(1) the date on which the strategy required by subsection (d)(1) has been fully implemented; or

(2) the date that is 10 years after the date of the enactment of this Act.

SEC. 5106. ADJUSTMENT OF STATUS FOR ELIGIBLE AFGHAN NATIONALS.

(a) DEFINITION OF ELIGIBLE AFGHAN NATIONAL.—In this section, the term “eligible Afghan national” means—

(1) an alien—
(A)(i) who is a citizen or national of Afghanistan; or

(ii) in the case of an alien having no nationality, whose former or last habitual residence was in Afghanistan; and

(B)(i) who was inspected and admitted to the United States on or before the date of the enactment of this Act;

(ii) who was paroled into the United States during the period beginning on July 30, 2021, and ending on the date of the enactment of this Act, provided that such parole has not been terminated by the Secretary of Homeland Security;

(iii) whose travel to the United States was facilitated by, or coordinated with, the United States Government; or

(iv) who arrived in the United States after the date of the enactment of this Act, provided that the Secretary of Homeland Security, in cooperation with other Federal agency partners, determines that the alien supported the United States mission in Afghanistan;

(2) an alien who is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of an alien described in paragraph (1); and

(3) an alien who is the spouse or child (as defined in section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) of an alien described in paragraph (1) who is deceased.

(b) STREAMLINED ADJUSTMENT PROCESS FOR ELIGIBLE AFGHAN NATIONALS WHO SUPPORTED THE UNITED STATES MISSION IN AFGHANISTAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an eligible Afghan national to the status of an alien lawfully admitted for permanent residence if—

(A) the eligible Afghan national—

(i) has—

(I) received Chief of Mission approval as part of their application for special immigrant status;

(II) received a Priority 1 or Priority 2 referral to the United States Refugee Admissions Program; or

(III) a pending application for special immigrant status that was submitted on or before July 31, 2018;

(ii) submits an application for adjustment of status in accordance with procedures established by the Secretary of Homeland Security;

(iii) subject to paragraph (2), is otherwise admissible to the United States as an immigrant, except that the grounds of inadmissibility under paragraphs (4), (5), and (7)(A) of section 212(a) the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply; and

(iv) has complied with the vetting requirements under subsection (d)(1) to the satisfaction of the Secretary of Homeland Security; and

(B) the Secretary of Homeland Security determines that the adjustment of status of the eligible Afghan national is not contrary to the national welfare, safety, or security of the United States.

(2) APPLICABILITY OF REFUGEE ADMISSIBILITY REQUIREMENTS.—The provisions relating to admissibility for a refugee seeking adjustment of status under section 209(c) of the Immigration and Nationality Act (8 U.S.C. 1159(c)) shall apply to an applicant for adjustment of status under this subsection.

(c) ADJUSTMENT PROCESS FOR OTHER ELIGIBLE AFGHAN NATIONALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall adjust the status of an eligible Afghan national who does not meet the requirements set forth in subsection (b)(1)(A)(i) to the status of an alien lawfully admitted for permanent residence if—

(A) the eligible Afghan national—

(i) has been physically present in the United States for a period not less than 2 years;

(ii) submits an application for adjustment of status in accordance with procedures established by the Secretary of Homeland Security;

(iii) subject to paragraph (2), is otherwise admissible to the United States as an immigrant, except that the grounds of inadmissibility under paragraphs (4), (5), and (7)(A) of section 212(a) the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply; and

(iv) has complied with the vetting requirements under paragraphs (1) and (2) of subsection (d) to the satisfaction of the Secretary of Homeland Security; and

(B) the Secretary of Homeland Security determines that the adjustment of status of the eligible Afghan national is not contrary to the national welfare, safety, or security of the United States.

(2) WAIVER.—

(A) IN GENERAL.—With respect to an applicant for adjustment of status under this subsection, subject to subparagraph (B), the Secretary of Homeland Security may waive any applicable ground of inadmissibility under section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) (other than paragraphs 2(C) or (3) of such section) for humanitarian purposes, to ensure family unity, or if a waiver is otherwise in the public interest.

(B) LIMITATIONS.—The Secretary of Homeland Security may not waive under this paragraph any applicable ground of inadmissibility under section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) that arises due to criminal conduct that was committed—

(i) on or after July 30, 2021;

(ii) within the United States; and

(iii) by an applicant for adjustment of status under this subsection.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit any other waiver authority.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to require the Secretary of Homeland Security to complete the vetting process with respect to an applicant for adjustment of status under this subsection within the 2-year period described in paragraph (1)(A)(i).

(d) INTERVIEW AND VETTING REQUIREMENTS.—

(1) VETTING REQUIREMENTS FOR ALL APPLICANTS.—The Secretary of Homeland Security shall establish vetting requirements for applicants seeking adjustment of status under this section that are equivalent to the vetting requirements for refugees admitted to the United States through the United States Refugee Admissions Program, including an interview.

(2) ADDITIONAL VETTING REQUIREMENTS FOR OTHER ELIGIBLE AFGHAN NATIONALS.—The Secretary of Homeland Security, in consultation with the Secretary of Defense, shall maintain records that contain, for each applicant under subsection (c) for the duration of the pendency of their application for adjustment of status—

(A) personal biographic information, including name and date of birth;

(B) biometric information;

(C) any criminal conviction occurring after the date on which the applicant entered the United States; and

(D) the history of the United States Government vetting to which the applicant has submitted, including whether the individual has undergone in-person vetting.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the authority of the Secretary of Homeland Security to maintain records under any other law.

(e) PROTECTION FOR BATTERED SPOUSES.—

(1) IN GENERAL.—An alien whose marriage to an eligible Afghan national described in paragraph (1) of subsection (a) has been terminated shall be eligible for adjustment of status under this section as an alien described in paragraph (2) of that subsection for not more than 2 years after the date on which such marriage is terminated if there is a demonstrated connection between the termination of the marriage and battering or extreme cruelty perpetrated by the principal applicant.

(2) APPLICABILITY OF OTHER LAW.—In reviewing an application for adjustment of status under this section with respect to spouses and children who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)) and section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(f) DATE OF APPROVAL.—Upon the approval of an application for adjustment of status under this section, the Secretary of Homeland Security shall create a record of the alien's admission as a lawful permanent resident as of the date on which the alien was inspected and admitted or paroled into the United States.

(g) PROHIBITION ON FURTHER AUTHORIZATION OF PAROLE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who is a national of Afghanistan shall not be authorized for an additional period of parole if such individual—

(A) is eligible to apply for adjustment of status under this section; and

(B) fails to submit an application for adjustment of status by the later of—

(i) the date that is 1 year after the date on which final guidance described in subsection (h)(2) is published; or

(ii) the date that is 1 year after the date on which such individual becomes eligible to apply for adjustment of status under this section.

(2) EXCEPTION.—An individual described in paragraph (1)(A) may be authorized for an additional period of parole if such individual—

(A) within the period described in paragraph (1)(B), seeks an extension to file an application for adjustment of status under this section; or

(B) has previously submitted to a vetting equivalent of the vetting required under subsection (d).

(3) DEADLINE FOR APPLICATION.—Except as provided in paragraph (2), a national of Afghanistan who does not submit an application for adjustment of status within the timeline provided in paragraph (1)(B) may not later adjust status under this section.

(h) IMPLEMENTATION.—

(1) INTERIM GUIDANCE.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall issue guidance implementing this section.

(B) PUBLICATION.—Notwithstanding section 553 of title 5, United States Code, such guidance—

(i) may be published on the internet website of the Department of Homeland Security; and

(ii) shall be effective on an interim basis immediately upon such publication but may be subject to change and revision after notice and an opportunity for public comment.

(2) FINAL GUIDANCE.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall finalize guidance implementing this section.

(i) ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide applicants for adjustment of status under this section with the same right to, and procedures for, administrative review as are provided to applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(j) PROHIBITION ON FEES.—The Secretary of Homeland Security may not charge a fee to any eligible Afghan national in connection with—

(1) an application for adjustment of status or employment authorization under this section; or

(2) the issuance of a permanent resident card or an employment authorization document.

(k) PENDING APPLICATIONS.—During the period beginning on the date on which an alien files a bona fide application for adjustment of status under this section and ending on the date on which the Secretary of Homeland Security makes a final administrative decision regarding such application, any alien and any dependent included in such application who remains in compliance with all application requirements may not be—

(1) removed from the United States unless the Secretary of Homeland Security makes a prima facie determination that the alien is, or has become, ineligible for adjustment of status under this section;

(2) considered unlawfully present under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)); or

(3) considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))).

(l) VAWA SELF PETITIONERS.—Section 101(a)(51) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(51)) is amended—

(1) in subparagraph (F), by striking “or”;

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

(3) by adding at the end the following:

“(H) subsections (b) and (c) of section 5106 of the Afghan Adjustment Act.”.

(m) EXEMPTION FROM NUMERICAL LIMITATIONS.—Aliens granted adjustment of status under this section shall not be subject to the numerical limitations under sections 201, 202, and 203 of the Immigration and Nationality Act (8 U.S.C. 1151, 1152, and 1153).

(n) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude an eligible Afghan national from applying for or receiving any immigration benefit to which the eligible Afghan national is otherwise entitled.

SEC. 5107. SPECIAL IMMIGRANT STATUS FOR AT-RISK AFGHAN ALLIES AND RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.

(a) AT-RISK AFGHAN ALLIES.—

(1) IN GENERAL.—Subject to paragraph (4)(C), the Secretary of Homeland Security may provide an alien described in paragraph (2) (and the spouse, children of the alien if accompanying or following to join the alien) with the status of special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) if the alien—

(A) or an agent acting on behalf of the alien, submits a petition for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4));

(B) is otherwise admissible to the United States and eligible for lawful permanent residence (excluding the grounds of inadmissibility under section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)));

(C) clears a background check and appropriate screening, as determined by the Secretary of Homeland Security; and

(D) the Secretary of Homeland Security determines that the adjustment of status of the alien is not contrary to the national welfare, safety, or security of the United States.

(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

(A) is a citizen or national of Afghanistan;

(B) was a member of—

(i) the Afghanistan National Army Special Operations Command;

(ii) the Afghan Air Force;

(iii) the Special Mission Wing of Afghanistan; or

(iv) the Female Tactical Teams of Afghanistan; and

(C) provided faithful and valuable service to an entity or organization described in subparagraph (B) for not less than 1 year.

(3) DEPARTMENT OF DEFENSE ASSESSMENT.—

(A) IN GENERAL.—Not later than 30 days after receiving a request for an assessment from the Secretary of Homeland Security, the Secretary of Defense shall—

(i) review the service record of the principal applicant;

(ii) submit an assessment to the Secretary of Homeland Security as to whether—

(I) the principal applicant meets the requirements under paragraph (2); and

(II) the adjustment of status of such alien, and the spouse, children, and parents of such alien, if accompanying or following to join the alien, is not contrary to the national welfare, safety, or security of the United States; and

(iii) submit with such assessment—

(I) any service record concerned; and

(II) any biometrics for the principal applicant that have been collected by the Department of Defense.

(B) EFFECT OF ASSESSMENT.—A favorable assessment under subparagraph (A)(ii) shall create a presumption that—

(i) the principal applicant meets the requirements under paragraph (2); and

(ii) the admission of such alien, and the spouse, children, and parents of the alien, if accompanying or following to join the alien,

is not contrary to the national welfare, safety, or security of the United States.

(C) EFFICIENT PROCESSING.—For purposes of a background check and appropriate screening required to be granted special immigrant status under this subsection, the Secretary of Homeland Security, as appropriate, shall use biometric data collected by the Secretary of Defense or the Secretary of State not more than 5 years before the date on which an application for such status is filed.

(b) SPECIAL IMMIGRANT STATUS FOR CERTAIN RELATIVES OF CERTAIN MEMBERS OF THE ARMED FORCES.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L)(iii), by adding a semicolon at the end;

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

(3) by adding at the end the following:

“(N) a citizen or national of Afghanistan who is the spouse, child, or unmarried son or daughter of—

“(i) a member of the armed forces (as defined in section 101(a) of title 10, United States Code); or

“(ii) a veteran (as defined in section 101 of title 38, United States Code).”.

(c) GENERAL PROVISIONS.—

(1) PROHIBITION ON FEES.—The Secretary of Homeland Security, the Secretary of Defense, or the Secretary of State may not charge any fee in connection with an application for, or issuance of, a special immigrant visa under this section or an amendment made by this section.

(2) REPRESENTATION.—An alien applying for admission to the United States under this section, or an amendment made by this section, may be represented during the application process, including at relevant interviews and examinations, by an attorney or other accredited representative. Such representation shall not be at the expense of the United States Government.

(3) EXCLUSION FROM NUMERICAL LIMITATIONS.—Aliens provided special immigrant visas under this section, or an amendment made by this section, shall not be counted against any numerical limitation under sections 201(d), 202(a), or 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)) or section 602 of the Afghan Allies Protection Act of 2009 (Public Law 111–8; 8 U.S.C. 1101 note).

(4) ASSISTANCE WITH PASSPORT ISSUANCE.—The Secretary of State shall make a reasonable effort to ensure that an alien who is issued a special immigrant visa under this section, or an amendment made by this section, is provided with the appropriate series Afghan passport necessary to enter the United States.

(5) PROTECTION OF ALIENS.—The Secretary of State, in consultation with the heads of other appropriate Federal agencies, shall make a reasonable effort to provide an alien who is seeking special immigrant status under this section, or an amendment made by this section, protection or to immediately remove such alien from Afghanistan, if possible.

(6) OTHER ELIGIBILITY FOR IMMIGRANT STATUS.—No alien shall be denied the opportunity to apply for admission under this section, or an amendment made by this section, solely because the alien qualifies as an immediate relative or is eligible for any other immigrant classification.

(7) RESETTLEMENT SUPPORT.—A citizen or national of Afghanistan who is granted special immigrant status described in section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) shall be eligible for resettlement assistance, entitlement programs, and other benefits available to refugees admitted under section 207 of such Act

(8 U.S.C. 1157) to the same extent, and for the same periods of time, as such refugees.

(8) ADJUSTMENT OF STATUS.—Notwithstanding paragraph (2), (7), or (8) of subsection (c) of section 245 of the Immigration and Nationality Act (8 U.S.C. 1255), the Secretary of Homeland Security may adjust the status of an alien described in subparagraph (N) of section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) or subsection (a)(2) of this section to that of an alien lawfully admitted for permanent residence under subsection (a) of such section 245 if the alien—

(A) was paroled or admitted as a non-immigrant into the United States; and

(B) is otherwise eligible for special immigrant status under—

(i) this section; or

(ii) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(9) APPEALS.—

(A) ADMINISTRATIVE REVIEW.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall provide to aliens who have applied for special immigrant status under this section a process by which an applicant may seek administrative appellate review of a denial of an applicant for special immigrant status or a revocation of such status.

(B) JUDICIAL REVIEW.—Except as provided in subparagraph (C), and notwithstanding any other provision of law, an alien may seek judicial review of a denial of an application for special immigrant status or a revocation of such status under this title, in an appropriate United States district court.

(C) STAY OF REMOVAL.—

(i) IN GENERAL.—Except as provided in clause (ii), an alien seeking administrative or judicial review under this title may not be removed from the United States until a final decision is rendered establishing that the alien is ineligible for special immigrant status under this section.

(ii) EXCEPTION.—The Secretary may remove an alien described in clause (i) pending judicial review if such removal is based on national security concerns. Such removal shall not affect the alien's right to judicial review under this title. The Secretary shall promptly return a removed alien if a decision to deny an application for special immigrant status under this title, or to revoke such status, is reversed.

SEC. 5108. SEVERABILITY.

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

SA 5962. Mr. MENENDEZ (for himself, Mr. BOOKER, Mr. BLUMENTHAL, Mr. COONS, Mr. BROWN, Mr. DURBIN, Ms. HASSAN, Mrs. FEINSTEIN, Mr. CASEY, and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —JUDICIAL SECURITY AND PRIVACY

SEC. 01. SHORT TITLE.

This title may be cited as the “Daniel Anderl Judicial Security and Privacy Act of 2021”.

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Members of the Federal judiciary perform the important function of interpreting the Constitution of the United States and administering justice in a fair and impartial manner.

(2) In recent years, partially as a result of the rise in the use of social media and online access to information, members of the Federal judiciary have been exposed to an increased number of personal threats in connection to their role. The ease of access to free or inexpensive sources of covered information has considerably lowered the effort required for malicious actors to discover where individuals live and where they spend leisure hours and to find information about their family members. Such threats have included calling a judge a traitor with references to mass shootings and serial killings, a murder attempt on a justice of the Supreme Court of the United States, calling for an “angry mob” to gather outside a home of a judge and, in reference to a judge on the court of appeals of the United States, stating how easy it would be to “get them”.

(3) Between 2015 and 2019, threats and other inappropriate communications against Federal judges and other judiciary personnel increased from 926 in 2015 to approximately 4,449 in 2019.

(4) Over the past decade, several members of the Federal judiciary have experienced acts of violence against themselves or a family member in connection to their Federal judiciary role, including the murder in 2005 of the family of Joan Lefkow, a judge for the United States District Court for the Northern District of Illinois.

(5) On Sunday July 19, 2020, an assailant went to the home of Esther Salas, a judge for the United States District Court for the District of New Jersey, impersonating a package delivery driver, opening fire upon arrival, and killing Daniel Anderl, the 20-year-old only son of Judge Salas, and seriously wounding Mark Anderl, her husband.

(6) In the aftermath of the recent tragedy that occurred to Judge Salas and in response to the continuous rise of threats against members of the Federal judiciary, there is an immediate need for enhanced security procedures and increased availability of tools to protect Federal judges and their families.

(b) PURPOSE.—The purpose of this title is to improve the safety and security of Federal judges, including senior, recalled, or retired Federal judges, and their immediate family members to ensure Federal judges are able to administer justice fairly without fear of personal reprisal from individuals affected by the decisions they make in the course of carrying out their public duties.

SEC. 03. DEFINITIONS.

In this title:

(1) AT-RISK INDIVIDUAL.—The term “at-risk individual” means—

(A) a Federal judge;

(B) a senior, recalled, or retired Federal judge;

(C) any individual who is the spouse, parent, sibling, or child of an individual described in subparagraph (A) or (B);

(D) any individual to whom an individual described in subparagraph (A) or (B) stands in loco parentis; or

(E) any other individual living in the household of an individual described in subparagraph (A) or (B).

(2) COVERED INFORMATION.—The term “covered information”—

(A) means—

(i) a home address, including primary residence or secondary residences;

(ii) a home or personal mobile telephone number;

(iii) a personal email address;

(iv) a social security number or driver's license number;

(v) a bank account or credit or debit card information;

(vi) a license plate number or other unique identifiers of a vehicle owned, leased, or regularly used by an at-risk individual;

(vii) the identification of children of an at-risk individual under the age of 18;

(viii) the full date of birth;

(ix) information regarding current or future school or day care attendance, including the name or address of the school or day care, schedules of attendance, or routes taken to or from the school or day care by an at-risk individual; or

(x) information regarding the employment location of an at-risk individual, including the name or address of the employer, employment schedules, or routes taken to or from the employer by an at-risk individual; and

(B) does not include information regarding employment with a Government agency.

(3) DATA BROKER.—

(A) IN GENERAL.—The term “data broker” means a commercial entity engaged in collecting, assembling, or maintaining personal information concerning an individual who is not a customer, client, or an employee of that entity in order to sell the information or otherwise profit from providing third-party access to the information.

(B) EXCLUSION.—The term “data broker” does not include a commercial entity engaged in the following activities:

(i) Engaging in reporting, news-gathering, speaking, or other activities intended to inform the public on matters of public interest or public concern.

(ii) Providing 411 directory assistance or directory information services, including name, address, and telephone number, on behalf of or as a function of a telecommunications carrier.

(iii) Using personal information internally, providing access to businesses under common ownership or affiliated by corporate control, or selling or providing data for a transaction or service requested by or concerning the individual whose personal information is being transferred.

(iv) Providing publicly available information via real-time or near-real-time alert services for health or safety purposes.

(v) A consumer reporting agency subject to the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.).

(vi) A financial institution to subject to the Gramm-Leach-Bliley Act (Public Law 106-102) and regulations implementing that title.

(vii) A covered entity for purposes of the privacy regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

(viii) The collection and sale or licensing of covered information incidental to conducting the activities described in clauses (i) through (vii).

(4) FEDERAL JUDGE.—The term “Federal judge” means—

(A) a justice of the United States or a judge of the United States, as those terms are defined in section 451 of title 28, United States Code;

(B) a bankruptcy judge appointed under section 152 of title 28, United States Code;

(C) a United States magistrate judge appointed under section 631 of title 28, United States Code;

(D) a judge confirmed by the United States Senate and empowered by statute in any commonwealth, territory, or possession to perform the duties of a Federal judge;

(E) a judge of the United States Court of Federal Claims appointed under section 171 of title 28, United States Code;

(F) a judge of the United States Court of Appeals for Veterans Claims appointed under section 7253 of title 38, United States Code;

(G) a judge of the United States Court of Appeals for the Armed Forces appointed under section 942 of title 10, United States Code;

(H) a judge of the United States Tax Court appointed under section 7443 of the Internal Revenue Code of 1986; and

(I) a special trial judge of the United States Tax Court appointed under section 7443A of the Internal Revenue Code of 1986.

(5) **GOVERNMENT AGENCY.**—The term “Government agency” includes—

(A) an Executive agency, as defined in section 105 of title 5, United States Code; and

(B) any agency in the judicial branch or legislative branch.

(6) **IMMEDIATE FAMILY MEMBER.**—The term “immediate family member” means—

(A) any individual who is the spouse, parent, sibling, or child of an at-risk individual;

(B) any individual to whom an at-risk individual stands in loco parentis; or

(C) any other individual living in the household of an at-risk individual.

(7) **TRANSFER.**—The term “transfer” means to sell, license, trade, or exchange for consideration the covered information of an at-risk individual or immediate family member.

SEC. 4. PROTECTING COVERED INFORMATION IN PUBLIC RECORDS.

(a) **GOVERNMENT AGENCIES.**—

(1) **IN GENERAL.**—Each at-risk individual may—

(A) file written notice of the status of the individual as an at-risk individual, for themselves and immediate family members, with each Government agency that includes information necessary to ensure compliance with this section, as determined by the Administrative Office of the United States Courts; and

(B) request that each Government agency described in subparagraph (A) mark as private their covered information and that of their immediate family members.

(2) **NO PUBLIC POSTING.**—Government agencies shall not publicly post or display publicly available content that includes covered information of an at-risk individual or immediate family member. Government agencies, upon receipt of a written request under paragraph (1)(A), shall remove the covered information of the at-risk individual or immediate family member from publicly available content not later than 72 hours after such receipt.

(3) **EXCEPTIONS.**—Nothing in this section shall prohibit a Government agency from providing access to records containing the covered information of a Federal judge to a third party if the third party—

(A) possesses a signed release from the Federal judge or a court order;

(B) is subject to the requirements of title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(C) executes a confidentiality agreement with the Government agency.

(b) **DELEGATION OF AUTHORITY.**—

(1) **IN GENERAL.**—An at-risk individual may directly, or through an agent designated by the at-risk individual, make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information

necessary to ensure compliance with this section.

(2) **AUTHORIZATION OF GOVERNMENT AGENCIES TO MAKE REQUESTS.**—

(A) **ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.**—Upon written request of an at-risk individual, the Director of the Administrative Office of the United States Courts is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. The notice or request shall include information necessary to ensure compliance with this section, as determined by the Administrative Office of the United States Courts. The Director may delegate this authority under section 602(d) of title 28, United States Code. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(B) **UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.**—Upon written request of an at-risk individual described in section 7253(4)(F), the chief judge of the United States Court of Appeals for Veterans Claims is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(C) **UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**—Upon written request of an at-risk individual described in section 942(4)(G), the chief judge of the United States Court of Appeals for the Armed Forces is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(D) **UNITED STATES TAX COURT.**—Upon written request of an at-risk individual described in subparagraph (H) or (I) of section 7443(4), the chief judge of the United States Tax Court is authorized to make any notice or request required or authorized by this section on behalf of the at-risk individual. Any notice or request made under this subsection shall be deemed to have been made by the at-risk individual and comply with the notice and request requirements of this section.

(c) **STATE AND LOCAL GOVERNMENTS.**—

(1) **GRANT PROGRAM TO PREVENT DISCLOSURE OF PERSONAL INFORMATION OF AT-RISK INDIVIDUALS OR IMMEDIATE FAMILY MEMBERS.**—

(A) **AUTHORIZATION.**—The Attorney General may make grants to prevent the release of covered information of at-risk individuals and immediate family members (in this subsection referred to as “judges’ covered information”) to the detriment of such individuals or their immediate family members to an entity that—

(i) is—

(I) a State or unit of local government, as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251); or

(II) an agency of a State or unit of local government; and

(ii) operates a State or local database or registry that contains covered information.

(B) **APPLICATION.**—An entity seeking a grant under this subsection shall submit to the Attorney General an application at such time, in such manner, and containing such information as the Attorney General may reasonably require.

(2) **SCOPE OF GRANTS.**—Grants made under this subsection may be used to create or expand programs designed to protect judges’ covered information, including through—

(A) the creation of programs to redact or remove judges’ covered information, upon the request of an at-risk individual, from public records in State agencies, including hiring a third party to redact or remove judges’ covered information from public records;

(B) the expansion of existing programs that the State may have enacted in an effort to protect judges’ covered information;

(C) the development or improvement of protocols, procedures, and policies to prevent the release of judges’ covered information;

(D) the defrayment of costs of modifying or improving existing databases and registries to ensure that judges’ covered information is covered from release; and

(E) the development of confidential opt out systems that will enable at-risk individuals to make a single request to keep judges’ covered information out of multiple databases or registries.

(3) **REPORT.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and biennially thereafter, the Comptroller General of the United States, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an annual report that includes—

(i) a detailed amount spent by States and local governments on protecting judges’ covered information;

(ii) where the judges’ covered information was found; and

(iii) the collection of any new types of personal data found to be used to identify judges who have received threats, including prior home addresses, employers, and institutional affiliations such as nonprofit boards.

(B) **STATES AND LOCAL GOVERNMENTS.**—States and local governments that receive funds under this subsection shall submit to the Comptroller General of the United States a report on data described in clauses (i) and (ii) of subparagraph (A) to be included in the report required under that subparagraph.

(d) **DATA BROKERS AND OTHER BUSINESSES.**—

(1) **PROHIBITIONS.**—

(A) **DATA BROKERS.**—It shall be unlawful for a data broker to knowingly sell, license, trade for consideration, or purchase covered information of an at-risk individual or immediate family members.

(B) **OTHER BUSINESSES.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), no person, business, or association shall publicly post or publicly display on the internet covered information of an at-risk individual or immediate family member if the at-risk individual has made a written request to that person, business, or association not to disclose the covered information of the at-risk individual or immediate family member.

(ii) **EXCEPTIONS.**—Clause (i) shall not apply to—

(I) the display on the internet of the covered information of an at-risk individual or immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual voluntarily publishes on the internet after the date of enactment of this Act; or

(III) covered information received from a Federal Government source (or from an employee or agent of the Federal Government).

(2) **REQUIRED CONDUCT.**—

(A) **IN GENERAL.**—After receiving a written request under paragraph (1)(B), the person, business, or association shall—

(i) remove within 72 hours the covered information from the internet and ensure that the information is not made available on any website or subsidiary website controlled by that person, business, or association; and

(ii) ensure that the covered information of the at-risk individual or immediate family member is not made available on any website or subsidiary website controlled by that person, business, or association.

(B) TRANSFER.—

(i) **IN GENERAL.**—Except as provided in clause (ii), after receiving a written request under paragraph (1)(B), the person, business, or association shall not transfer the covered information of the at-risk individual or immediate family member to any other person, business, or association through any medium.

(ii) **EXCEPTIONS.**—Clause (i) shall not apply to—

(I) the transfer of the covered information of the at-risk individual or immediate family member if the information is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern;

(II) covered information that the at-risk individual or immediate family member voluntarily publishes on the internet after the date of enactment of this Act; or

(III) a transfer made at the request of the at-risk individual or that is necessary to effectuate a request to the person, business, or association from the at-risk individual.

(e) **CIVIL ACTION.**—An at-risk individual or their immediate family member whose covered information is made public as a result of a violation of this section may bring an action seeking injunctive or declaratory relief in any court of competent jurisdiction.

SEC. 05. TRAINING AND EDUCATION.

Amounts appropriated to the Federal judiciary for fiscal year 2022, and each fiscal year thereafter, may be used for biannual judicial security training for active, senior, or recalled Federal judges described in subparagraph (A), (B), (C), (D), or (E) of section 03(4) and their immediate family members, including—

(1) best practices for using social media and other forms of online engagement and for maintaining online privacy;

(2) home security program and maintenance;

(3) understanding removal programs and requirements for covered information; and

(4) any other judicial security training that the United States Marshals Service and the Administrative Office of the United States Courts determines is relevant.

SEC. 06. VULNERABILITY MANAGEMENT CAPABILITY.

(a) AUTHORIZATION.—

(1) **VULNERABILITY MANAGEMENT CAPABILITY.**—The Federal judiciary is authorized to perform all necessary functions consistent with the provisions of this title and to support existing threat management capabilities within the United States Marshals Service and other relevant Federal law enforcement and security agencies for Federal judges described in subparagraphs (A), (B), (C), (D), and (E) of section 03(4), including—

(A) monitoring the protection of at-risk individuals and judiciary assets;

(B) managing the monitoring of websites for covered information of at-risk individuals and immediate family members and remove or limit the publication of such information;

(C) receiving, reviewing, and analyzing complaints by at-risk individuals of threats, whether direct or indirect, and report such threats to law enforcement partners; and

(D) providing training described in section 05.

(2) **VULNERABILITY MANAGEMENT FOR CERTAIN ARTICLE I COURTS.**—The functions and support authorized in paragraph (1) shall be authorized as follows:

(A) The chief judge of the United States Court of Appeals for Veterans Claims is authorized to perform such functions and support for the Federal judges described in section 03(4)(F).

(B) The United States Court of Appeals for the Armed Forces is authorized to perform such functions and support for the Federal judges described in section 03(4)(G).

(C) The United States Tax Court is authorized to perform such functions and support for the Federal judges described in subparagraphs (H) and (I) of section 03(4).

(3) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 604(a) of title 28, United States Code is amended—

(A) in paragraph (23), by striking “and” at the end;

(B) by redesignating paragraph (24) as paragraph (25); and

(C) by inserting after paragraph (23) the following:

“(24) Establish and administer a vulnerability management program in the judicial branch; and”.

(b) **EXPANSION OF CAPABILITIES OF OFFICE OF PROTECTIVE INTELLIGENCE.**—

(1) **IN GENERAL.**—The United States Marshals Service is authorized to expand the current capabilities of the Office of Protective Intelligence of the Judicial Security Division to increase the workforce of the Office of Protective Intelligence to include additional intelligence analysts, United States deputy marshals, and any other relevant personnel to ensure that the Office of Protective Intelligence is ready and able to perform all necessary functions, consistent with the provisions of this title, in order to anticipate and deter threats to the Federal judiciary, including—

(A) assigning personnel to State and major urban area fusion and intelligence centers for the specific purpose of identifying potential threats against the Federal judiciary and coordinating responses to such potential threats;

(B) expanding the use of investigative analysts, physical security specialists, and intelligence analysts at the 94 judicial districts and territories to enhance the management of local and distant threats and investigations; and

(C) increasing the number of United States Marshal Service personnel for the protection of the Federal judicial function and assigned to protective operations and details for the Federal judiciary.

(2) **INFORMATION SHARING.**—If any of the activities of the United States Marshals Service uncover information related to threats to individuals other than Federal judges, the United States Marshals Service shall, to the maximum extent practicable, share such information with the appropriate Federal, State, and local law enforcement agencies.

(c) REPORT.—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Department of Justice, in consultation with the Administrative Office of the United States Courts, the United States Court of Appeals for Veterans Claims, the United States Court of Appeals for the Armed Forces, and the United States Tax Court, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of Federal judges arising from Federal prosecutions and civil litigation.

(2) **DESCRIPTION.**—The report required under paragraph (1) shall describe—

(A) the number and nature of threats and assaults against at-risk individuals handling prosecutions and other matters described in paragraph (1) and the reporting requirements and methods;

(B) the security measures that are in place to protect at-risk individuals handling prosecutions described in paragraph (1), including threat assessments, response procedures, the availability of security systems and other devices, firearms licensing such as deputations, and other measures designed to protect the at-risk individuals and their immediate family members; and

(C) for each requirement, measure, or policy described in subparagraphs (A) and (B), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(3) **PUBLIC POSTING.**—The report described in paragraph (1) shall, in whole or in part, be exempt from public disclosure if the Attorney General determines that such public disclosure could endanger an at-risk individual.

SEC. 07. RULES OF CONSTRUCTION.

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

(1) to prohibit, restrain, or limit—

(A) the lawful investigation or reporting by the press of any unlawful activity or misconduct alleged to have been committed by an at-risk individual or their immediate family member; or

(B) the reporting on an at-risk individual or their immediate family member regarding matters of public concern;

(2) to impair access to decisions and opinions from a Federal judge in the course of carrying out their public functions;

(3) to limit the publication or transfer of covered information with the written consent of the at-risk individual or their immediate family member; or

(4) to prohibit information sharing by a data broker to a Federal, State, Tribal, or local government, or any unit thereof.

(b) **PROTECTION OF COVERED INFORMATION.**—This title shall be broadly construed to favor the protection of the covered information of at-risk individuals and their immediate family members.

SEC. 08. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title and the amendments made by this title, and the application of the remaining provisions of this title and amendments to any person or circumstance shall not be affected.

SEC. 09. EFFECTIVE DATE.

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

(b) **EXCEPTION.**—Subsections (c)(1), (d), and (e) of section 04 shall take effect on the date that is 120 days after the date of enactment of this Act.

SA 5963. Mr. MENENDEZ (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. EXPANSION OF ELIGIBILITY FOR HOSPITAL CARE, MEDICAL SERVICES, AND NURSING HOME CARE FROM THE DEPARTMENT OF VETERANS AFFAIRS TO INCLUDE VETERANS OF WORLD WAR II.

Section 1710(a)(2)(E) of title 38, United States Code, is amended by striking “of the Mexican border period or of World War I;” and inserting “of—

- “(i) the Mexican border period;
- “(ii) World War I; or
- “(iii) World War II;”.

SA 5964. Mr. MENENDEZ (for himself and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. SLAUGHTER OF HORSES FOR HUMAN CONSUMPTION.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

“§50. Slaughter of horses for human consumption

“(a) OFFENSE.—It shall be unlawful to knowingly—

“(1) possess, ship, transport, purchase, sell, deliver, or receive, in or affecting interstate or foreign commerce, any horse with the intent that it is to be slaughtered for human consumption; or

“(2) possess, ship, transport, purchase, sell, deliver, or receive, in or affecting interstate or foreign commerce, any horse flesh or carcass or part of a carcass, with the intent that it is to be used for human consumption.

“(b) PENALTY.—Any person who violates subsection (a)—

“(1) shall be fined under this title, imprisoned not more than 2 years, or both; or

“(2) in the case of a covered offense, shall be fined under this title, imprisoned not more than 1 year, or both.

“(c) DEFINITIONS.—In this section—

“(1) the term ‘covered offense’ means a violation of subsection (a) in which—

“(A) the defendant has no prior conviction under this section; and

“(B) the conduct involves fewer than 5 horses or fewer than 2,000 pounds of horse flesh or carcass or part of a carcass; and

“(2) the term ‘horse’ means any member of the family Equidae.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

“50. Slaughter of horses for human consumption.”.

SA 5965. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for

military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. ADDITIONAL AMOUNT FOR TECHNOLOGY MATURATION INITIATIVES.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by \$70,000,000, with the amount of the increase to be available for Technology Maturation Initiatives (PE 0604115A) for the Strategic Long Range Canon.

SA 5966. Mr. MENENDEZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. ESTABLISHMENT OF INSPECTOR GENERAL OF THE OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) DEFINITIONS.—Section 12 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or the Director of the National Reconnaissance Office;” and inserting “the Director of the National Reconnaissance Office; or the United States Trade Representative;” and

(2) in paragraph (2), by striking “or the National Reconnaissance Office,” and inserting “the National Reconnaissance Office, or the Office of the United States Trade Representative.”.

(b) APPOINTMENT OF INSPECTOR GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall appoint an individual to serve as the Inspector General of the Office for the United States Trade Representative in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.).

SA 5967. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. INCREASED NUMBER OF CERTAIN NOMINATIONS FOR CADETS AT THE UNITED STATES MILITARY ACADEMY.

Section 7442 of title 10, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (10), by striking “10” and inserting “15”; and

(2) in subsection (b)(5), by striking “150” and inserting “200”.

SA 5968. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUBMISSION OF DATA RELATING TO DIVERSITY BY ISSUERS AND DIVERSITY ADVISORY GROUP.

(a) SUBMISSION OF DATA RELATING TO DIVERSITY.—Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following:

“(s) SUBMISSION OF DATA RELATING TO DIVERSITY.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘executive officer’ has the meaning given the term in section 230.501(f) of title 17, Code of Federal Regulations, as in effect on the date of enactment of this subsection; and

“(B) the term ‘veteran’ has the meaning given the term in section 101 of title 38, United States Code.

“(2) SUBMISSION OF DISCLOSURE.—Each issuer required to file an annual report under subsection (a) shall disclose in any proxy statement and any information statement relating to the election of directors filed with the Commission the following:

“(A) Data, based on voluntary self-identification, on the racial, ethnic, and gender composition of—

“(i) the board of directors of the issuer;

“(ii) nominees for the board of directors of the issuer; and

“(iii) the executive officers of the issuer.

“(B) The status of any member of the board of directors of the issuer, any nominee for the board of directors of the issuer, or any executive officer of the issuer, based on voluntary self-identification, as a veteran.

“(C) Whether the board of directors of the issuer, or any committee of that board of directors, has, as of the date on which the issuer makes a disclosure under this paragraph, adopted any policy, plan, or strategy to promote racial, ethnic, and gender diversity among—

“(i) the board of directors of the issuer;

“(ii) nominees for the board of directors of the issuer; or

“(iii) the executive officers of the issuer.

“(3) ALTERNATIVE SUBMISSION.—In any 1-year period in which an issuer required to file an annual report under subsection (a) does not file with the Commission a proxy statement or an information statement relating to the election of directors, the issuer shall disclose the information required under paragraph (2) in the first annual report of issuer that the issuer submits to the Commission after the end of that 1-year period.

“(4) ANNUAL REPORT.—Not later than 18 months after the date of enactment of this subsection, and annually thereafter, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives,

and publish on the website of the Commission, a report that analyzes the information disclosed under paragraphs (2) and (3) and identifies any trends with respect to such information.

“(5) BEST PRACTICES.—

“(A) IN GENERAL.—The Director of the Office of Minority and Women Inclusion of the Commission shall, not later than 3 years after the date of enactment of this subsection, and every 3 years thereafter, publish best practices for compliance with this subsection.

“(B) COMMENTS.—The Director of the Office of Minority and Women Inclusion of the Commission may, pursuant to subchapter II of chapter 5 of title 5, United States Code, solicit public comments related to the best practices published under subparagraph (A).”

(b) DIVERSITY ADVISORY GROUP.—

(1) DEFINITIONS.—In this section:

(A) ADVISORY GROUP.—The term “Advisory Group” means the Diversity Advisory Group established under paragraph (2).

(B) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

(C) ISSUER.—The term “issuer” has the meaning given the term in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(2) ESTABLISHMENT.—The Commission shall establish a Diversity Advisory Group, which shall be composed of representatives from—

(A) the Federal Government and State and local governments;

(B) academia; and

(C) the private sector.

(3) STUDY AND RECOMMENDATIONS.—The Advisory Group shall—

(A) carry out a study that identifies strategies that can be used to increase gender, racial, and ethnic diversity among members of boards of directors of issuers; and

(B) not later than 270 days after the date on which the Advisory Group is established, submit to the Commission, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives a report that—

(i) describes any findings from the study conducted under subparagraph (A); and

(ii) makes recommendations regarding strategies that issuers could use to increase gender, racial, and ethnic diversity among board members.

(4) ANNUAL REPORT.—Not later than 1 year after the date on which the Advisory Group submits the report required under paragraph (3)(B) and annually thereafter, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that describes the status of gender, racial, and ethnic diversity among members of the boards of directors of issuers.

(5) PUBLIC AVAILABILITY OF REPORTS.—The Commission shall make all reports of the Advisory Group available to issuers and the public, including on the website of the Commission.

(6) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Advisory Group or the activities of the Advisory Group.

SA 5969. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activi-

ties of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —VIEQUES RECOVERY AND REDEVELOPMENT

SEC. 1. SHORT TITLE.

This title may be cited as the “Vieques Recovery and Redevelopment Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Vieques is an island municipality of Puerto Rico, measuring approximately 21 miles long by 4 miles wide, and located approximately 8 miles east of the main island of Puerto Rico.

(2) Prior to Hurricane Maria, residents of Vieques were served by an urgent medical care facility, the Susana Centeno Family Health Center, and residents had to travel off-island to obtain medical services, including most types of emergency care because the facility did not have the basic use of x-ray machines, CT machines, EKG machines, ultrasounds, or PET scans.

(3) The predominant means of transporting passengers and goods between Vieques and the main island of Puerto Rico is by ferry boat service, and over the years, the efficiency of this service has frequently been disrupted, unreliable, and difficult for cancer patients to endure to receive treatment. Each trip to Ceiba, Puerto Rico, for the cancer patient is an additional out-of-pocket expense ranging from \$120 to \$200.

(4) The United States Military maintained a presence on the eastern and western portions of Vieques for close to 60 years, and used parts of the island as a training range during those years, dropping over 80 million tons of ordnance and other weaponry available to the United States military since World War II.

(5) The unintended, unknown, and unavoidable consequences of these exercises were to expose Americans living on the islands to the residue of that weaponry which includes heavy metals and many other chemicals now known to harm human health.

(6) According to Government and independent documentation, the island of Vieques has high levels of heavy metals and has been exposed to chemical weapons and toxic chemicals. Since the military activity in Vieques, island residents have suffered from the health impacts from long-term exposure to environmental contamination as a result of 62 years of military operations, and have experienced higher rates of certain diseases among residents, including cancer, cirrhosis, hypertension, diabetes, heavy metal diseases, along with many unnamed and uncategorized illnesses. These toxic residues have caused the American residents of Vieques to develop illnesses due to ongoing exposure.

(7) In 2017, Vieques was hit by Hurricane Maria, an unusually destructive storm that devastated Puerto Rico and intensified the existing humanitarian crisis on the island by destroying existing medical facilities.

(8) The medical systems in place prior to Hurricane Maria were unable to properly handle the health crisis that existed due to the toxic residue left on the island by the military’s activities.

(9) After Maria, the medical facility was closed due to damage and continues to be unable to perform even the few basic services that it did provide. Vieques needs a medical facility that can treat and address the crit-

ical and urgent need to get life-saving medical services to its residents. Due to legal restrictions, the Federal Emergency Management Agency (in this title referred to as “FEMA”) is unable to provide a hospital where its capabilities exceed the abilities of the facility that existed prior to Maria; therefore Vieques needs assistance to build a facility to manage the vast health needs of its residents.

(10) Every American has benefitted from the sacrifices of those Americans who have lived and are living on Vieques and it is our intent to acknowledge that sacrifice and to treat those Americans with the same respect and appreciation that other Americans enjoy.

(11) In 2012, the residents of Vieques were denied the ability to address their needs in Court due to sovereign immunity, *Sánchez v. United States*, No. 3:09-cv-01260-DRD (D.P.R.). However, the United States Court of Appeals for the First Circuit referred the issue to Congress and urged it to address the humanitarian crisis. This bill attempts to satisfy that request such that Americans living on Vieques have a remedy for the suffering they have endured.

SEC. 3. SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES FOR CERTAIN RESIDENTS OF THE ISLAND OF VIEQUES, PUERTO RICO.

(a) IN GENERAL.—An individual claimant who has resided on the island of Vieques, Puerto Rico, for not less than 5 years and files a claim for compensation under this section with the Special Master, appointed pursuant to subsection (c), shall be awarded monetary compensation as described in subsection (b) if—

(1) the Special Master determines that the claimant is or was a resident, the child of a resident, or an immediate heir (as determined by the laws of Puerto Rico) of a deceased claimant on the island of Vieques, Puerto Rico, during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness;

(2) the claimant previously filed a lawsuit or an administrative claim, or files a claim not later than 120 days after the date of the enactment of this Act against the United States Government for personal injury, including illness or death arising from use by the United States Government of the island of Vieques for military readiness; and

(3) the claimant submits to the Special Master written medical documentation that indicates the claimant contracted a chronic, life-threatening, or physical disease or illness limited to cancer, hypertension, cirrhosis, kidney disease, diabetes, or a heavy metal poisoning during or after the United States Government used the island of Vieques, Puerto Rico, for military readiness.

(b) AMOUNTS OF AWARD.—

(1) IN GENERAL.—A claimant who meets the requirements of subsection (a) shall be awarded compensation as follows:

(A) \$50,000 for 1 disease described in subsection (a)(3).

(B) \$80,000 for 2 diseases described in subsection (a)(3).

(C) \$110,000 for 3 or more diseases described in subsection (a)(3).

(2) INCREASE IN AWARD.—In the case that an individual receiving an award under paragraph (1) of this subsection contracts another disease under subsection (a)(3) and files a new claim with the Special Master for an additional award not later than 10 years after the date of the enactment of this Act, the Special Master may award the individual an amount that is equal to the difference between—

(A) the amount that the individual would have been eligible to receive had the disease

been contracted before the individual filed an initial claim under subsection (a); and

(B) the amount received by the individual pursuant to paragraph (1).

(3) **DECEASED CLAIMANTS.**—In the case of an individual who dies before making a claim under this section or a claimant who dies before receiving an award under this section, any immediate heir to the individual or claimant, as determined by the laws of Puerto Rico, shall be eligible for one of the following awards:

(A) Compensation in accordance with paragraph (1), divided among any such heir.

(B) Compensation based on the age of the deceased as follows:

(i) In the case of an individual or claimant who dies before attaining 20 years of age, \$110,000, divided among any such heir.

(ii) In the case of an individual or claimant who dies before attaining 40 years of age, \$80,000, divided among any such heir.

(iii) In the case of an individual or claimant who dies before attaining 60 years of age, \$50,000, divided among any such heir.

(C) **APPOINTMENT OF SPECIAL MASTER.**—

(1) **IN GENERAL.**—The Attorney General shall appoint a Special Master not later than 90 days after the date of the enactment of this Act to consider claims by individuals and the municipality.

(2) **QUALIFICATIONS.**—The Attorney General shall consider the following in choosing the Special Master:

(A) The individual's experience in the processing of victims' claims in relation to foreign or domestic governments.

(B) The individual's balance of experience in representing the interests of the United States and individual claimants.

(C) The individual's experience in matters of national security.

(D) The individual's demonstrated abilities in investigation and fact findings in complex factual matters.

(E) Any experience the individual has had advising the United States Government.

(d) **AWARD AMOUNTS RELATED TO CLAIMS BY THE MUNICIPALITY OF VIEQUES.**—

(1) **AWARD.**—The Special Master, in exchange for its administrative claims, shall provide the following as compensation to the Municipality of Vieques:

(A) **STAFF.**—The Special Master shall provide medical staff, and other resources necessary to build and operate a level three trauma center (in this section, referred to as "medical facility") with a cancer center and renal dialysis unit and its equipment. The medical facility shall be able to treat life-threatening, chronic, heavy metal, and physical and mental diseases. The medical facility shall be able to provide basic x-ray, EKG, internal medicine expertise, medical coordination personnel and case managers, ultrasound, and resources necessary to screen claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection for cancer and the other prevailing health problems.

(B) **OPERATIONS.**—The Special Master shall fund the operations of the medical facility to provide medical care for pediatric and adult patients who reside on the island of Vieques, allowing the patients to be referred for tertiary and quaternary health care facilities when necessary, and providing the transportation and medical costs when traveling off the island of Vieques.

(C) **ADMINISTRATIVE EXPERTISE.**—The Special Master shall ensure that the Administrator of FEMA provides all administrative and technical expertise and oversight in the bidding and construction of the facility but the design and abilities of the hospital shall be determined by the Special Master considering the medical and research needs of the

residents of the island of Vieques. All costs shall be part of the municipality's compensation.

(D) **INTERIM SERVICES.**—Before the medical facility on the island of Vieques is operational, the Special Master shall provide to claimants described in subsection (a) who are receiving treatment for the diseases or illnesses described in paragraph (3) of that subsection—

(i) urgent health care air transport to hospitals on the mainland of Puerto Rico from the island of Vieques;

(ii) medical coordination personnel and case managers;

(iii) telemedicine communication abilities; and

(iv) any other services that are necessary to alleviate the health crisis on the island of Vieques.

(E) **SCREENING.**—The Special Master shall make available, at no cost to the patient, medical screening for cancer, cirrhosis, diabetes, and heavy metal contamination on the island of Vieques.

(F) **ACADEMIC PARTNER.**—The Special Master shall appoint an academic partner, with appropriate experience and an established relationship with the Municipality of Vieques, that shall—

(i) lead a research and outreach endeavor on behalf of the Municipality of Vieques;

(ii) select the appropriate scientific expertise and administer defined studies, conducting testing and evaluation of the soils, seas, plant and animal food sources, and the health of residents; and

(iii) determine and implement the most efficient and effective way to reduce the environmental toxins to a level sufficient to return the soils, seas, food sources, and health circumstances to a level that reduces the diseases on the island of Vieques to the average in the United States.

(G) **DUTIES.**—The Special Master shall provide amounts necessary for the academic partner and medical coordinator to carry out the duties described in subparagraphs (A) through (D).

(H) **PROCUREMENT.**—The Special Master shall provide amounts necessary to compensate the Municipality of Vieques for—

(i) contractual procurement obligations and additional expenses incurred by the municipality as a result of the enactment of this section and settlement of its claim; and

(ii) any other damages and costs to be incurred by the municipality, if the Special Master determines that it is necessary to carry out the purpose of this section.

(I) **POWER SOURCE.**—The Special Master shall determine the best source of producing independent power on the island of Vieques that is hurricane resilient and can effectively sustain the needs of the island and shall authorize such construction as an award to the Municipality of Vieques.

(2) **SOURCE.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), amounts awarded under this title shall be made from amounts appropriated under section 1304 of title 31, United States Code, commonly known as the "Judgment Fund", as if claims were adjudicated by a United States District Court under section 1346(b) of title 28, United States Code.

(B) **LIMITATION.**—Total amounts awarded under this title shall not exceed \$1,000,000,000.

(3) **DETERMINATION AND PAYMENT OF CLAIMS.**—

(A) **ESTABLISHMENT OF FILING PROCEDURES.**—The Attorney General shall establish procedures whereby individuals and the municipality may submit claims for payments under this section to the Special Master.

(B) **DETERMINATION OF CLAIMS.**—The Special Master shall, in accordance with this subsection, determine whether each claim meets the requirements of this section. Claims filed by residents of the island of Vieques that have been disposed of by a court under chapter 171 of title 28, United States Code, shall be treated as if such claims are currently filed.

(e) **ACTION ON CLAIMS.**—The Special Master shall make a determination on any claim filed under the procedures established under this section not later than 150 days after the date on which the claim is filed.

(f) **PAYMENT IN FULL SETTLEMENT OF CLAIMS BY INDIVIDUALS AND THE MUNICIPALITY OF VIEQUES AGAINST THE UNITED STATES.**—The acceptance by an individual or the Municipality of Vieques of a payment of an award under this section shall—

(1) be final and conclusive;

(2) be deemed to be in full satisfaction of all claims under chapter 171 of title 28, United States Code; and

(3) constitute a complete release by the individual or municipality of such claim against the United States and against any employee of the United States acting in the scope of employment who is involved in the matter giving rise to the claim.

(g) **CERTIFICATION OF TREATMENT OF PAYMENTS UNDER OTHER LAWS.**—Amounts paid to an individual under this section—

(1) shall be treated for purposes of the laws of the United States as damages for human suffering; and

(2) may not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code, or the amount of such benefits.

(h) **LIMITATION ON CLAIMS.**—A claim to which this section applies shall be barred unless the claim is filed within 15 years after the date of the enactment of this Act.

SA 5970. Mr. COONS (for himself, Ms. MURKOWSKI, Mr. BENNET, Ms. ROSEN, Mr. CASSIDY, Ms. COLLINS, Mrs. SHAHEEN, Mr. PADILLA, Mr. KANE, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X, insert the following:

SEC. 10. NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.

(a) **DEFINITIONS.**—In this section:

(1) **ADAPTATION.**—The term "adaptation" means an adjustment in a natural or human system in response to a new or changing environmental condition, including such an adjustment associated with climate change, that exploits beneficial opportunities or moderates negative effects.

(2) **ADAPTIVE CAPACITY.**—The term "adaptive capacity" means the ability of a system—

(A) to adjust to climate vulnerabilities to moderate potential damage or harm;

(B) to take advantage of new, and potentially beneficial, opportunities; or

(C) to cope with change.

(3) **CASCADING CLIMATE HAZARDS.**—The term "cascading climate hazards" means a series

of successive environmental hazards triggered by an initial hazard that is driven or exacerbated by climate change, such that the impacts to vulnerable systems are amplified.

(4) **CHIEF RESILIENCE OFFICER.**—The term “Chief Resilience Officer” means the Chief Resilience Officer of the United States appointed by the President under subsection (b)(1)(A).

(5) **CLIMATE CHANGE.**—The term “climate change” means changes in average atmospheric and oceanic conditions that persist over multiple decades or longer and are natural or anthropogenic in origin, including—

(A) both increases and decreases in temperature;

(B) shifts in precipitation;

(C) shifts in ecoregion or biome geography and phenology, as applicable;

(D) changing risk from certain types of rapid-onset climate hazards and slow-onset climate hazards; and

(E) changes to other features of the climate system.

(6) **CLIMATE INFORMATION.**—The term “climate information” means information, data, or products that enhance knowledge and understanding of climate science, risk, conditions, vulnerability, or impact, including—

(A) climate data products;

(B) historic or future climate projections or scenarios;

(C) climate risk or vulnerability information;

(D) data or information related to climate adaptation and mitigation; and

(E) other best available climate science.

(7) **COMPOUND CLIMATE HAZARDS.**—The term “compound climate hazards” means 2 or more environmental hazards driven or exacerbated by climate change that occur simultaneously or successively, such that the impacts to vulnerable systems are amplified.

(8) **COUNCIL.**—The term “Council” means the Partners Council on Climate Adaptation and Resilience established by subsection (c)(1).

(9) **FEDERAL AGENCY.**—The term “Federal agency” has the meaning given the term “Executive agency” in section 105 of title 5, United States Code.

(10) **FREELY ASSOCIATED STATE.**—The term “Freely Associated State” means—

(A) the Federated States of Micronesia;

(B) the Republic of the Marshall Islands; and

(C) the Republic of Palau.

(11) **FRONTLINE COMMUNITIES.**—The term “frontline communities” means human communities that—

(A) are highly vulnerable to climate change or exposed to climate risk;

(B) experience the earliest, most adverse impacts of climate change; and

(C) may have a reduced ability to adapt to climate change due to a lack of resources, political power, or adaptive capacity.

(12) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan jointly developed by the Chief Resilience Officer and the Working Groups under subsection (e)(2).

(13) **INDIAN TRIBE.**—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(14) **NATIONAL CLIMATE ASSESSMENT.**—The term “National Climate Assessment” means the assessment delivered to Congress and the President pursuant to section 106 of the Global Change Research Act of 1990 (15 U.S.C. 2936).

(15) **NATURAL INFRASTRUCTURE.**—The term “natural infrastructure” means infrastructure that—

(A) uses, restores, or emulates natural ecological, geological, or physical processes; and

(B)(i) is created through the action of natural physical, geological, biological, and chemical processes over time;

(ii) is created by human design, engineering, and construction to emulate or act in concert with natural processes; or

(iii) involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of natural areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flooding and storm surges, to manage erosion and saltwater intrusion, and for other related purposes.

(16) **NON-FEDERAL PARTNER.**—The term “non-Federal partner” means a member of a unit of State, local, or territorial government, the government of an Indian Tribe, the government of a Freely Associated State, a private sector entity, or another individual or organization not affiliated with the Federal Government.

(17) **OPERATIONS REPORT.**—The term “Operations Report” means the National Climate Adaptation and Resilience Operations Report jointly developed by the Chief Resilience Officer and the Working Groups under subsection (d).

(18) **RAPID-ONSET CLIMATE HAZARD.**—The term “rapid-onset climate hazard” means an abrupt environmental hazard driven or exacerbated by climate change that occurs quickly or unexpectedly and triggers impacts that materialize rapidly and interact with conditions of exposure and vulnerability to result in a disaster.

(19) **REPRESENTED AGENCY.**—The term “represented agency” means each Federal agency from which the Chief Resilience Officer appoints a member to a Working Group under subsection (b)(2)(D)(ii)(II).

(20) **RESILIENCE.**—The term “resilience” means the capacity of a social, physical, economic, or environmental system to cope with an environmental hazard event, trend, or disturbance that is driven or exacerbated by climate change by responding or reorganizing in ways that maintain, to the greatest extent practicable, the essential function, identity, and structure of the system and ensure that, in the event of a rapid-onset climate hazard or a slow-onset climate hazard, basic human needs are met, while also maintaining the capacity for adaptation and transformation.

(21) **RISK.**—

(A) **IN GENERAL.**—The term “risk” means the potential for consequences in a situation in which—

(i) something of value is at stake; and

(ii) the outcome is uncertain.

(B) **INCLUSION.**—The term “risk” includes the potential for consequences described in subparagraph (A) that is evaluated as the product obtained by multiplying—

(i) the probability of a hazard occurring; by

(ii) the consequence that would result if the hazard occurred.

(22) **SLOW-ONSET CLIMATE HAZARD.**—

(A) **IN GENERAL.**—The term “slow-onset climate hazard” means an environmental hazard driven or exacerbated by climate change that evolves gradually through time due to incremental change or because of an increasing frequency or intensity of recurring climate impacts.

(B) **INCLUSIONS.**—The term “slow-onset climate hazard” includes hazards such as—

(i) sea level rise;

(ii) desertification;

(iii) biodiversity loss or the alteration of or shift in habitat range of individual species or entire biomes;

(iv) increasing temperatures;

(v) ocean acidification;

(vi) saltwater intrusion;

(vii) soil salinization;

(viii) drought and water scarcity;

(ix) reduced snow pack;

(x) sea ice retreat;

(xi) glacial ice retreat;

(xii) permafrost thaw; and

(xiii) coastal and river bank erosion.

(23) **STRATEGY.**—The term “Strategy” means the National Climate Adaptation and Resilience Strategy required to be developed jointly by the Chief Resilience Officer and the Working Groups under subsection (e)(1).

(24) **TERRITORIAL GOVERNMENT.**—The term “territorial government” means the government of a territory (as defined in section 602(g) of the Social Security Act (42 U.S.C. 802(g))).

(25) **VULNERABILITY.**—The term “vulnerability” means the propensity or predisposition of a human individual or community or physical, biological, or socioeconomic system to be susceptible to and adversely affected by the impacts of climate change.

(26) **WORKING GROUP.**—The term “Working Group” means a National Climate Adaptation and Resilience Working Group established by the Chief Resilience Officer under subsection (b)(2).

(b) **CHIEF RESILIENCE OFFICER AND NATIONAL CLIMATE ADAPTATION AND RESILIENCE WORKING GROUPS.**—

(1) **CHIEF RESILIENCE OFFICER.**—

(A) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the President shall identify or appoint a Chief Resilience Officer of the United States to serve in the Executive Office of the President.

(B) **DUTIES.**—The Chief Resilience Officer shall—

(i) serve the President by directing a whole-of-government effort to build resilience to climate change vulnerabilities in the United States (as described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer) in collaboration with existing Federal initiatives and interagency adaptation efforts;

(ii) establish Working Groups in accordance with paragraph (2) to facilitate interagency coordination with respect to climate resilience and adaptation; and

(iii) at the end of a presidential administration, delegate the duties of the Chief Resilience Officer to the Executive Secretary of the Working Groups designated under paragraph (2)(F)(i)(I) until a new Chief Resilience Officer is appointed.

(C) **COMPENSATION.**—The Chief Resilience Officer shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

(2) **WORKING GROUPS.**—

(A) **ESTABLISHMENT.**—

(i) **IN GENERAL.**—Subject to clause (ii), the Chief Resilience Officer shall establish the minimum number of National Climate Adaptation and Resilience Working Groups that is necessary to carry out the duties and purposes described in subparagraph (C).

(ii) **LIMITATION.**—The Chief Resilience Officer shall not establish more than 5 Working Groups.

(B) **FOCUS.**—Each Working Group shall focus on a topic or series of related topics with respect to climate adaptation and resilience, as determined by the Chief Resilience Officer.

(C) **DUTIES AND PURPOSE.**—Each Working Group shall, under the leadership of the Chief Resilience Officer, with respect to the focus of the Working Group—

(i) coordinate a whole-of-government plan to build resilience to the applicable climate change vulnerabilities described in the National Climate Assessment or other relevant

analyses identified by the Chief Resilience Officer;

(ii) assist in the development of the applicable portions of—

(I) the Operations Report;

(II) the Strategy; and

(III) the Implementation Plan; and

(iii) assist in the standardization across represented agencies of, with respect to climate change, the term “resilience” to promote greater consistency in Federal resilience leadership.

(D) STRUCTURE.—

(i) CHAIRPERSON.—

(I) IN GENERAL.—Subject to a designation under subclause (III), the Chief Resilience Officer shall serve as chairperson of each Working Group.

(II) TEMPORARY CHAIRPERSON.—The President or the Chief Resilience Officer may designate another staff member or member of a Working Group to act temporarily as the chairperson of that Working Group in the absence of the Chief Resilience Officer.

(III) DESIGNATED AGENCY CHAIRPERSON.—The Chief Resilience Officer may designate as chairperson of a Working Group the head of a represented agency that serves on that Working Group.

(ii) MEMBERSHIP.—In establishing a Working Group, the Chief Resilience Officer shall—

(I) identify each Federal agency with operations or organizational units that are relevant to the focus of the Working Group; and

(II) appoint 1 member of each Federal agency identified under subclause (I) to represent that Federal agency on the Working Group.

(iii) REQUIREMENT.—In appointing a member of a Working Group under clause (ii)(II), the Chief Resilience Officer shall, to the maximum extent practicable, appoint the head of the portion of the represented agency that is most relevant to the focus of the Working Group.

(iv) DUTIES OF MEMBERS.—Each member of a Working Group—

(I) shall attend meetings of the Working Group; and

(II) work to support the duties of the Working Group.

(E) MEETINGS.—

(i) IN GENERAL.—Each Working Group shall meet not less frequently than once every 180 days.

(ii) QUORUM.— $\frac{3}{4}$ of the members of a Working Group shall constitute a quorum of the Working Group.

(iii) REMOTE PARTICIPATION.—A member of a Working Group may participate in a meeting of that Working Group through teleconference or similar means.

(F) SUPPORT PERSONNEL.—

(i) EXECUTIVE SECRETARY.—

(I) IN GENERAL.—The Chief Resilience Officer shall designate a permanent employee of a represented agency to serve as Executive Secretary of the Working Groups.

(II) EMPLOYMENT.—The employee designated as Executive Secretary under subclause (I) shall remain an employee of the agency, department, or program from which the employee was appointed.

(ii) NECESSARY ASSISTANCE.—To carry out the purposes of each Working Group, as described in subparagraph (C), each represented agency with a member on the Working Group shall furnish necessary assistance to that Working Group, such as—

(I) a detail of employees to the Working Group to perform such functions, consistent with the purposes of the Working Group described in subparagraph (C), as the Chief Resilience Officer may assign, including support staff for the Executive Secretary appointed under clause (i)(I); and

(II) on request of the Chief Resilience Officer, undertaking special studies for the Working Group as may be appropriate to carry out the functions of the Working Group.

(C) PARTNERS COUNCIL ON CLIMATE ADAPTATION AND RESILIENCE.—

(1) ESTABLISHMENT.—There is established a council, to be known as the “Partners Council on Climate Adaptation and Resilience”.

(2) MISSION AND FUNCTION.—The Council shall work to improve the climate adaptation and resilience operations of the Federal Government by providing recommendations through the Chief Resilience Officer, including those recommendations contained in the report required under paragraph (3), that identify how the Federal Government can better support non-Federal partners with equitable resources, technical assistance, improved policies, and other assistance to help frontline communities build resilience to climate change.

(3) REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Council, acting through the Chief Resilience Officer, shall submit to the President and the Working Groups a report that includes—

(A) an analysis of the deficiencies or gaps in the climate resilience operations of the Federal Government that reduce or fail to increase the capacity of non-Federal partners to adapt to climate change;

(B) an identification of the resources, including Federal funding, necessary for non-Federal partners to adequately adapt to climate change; and

(C) recommendations with respect to how the Federal Government could better support efforts by non-Federal partners to expeditiously address vulnerabilities associated with climate change and build climate resilience.

(4) CHAIR AND VICE-CHAIR.—The Chief Resilience Officer shall serve as chairperson of the Council and shall appoint a vice-chairperson from among the members of the Council appointed pursuant to paragraph (5).

(5) MEMBERSHIP.—

(A) IN GENERAL.—In addition to the Chief Resilience Officer, the Council shall consist of not more than 23 members appointed by the Chief Resilience Officer.

(B) APPOINTMENT.—

(i) IN GENERAL.—The Chief Resilience Officer shall appoint members of the Council who can support the Working Groups by articulating how the Federal Government can better support State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, nonprofit organizations, or private sector entities to build resilience to climate change.

(ii) NON-FEDERAL PARTNER MEMBERS.—The Chief Resilience Officer shall appoint 20 non-Federal partner members of the Council as follows:

(I) 12 members who are employees of State governments, local governments, territorial governments, the governments of Indian Tribes, or the governments of Freely Associated States, of which—

(aa) not fewer than 2 shall be employees of a State government;

(bb) not fewer than 2 shall be employees of a unit of local government;

(cc) not fewer than 2 shall be employees of the government of an Indian Tribe; and

(dd) not fewer than 2 shall be employees of a territorial government or the government of a Freely Associated State; and

(II) 8 members who represent nongovernmental organizations and the private sector, of which—

(aa) 3 shall represent nongovernmental organizations;

(bb) 3 shall represent the private sector; and

(cc) 2 shall represent academic institutions.

(iii) REPRESENTED AGENCY MEMBERS.—The Chief Resilience Officer may, with the consent of those representatives, appoint not more than 3 representatives of represented agencies to the Council that the Chief Resilience Officer determines would promote dialogue useful for implementation of the duties of the Council while keeping the size of the Council manageable.

(iv) SELECTION.—To the maximum extent practicable, the Chief Resilience Officer shall seek to select members of the Council who—

(I) possess first-hand, lived experience of climate vulnerability in the United States, including direct experience working with, or as members of, frontline communities; and

(II) represent a diversity of—

(aa) perspectives;

(bb) demographics;

(cc) geographies;

(dd) political affiliations; and

(ee) institution sizes, including representatives of both small and large units of government and businesses.

(v) TERM.—Members appointed to the Council shall serve a single term of not more than 3 years, except that—

(I) of the initial members appointed to the Council, the Chief Resilience Officer shall appoint—

(aa) $\frac{1}{2}$ of the members to serve for a term of 18 months; and

(bb) $\frac{1}{2}$ of the members to serve a term of 3 years; and

(II) the Chief Resilience Officer may extend the term of any member of the Council by a period of not more than 1 year on a one-time basis, if the Chief Resilience Officer determines it necessary to support the work of the Council.

(vi) VACANCIES.—

(I) IN GENERAL.—A vacancy in the Council shall be filled in the same manner in which the original selection was made.

(II) APPOINTMENT OF NEW MEMBERS.—After the expiration of the term for which a member of the Council is appointed, the member may continue to serve until a successor is appointed.

(6) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less frequently than once every 180 days.

(B) QUORUM.— $\frac{3}{4}$ of the members of the Council shall constitute a quorum of the Council.

(C) REMOTE PARTICIPATION.—A member of the Council may participate in a meeting of the Council through teleconference or similar means.

(7) APPLICABILITY OF FACA.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

(d) NATIONAL CLIMATE ADAPTATION AND RESILIENCE OPERATIONS REPORT.—Not later than 16 months after the date of enactment of this Act, and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress a National Climate Adaptation and Resilience Operations Report that includes—

(1) a summary of the existing climate resilience operations of each represented agency that includes—

(A) the roles and responsibilities of each represented agency in building national resilience to the climate vulnerabilities described in the National Climate Assessment or other analyses relevant to each represented agency;

(B) the major findings and conclusions from climate adaptation plans or risk or vulnerability assessments prepared by each represented agency;

(C) the mechanisms by which each represented agency supports the resilience efforts of non-Federal partners, such as by providing funding, resources, and technical assistance; and

(D) an assessment of how each represented agency is working to ensure equitable adaptation outcomes; and

(2) a cross-agency analysis of the resilience operations identified under paragraph (1) that—

(A) identifies—

(i) the challenges, barriers, or disincentives for the Federal Government to build resilience to climate change in the United States;

(ii) the inconsistencies in goals, priorities, or strategies underlying climate resilience operations and policy across represented agencies that may inhibit effective inter-agency coordination to support national climate resilience, including—

(I) the areas of necessary differences in those goals, priorities, or strategies; and

(II) the justifications for those inconsistencies;

(iii) areas of overlap or redundant use of resources between or among represented agencies, including recommendations to eliminate any unnecessary or unintentional redundancy;

(iv) gaps or deficiencies in resilience operations and policy that need to be addressed in the context of the Strategy;

(v) opportunities for greater collaboration between or among represented agencies to improve Federal Government resilience operations and policy; and

(vi) opportunities for greater collaboration between the Federal Government and non-Federal partners to build local-level adaptive capacity and resilience; and

(B) includes a review and summary of all available Federal funding from represented agencies that is specifically allocated for climate adaptation activities to be undertaken by non-Federal partners, including—

(i) a summary of Federal funding available in appropriations accounts and subaccounts;

(ii) disparities between the supply and demand for adaptation funding available to non-Federal partners; and

(iii) existing mechanisms to ensure Federal funding allocations are being directed to frontline communities with the greatest level of vulnerability.

(e) NATIONAL CLIMATE ADAPTATION AND RESILIENCE STRATEGY.—

(1) STRATEGY.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Chief Resilience Officer and the Working Groups shall jointly submit and simultaneously to the President and Congress a National Climate Adaptation and Resilience Strategy.

(B) UPDATES.—Not later than the date that is 3 years after the date on which the Chief Resilience Officer and the Working Groups jointly and simultaneously submit the Strategy to the President and Congress under subparagraph (A), and every 3 years thereafter, the Chief Resilience Officer and the Working Groups shall jointly submit an updated version of the Strategy to the President and Congress to account for—

(i) new science related to climate change, resilience, and adaptation;

(ii) relevant changes in Federal Government structure, congressional authorities, or appropriations; and

(iii) any other necessary improvements or changes identified by the Chief Resilience Officer.

(C) PURPOSE AND SCOPE.—The Strategy shall describe strategies for the Federal Government, in partnership with non-Federal partners, to address the vulnerabilities of

the United States to climate change described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer to ensure that—

(i) the United States has an overarching strategic vision to respond to climate change that—

(I) identifies national climate resilience goals and guides national climate adaptation efforts;

(II) facilitates the incorporation of the climate resilience goals identified under subclause (I) into relevant national programs, operations, and strategies;

(III) develops proactive, long-term, scenario-based strategies to plan for and respond to current and future climate impacts to human communities, natural resources and public land, and infrastructure and other physical assets;

(IV) emphasizes forward-thinking adaptation strategies, including predisaster mitigation, that seek to overcome repeated climate impacts to vulnerable systems and communities;

(V) prioritizes climate resilience efforts to support the most vulnerable human communities and the most urgent national resilience challenges, as determined by the Chief Resilience Officer in consultation with the Working Groups;

(VI) avoids unnecessary redundancies and inefficiencies in the national planning for and response to climate change; and

(VII) recognizes the vulnerability of natural systems to climate change and underscores the importance of promoting ecosystem resilience to preserve the intrinsic value of nature and support ecosystem services relied on by human beings;

(ii) Federal investments in Federal and non-Federal infrastructure and assets promote climate resilience to the maximum extent practicable; and

(iii) the adaptive capacity and resilience of State governments, local governments, territorial governments, the governments of Indian Tribes, and governments of Freely Associated States are maximized to the maximum extent practicable.

(D) COUNCIL RECOMMENDATIONS.—In developing the Strategy, the Chief Resilience Officer and Working Groups shall consider the recommendations of the Council.

(E) INCLUSIONS.—In addition to the overarching strategies developed in accordance with subparagraph (C), the Strategy shall include information with respect to the following:

(i) DIRECT FEDERAL GOVERNMENT RESPONSE TO CLIMATE CHANGE.—

(I) Addressing the limitations, redundancies, and opportunities for improved resilience operations of the Federal Government that are identified in the Operations Report.

(II) Better preparing the United States for the adverse impacts experienced or anticipated to be experienced as a result of—

(aa) rapid-onset climate hazards;

(bb) slow-onset climate hazards;

(cc) compound climate hazards; and

(dd) cascading climate hazards.

(III) Educating, engaging, or developing the skills of the workforce of the represented agencies with respect to topics related to climate change vulnerability and resilience to promote effective Federal resilience operations.

(IV) An identification of opportunities and appropriate circumstances for represented agencies to better utilize natural infrastructure as an adaptation strategy.

(ii) SUPPORT OF NON-FEDERAL PARTNERS' RESPONSE TO CLIMATE CHANGE.—

(I) Methods for represented agencies to better collaborate and work directly with non-Federal partners to increase the resil-

ience and adaptive capacity of State governments, local governments, territorial governments, the governments of Indian Tribes, the governments of Freely Associated States, and other non-Federal partners.

(II) Educating non-Federal partners about the availability of Federal funding opportunities identified in the Operations Report under subsection (d)(2)(B), including the development of a centralized, cross-agency portal that allows non-Federal partners to easily identify and apply for appropriate Federal funding opportunities for the specific resilience needs of those non-Federal partners.

(III) Clarifying, simplifying, and harmonizing the planning requirements and application processes for State governments, local governments, territorial governments, the governments of Indian Tribes, and the governments of Freely Associated States to access Federal funds for climate adaptation and resilience efforts across represented agencies.

(IV) Identifying under-resourced communities and communities with low adaptive capacity and resilience and to directly support those communities in applying for Federal funds for climate adaptation and resilience efforts.

(V) Supporting the retreat or relocation of human communities in areas that are at increasing risk from climate change, in particular from slow-onset climate hazards, including strategies to better manage equitable property buyouts, managed retreat, or relocation options for communities in those areas.

(iii) CLIMATE INFORMATION.—

(I) Increasing the accessibility and utility of climate information that is produced, published, or hosted by the Federal Government, including strategies to better collaborate across the represented agencies and work with non-Federal partners—

(aa) to provide the high-quality, locally relevant climate information and, where practicable and useful, transparent and replicable downscaled climate projections that are necessary to support local-level adaptation efforts;

(bb) to establish improved methods of communicating climate risk and other relevant climate information;

(cc) to better educate non-Federal partners about the available resources for climate information; and

(dd) to assist non-Federal partners in selecting and using appropriate climate information or related tools.

(II) Standardized procedures to synthesize, align, and update climate information produced, published, or hosted by the Federal Government to create arrays of standardized national, regional, and, where applicable, local climate information for adaptation planning.

(III) An assessment of the necessity and utility of developing or improving a centralized clearinghouse and dedicated Federal program for climate information to better provide climate information to end users.

(IV) Developing the centralized clearinghouse or dedicated Federal program described in subclause (III), if such an effort is determined to be necessary by the Chief Resilience Officer.

(iv) RESILIENCE METRICS AND INDICATORS.—At the discretion of the Chief Resilience Officer, developing or improving resilience metrics and indicators to assist the Federal Government and non-Federal partners—

(I) to the maximum extent practicable, to consistently measure the resilience of human communities, natural systems, and physical assets to climate change;

(II) to set baselines and targets to measurably increase climate resilience over time; and

(III) to better monitor and assess the effectiveness of various resilience-building activities after implementation.

(v) FUNDING CLIMATE ADAPTATION.—

(I) Helping to prioritize Federal funding expenditures for adaptation and resilience in consideration of the greatest vulnerabilities.

(II) Creating financial incentives for adaptation and resilience efforts.

(III) A review of the cost-benefit analysis methodologies and discount rates used by represented agencies for all Federal investments, including a review of the implications of those methodologies and discount rates for climate adaptation and resilience.

(IV) Recommendations to improve the methodologies described in subclause (III) to reflect—

(aa) the added value of resilience planning and construction methodologies over the lifetime of a project or unit of infrastructure;

(bb) the benefits of natural infrastructure investments;

(cc) the potential value of retreat and relocation as adaptation solutions; and

(dd) to what extent existing cost-benefit analysis methodologies lead to inequitable outcomes or outcomes that increase climate vulnerability.

(vi) SOCIAL EQUITY.—

(I) Ensuring that the costs, benefits, and risks resulting from climate resilience efforts, including funding allocations, the methodologies for determining funding allocations, and existing and future policies, are equitably distributed among sectors of society, types of communities, and geographies.

(II) Ensuring that federally supported climate resilience efforts are—

(aa) designed in consultation with the communities that will be affected by those efforts; and

(bb) centered on the needs of those communities.

(III) To the greatest extent practicable, integrating social equity considerations across all aspects of the Strategy.

(2) IMPLEMENTATION PLAN.—Concurrently with the Strategy and each update of the Strategy, the Chief Resilience Officer and the Working Groups shall jointly and simultaneously submit to the President and Congress an Implementation Plan that describes how represented agencies intend to carry out the Strategy, which shall include—

(A) a description of the roles and responsibilities of each represented agency in carrying out each element of the Strategy described in paragraph (1);

(B) a plan to enter into such interagency agreements between and among represented agencies, partnerships with non-Federal entities, and other agreements for coordination between and among the Federal Government and non-Federal partners as may be necessary to facilitate a unified national plan to build resilience to climate change; and

(C) the use of any relevant metrics and indicators described in paragraph (1)(E)(iv).

(3) ASSESSMENT.—Not later than 2 years following the completion of each Strategy under paragraph (1)(A) and each Implementation Plan, the Comptroller General of the United States shall simultaneously submit to the President and Congress a report that assesses—

(A) the extent to which the Strategy and Implementation Plan have been carried out by the Federal Government, which shall be judged, as appropriate, based on any metrics and indicators developed to track progress in increasing resilience under paragraph (1)(E)(iv);

(B) the effectiveness of the actions taken under the Strategy and Implementation Plan and the resulting outcomes of those actions

in building national resilience to climate change; and

(C) the progress made towards the development of an effective whole-of-government effort to build resilience to the climate vulnerabilities described in the National Climate Assessment or other relevant analyses identified by the Chief Resilience Officer, including recommendations for additional steps necessary to reach this goal.

(4) PUBLIC COMMENT.—The Chief Resilience Officer shall—

(A) publish draft and final versions of the Strategy and Implementation Plan, and each update to the Strategy and Implementation Plan; and

(B) through publication in the Federal Register, solicit comments from the public on the draft versions of the documents published under subparagraph (A) for a period of 60 days, which the Chief Resilience Officer and the Working Groups shall consider before submitting final versions of the Strategy and Implementation Plan, and updates to the Strategy and Implementation Plan, to the President and Congress.

(f) SUNSET.—This section ceases to be effective on the date that is the earlier of—

(1) the date on which the Comptroller General of the United States submits to the President and Congress the third assessment report under subsection (e)(3); and

(2) the date that is the last day of fiscal year 2033.

SA 5971. Mr. DAINES (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENTS TO ACQUIRED FUND FEES AND EXPENSES REPORTING ON INVESTMENT COMPANY REGISTRATION STATEMENTS.

(a) DEFINITIONS.—In this section:

(1) ACQUIRED FUND.—The term “acquired fund” has the meaning given the term in Form N-1A, Form N-2, and Form N-3.

(2) ACQUIRED FUND FEES AND EXPENSES.—The term “acquired fund fees and expenses” means the acquired fund fees and expenses subcaption in the fee table disclosure.

(3) BUSINESS DEVELOPMENT COMPANY.—The term “business development company” has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)).

(4) FEE TABLE DISCLOSURE.—The term “fee table disclosure” means the fee table described in item 3 of Form N-1A, item 3 of Form N-2, or item 4 of Form N-3 (as applicable, and with respect to each, in any successor fee table disclosure that the Securities and Exchange Commission adopts).

(5) FORM N-1A.—The term “Form N-1A” means the form described in section 274.11A of title 17, Code of Federal Regulations, or any successor regulation.

(6) FORM N-2.—The term “Form N-2” means the form described in section 274.11a-1 of title 17, Code of Federal Regulations, or any successor regulation.

(7) FORM N-3.—The term “Form N-3” means the form described in section 274.11b

of title 17, Code of Federal Regulations, or any successor regulation.

(8) REGISTERED INVESTMENT COMPANY.—The term “registered investment company” means an investment company, as defined in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a-3), registered with the Securities and Exchange Commission under that Act.

(b) EXCLUDING BUSINESS DEVELOPMENT COMPANIES FROM ACQUIRED FUND FEES AND EXPENSES.—A registered investment company may, on any investment company registration statement filed pursuant to section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a-8(b))—

(1) omit from the calculation of acquired fund fees and expenses those fees and expenses that the investment company incurred indirectly as a result of investment in shares of 1 or more acquired funds that is a business development company; and

(2) instead disclose in a footnote to the fee table disclosure those fees and expenses described in paragraph (1), calculated according to the acquired fund fees and expenses formula.

SA 5972. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Indo-Pacific Strategic Energy Initiative

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Indo-Pacific Strategic Energy Initiative Act”.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The United States currently has an approximately 100-year supply of natural gas.

(2) Natural gas will see increasing global demand and use beyond 2050.

(3) United States natural gas production increased by 54 percent from 2005 to 2017. At the same time, total United States carbon dioxide emissions decreased by 14 percent. The natural gas share of electricity production increased from 19 percent in 2005 to 32 percent in 2017.

(4) Between 2005 and 2019, carbon dioxide emissions from the United States power sector declined by 33 percent, with fuel switching to natural gas, accounting for more than half of those reductions. During that period, the United States economy grew by 20 percent, United States energy consumption fell by 2 percent, and per capita emissions dropped to their lowest levels since 1950.

(5) Between 1990 and 2018, the natural gas and oil industry reduced methane emissions by 23.6 percent through voluntary actions, while expanding production by 70 percent.

(6) Demand in the United States and globally for clean-burning natural gas and liquefied natural gas will continue to increase over the next several decades, even as renewable energy resources increase.

(7) Demand for natural gas is rising in the Indo-Pacific region, particularly as countries look to make emissions cuts and transition from higher emissions fuel sources.

(8) The expanding number of infrastructure projects in the Indo-Pacific region, carried

out under the Belt and Road Initiative, is leading to higher emissions in the region.

(9) According to the International Energy Agency, “The number of countries and territories with [liquefied natural gas] import terminals has grown from nine in 2000 to 42 in 2020.”. Further, the International Energy Agency has found that “transition[s] in Asian gas markets [are] even more important in the wider context of global clean energy transitions, where natural gas will be required to make a more flexible contribution as the share of variable renewable energy sources grows and coal use progressively declines”.

(10) The United States saw a 66.3-percent increase in liquefied natural gas exports and an 11.2-percent increase in oil production in 2019.

(11) As a result of the natural gas revolution, the United States petroleum trade deficit in dollars fell from about \$320,000,000,000 in 2007 to about \$3,000,000,000 in 2020, as net imports declined.

(12) Australia and the United States are both important global energy exporters and thus have a shared interest in supplying the growing energy demand in the Indo-Pacific region.

(13) Japanese companies have long invested in United States liquefied natural gas projects, including the Government of Japan shifting from relying on liquefied natural gas from the Middle East to liquefied natural gas from the United States.

(14) The People’s Republic of China currently is one of the largest financiers of overseas energy and greenhouse gas intensive projects. The People’s Republic of China also uses those investments to project its influence and secure critical minerals supply chains and infrastructure.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States reaffirms its commitment to quadrilateral cooperation with Japan, India, and Australia (collectively, with the United States, known as the “Quad”), and that United States should continue to pursue strengthening cooperation in the energy sector in light of the global threats and challenges facing all 4 countries;

(2) the Association of Southeast Asian Nations (commonly referred to as “ASEAN”) and its 10 members (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam) have worked with the United States toward stability, prosperity, and peace in Southeast Asia, and ASEAN will continue to remain a strong, reliable, and active economic and strategic partner in the Indo-Pacific region;

(3) the United States and the Republic of Korea enjoy a comprehensive alliance partnership, founded in shared strategic interests and cemented by a commitment to democratic values, which includes recognizing the important role of energy cooperation through the United States-Republic of Korea Energy Security Dialogue; and

(4) the United States has economic, national security, and domestic interests in assisting allies and partners in Indo-Pacific countries to reduce greenhouse gas emissions and achieve energy security through diversification of their energy sources and supply routes.

SEC. 1284. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to engage and lead on international emissions reductions and adaptation, including assisting allies and partners in reducing higher emissions fuel sources through exports of cleaner-burning United States-produced fuels and emission-reduction technologies;

(2) to advance United States foreign policy and development goals by assisting allies

and partners of the United States in the Indo-Pacific region to decrease their dependence on energy resources from countries that use energy dependence to coerce, intimidate, and influence other countries;

(3) to develop strategies to counter competition from the Russian Federation and the People’s Republic of China to protect the energy and national security of the United States and the energy and national security of allies and partners of the United States in the Indo-Pacific region;

(4) to support free and open trade in clean-burning energy products and promote the continued development of lower-emissions energy fuels and technologies in the Indo-Pacific region;

(5) to improve free, fair, and reciprocal energy trading relationships with allies and partners of the United States in the Indo-Pacific region;

(6) to promote the energy security of allies and partners of the United States in the Indo-Pacific region by encouraging the development of energy infrastructure and accessible, transparent, and competitive energy markets that provide diversified sources, types, and routes of energy;

(7) to encourage public and private sector investment in lower-emissions energy infrastructure projects in the Indo-Pacific region;

(8) to supply countries that rely on higher emitting fuel sources with cleaner burning and abundant alternatives; and

(9) to help facilitate the export of United States energy resources, technology, and expertise to global markets in a way that benefits the energy security of allies and partners of the United States in the Indo-Pacific region.

SEC. 1285. ENERGY INFRASTRUCTURE PROJECT SUPPORT.

(a) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Energy, the heads of other relevant United States agencies, and energy-importing allies and partners of the United States, shall, as appropriate, prioritize and expedite the efforts of the Department of State, the Department of Energy, and such other agencies in supporting the governments of Japan, India, Australia, and other like-minded Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea) to increase their energy security and reduce energy emissions, including through—

(1) providing diplomatic and political support to those governments, as necessary—

(A) to facilitate international negotiations concerning cross-border infrastructure;

(B) to enhance the regulatory environment with respect to energy projects in the Indo-Pacific region; and

(C) to develop accessible, transparent, and competitive energy markets supplied by diverse sources, types, and routes of energy; and

(2) providing support—

(A) to improve energy markets in the Indo-Pacific region, including early-stage project support and late-stage project support for the construction or improvement of energy projects and related infrastructure pertaining to emissions reduction;

(B) to diversify the energy sources and supply routes of Indo-Pacific countries; and

(C) to enhance energy market integration across the region.

(b) PROJECT SELECTION.—

(1) IDENTIFICATION.—The Secretary of State, the Secretary of Commerce, and the Secretary of Energy shall identify energy infrastructure projects that would be appropriate for United States assistance under this section.

(2) ELIGIBILITY.—A project is eligible for United States assistance under this section if the project—

(A) has been identified by the Secretary of State, the Secretary of Commerce, and the Secretary of Energy as promoting energy security in the Indo-Pacific region or the country in which the project is located;

(B) promotes the reduction of greenhouse gas and carbon dioxide emissions; and

(C) is located in an Indo-Pacific country.

(3) PREFERENCE.—In selecting projects for United States assistance under this section, the Secretary of State, the Secretary of Commerce, and the Secretary of Energy shall give preference to projects that—

(A) are expected to enhance energy market integration; or

(B) have the potential to use goods and services of the United States, another Quad country, a member country of ASEAN, or the Republic of Korea, during project implementation.

(c) DIPLOMATIC AND POLITICAL SUPPORT.—The Secretary of State shall provide diplomatic and political support to the governments of Japan, India, Australia, and other like-minded Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea), as necessary, including by using the diplomatic and political influence and expertise of the Department of State to build the capacity of those countries to resolve any impediments to the development of projects selected under subsection (b).

(d) PROJECT SUPPORT.—The Director of the Trade and Development Agency shall provide early-stage project support with respect to projects selected under subsection (b).

SEC. 1286. INFRASTRUCTURE FUNDING.

(a) ESTABLISHMENT OF STRATEGIC ENERGY PORTFOLIO OF THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION.—Title V of the Better Utilization of Investments Leading to Development Act of 2018 (22 U.S.C. 9671 et seq.) is amended by adding at the end the following:

“SEC. 1455. STRATEGIC ENERGY PORTFOLIO.

“The Corporation—

“(1) may provide support under title II for projects related to importation of liquefied natural gas and generation of low emission electricity and other energy, including for such projects of entities owned or controlled by the government of a foreign country;

“(2) may not prohibit, restrict, or otherwise impede the provision of support on the basis of the type of energy involved in a project; and

“(3) should, in providing support authorized by paragraph (1), coordinate with the Japan Bank for International Cooperation and the Government of Australia pursuant to the trilateral memorandum of understanding on development finance signed on November 12, 2018.”.

(b) PROMOTION OF ENERGY EXPORTS BY EXPORT-IMPORT BANK OF THE UNITED STATES.—The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following:

“SEC. 16. STRATEGIC ENERGY PORTFOLIO.

“(a) IN GENERAL.—The Bank shall establish a strategic energy portfolio focused on providing financing (including loans, guarantees, and insurance) for projects described in subsection (b) that may facilitate—

“(1) increases in exports of United States energy commodities; or

“(2) the export of United States equipment, materials, and technology.

“(b) PROJECTS DESCRIBED.—A project described in this subsection is a project related to—

“(1) construction of liquefied natural gas import terminals;

“(2) commercialization of carbon capture, utilization, and storage;

“(3) development of blue hydrogen infrastructure; or

“(4) other low emission energy infrastructure.”.

(c) PRIVATE AND FOREIGN PUBLIC SECTOR INVESTMENT.—

(1) **PRIVATE SECTOR INVESTMENT.**—The Secretary of Commerce and the Secretary of State shall promote the funding of projects selected under section 1285 among United States energy producers and exporters.

(2) **FOREIGN PUBLIC SECTOR INVESTMENT.**—The heads of the agencies described in section 1285(a) may, for the purposes of this subtitle, partner and coordinate with public and multilateral financial institutions and export credit agencies of Japan, India, Australia, and other Indo-Pacific countries (including member countries of ASEAN and the Republic of Korea), such as the Japan Bank for International Cooperation.

SEC. 1287. REPORTING.

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on progress made in providing assistance for projects under this subtitle that includes—

(1) a description of the energy infrastructure projects the United States has identified for such assistance; and

(2) for each such project—

(A) a description of the role of the United States in the project, including in early-stage project support and late-stage project support;

(B) the amount and form of any debt financing and insurance provided by the United States Government for the project as well as any coordination with foreign public financial institutions or export credit agencies;

(C) the amount and form of any debt financing and insurance provided by foreign public financial institutions or export credit agencies;

(D) the amount and form of any early-stage project support; and

(E) an update on the progress made on the project as of the date of the report.

(b) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

SA 5973. Mr. SULLIVAN (for himself and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 866. CONSIDERATION OF NATIVE SMALL BUSINESS SISTER SUBSIDIARY PAST PERFORMANCE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall amend section 215.305 of the

Defense Federal Acquisition Supplement (or any successor regulation) to require that when Native-owned small businesses bid on Department of Defense contracts, the past performance evaluation and source selection processes shall consider the past performance information of sister subsidiary predecessor companies of the Native-owned small businesses.

SA 5974. Mr. SULLIVAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 606. ALLOWANCE FOR BROADBAND FOR CERTAIN MEMBERS OF THE ARMED FORCES ASSIGNED TO PERMANENT DUTY STATIONS IN ALASKA.

(a) **ESTABLISHMENT.**—Chapter 7 of title 37, United States Code, is amended by inserting after section 425 the following new section:

“§ 426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska

“(a) **ALLOWANCE AUTHORIZED.**—The Secretary concerned shall pay, to a member of the armed forces in the grade of E-5 or below who is assigned to a permanent duty station in Alaska, a monthly allowance for broadband.

“(b) **AMOUNT.**—The monthly allowance to a member under this section shall be—

“(1) \$125 during calendar year 2023; and

“(2) in subsequent calendar years, an amount determined by the Secretary of Defense based on the difference between the average costs of unlimited broadband plans in Alaska and in the continental United States.

“(c) **SUNSET.**—No allowance may be paid under this section after December 31, 2028.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 425 the following:

“426. Allowance for broadband for certain members of the armed forces assigned to permanent duty stations in Alaska.”.

(c) **EFFECTIVE DATE.**—Section 426 of such title, as added by subsection (a), shall take effect on the day the Secretary of Defense prescribes regulations under subsection (d).

(d) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to carry out section 426 of such title, as added by subsection (a).

(e) **REPORT.**—Not later than December 31, 2027, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) the evaluation of the Secretary of the allowance under section 426 of such title, as added by subsection (a); and

(2) any recommendation of the Secretary regarding whether such allowance should be amended, extended, or made permanent.

SA 5975. Mr. MENENDEZ (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr.

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

At the appropriate place, insert the following:

SEC. —. RETAIL BUSINESSES PROHIBITED FROM REFUSING CASH PAYMENTS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that every consumer has the right to use cash at retail businesses who accept in-person payments.

(b) **PROHIBITION.**—Subchapter I of chapter 51 of title 31, United States Code, is amended by adding at the end the following:

“§ 5104. Retail businesses prohibited from refusing cash payments

“(a) **IN GENERAL.**—Any person engaged in the business of selling or offering goods or services at retail to the public with a person accepting in-person payments at a physical location (including a person accepting payments for telephone, mail, or internet-based transactions who is accepting in-person payments at a physical location)—

“(1) shall accept cash as a form of payment for sales of less than \$2,000 made at such physical location; and

“(2) may not charge cash-paying customers a higher price compared to the price charged to customers not paying with cash.

“(b) **EXCEPTIONS.**—

“(1) **IN GENERAL.**—Subsection (a) shall not apply to a person if such person—

“(A) is unable to accept cash because of—

“(i) a sale system failure that temporarily prevents the processing of cash payments; or

“(ii) a temporary insufficiency in cash on hand needed to provide change; or

“(B) provides customers with the means, on the premises, to convert cash into a card that is either a general-use prepaid card, a gift card, or an access device for electronic fund transfers for which—

“(i) there is no fee for the use of the card;

“(ii) there is not a minimum deposit amount greater than 1 dollar;

“(iii) amounts loaded on the card do not expire, as required under paragraph (2);

“(iv) there is no collection of any personal identifying information from the customer;

“(v) there is no fee to use the card; and

“(vi) there may be a limit to the number of transactions on such cards.

“(2) **INACTIVITY.**—A person seeking exception from subsection (a) may charge an inactivity fee in association with a prepaid card offered by such person if—

“(A) there has been no activity with respect to the card during the 12-month period ending on the date on which the inactivity fee is imposed;

“(B) not more than 1 inactivity fee is imposed in any 1-month period; and

“(C) it is clearly and conspicuously stated, on the face of the mechanism that issues the card and on the card—

“(i) that an inactivity fee or charge may be imposed;

“(ii) the frequency at which such inactivity fee may be imposed; and

“(iii) the amount of such inactivity fee.

“(c) **RIGHT TO NOT ACCEPT LARGE BILLS.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (a), for the 5-year period beginning on the date of enactment of this section, this section shall not require a person to accept cash payments in \$50 bills or any larger bill.

“(2) RULEMAKING.—

“(A) **IN GENERAL.**—The Secretary shall issue a rule on the date that is 5 years after the date of the enactment of this section with respect to any bills a person is not required to accept.

“(B) **REQUIREMENT.**—When issuing a rule under subparagraph (A), the Secretary shall require persons to accept \$1, \$5, \$10, \$20 and \$50 bills.

“(d) ENFORCEMENT.—

“(1) **PREVENTATIVE RELIEF.**—Whenever any person has engaged, or there are reasonable grounds to believe that any person is about to engage, in any act or practice prohibited by this section, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order may be brought against such person.

“(2) **CIVIL PENALTIES.**—Any person who violates this section shall—

“(A) be liable for actual damages;

“(B) be fined not more than \$2,500 for a first offense; and

“(C) be fined not more than \$5,000 for a second or subsequent offense.

“(3) **JURISDICTION.**—An action under this section may be brought in any United States district court, or in any other court of competent jurisdiction.

“(4) **INTERVENTION OF ATTORNEY GENERAL.**—Upon timely application, a court may, in its discretion, permit the Attorney General to intervene in a civil action brought under this subsection, if the Attorney General certifies that the action is of general public importance.

“(5) **AUTHORITY TO APPOINT COURT-PAID ATTORNEY.**—Upon application by an individual and in such circumstances as the court may determine just, the court may appoint an attorney for such individual and may authorize the commencement of a civil action under this subsection without the payment of fees, costs, or security.

“(6) **ATTORNEY'S FEES.**—In any action commenced pursuant to this section, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

“(7) **REQUIREMENTS IN CERTAIN STATES AND LOCAL AREAS.**—In the case of an alleged act or practice prohibited by this section which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such act or practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought hereunder before the expiration of 30 days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

“(e) **GREATER PROTECTION UNDER STATE LAW.**—This section shall not preempt any law of a State, the District of Columbia, a Tribal government, or a territory of the United States if the protections that such law affords to consumers are greater than the protections provided under this section.

“(f) **RULEMAKING.**—The Secretary shall issue such rules as the Secretary determines are necessary to implement this section, which may prescribe additional exceptions to the application of the requirements described in subsection (a).

“(g) **ANNUAL REPORTS ON THE GEOGRAPHIC DISTRIBUTION OF AUTOMATED TELLER MACHINES OWNED BY FEDERALLY INSURED DEPOS-**

ITORY INSTITUTIONS.—Beginning on the date that is 1 year after the date of enactment of this section, and annually thereafter, the Federal Deposit Insurance Corporation, with respect to depository institutions insured by the Corporation, and the National Credit Union Administration, with respect to credit unions insured by the National Credit Union Share Insurance Fund, shall submit the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that provides—

“(1) the number of automated teller machines owned and in service by each institution insured by such agency;

“(2) the location of each such automated teller machine that is installed at a fixed site; and

“(3) the approximate geographic range or radius within which mobile automated teller machines owned by any such institution are deployed.”.

(c) **CLERICAL AMENDMENT.**—The table of contents for chapter 51 of title 31, United States Code, is amended by inserting after the item relating to section 5103 the following:

“5104. Retail businesses prohibited from refusing cash payments.”.

SA 5976. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In the funding table in section 4101, in the item relating to Stryker Upgrade, strike the amount in the Senate Authorized column and insert “891,171”.

SA 5977. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ____ . CLOSED-END COMPANY AUTHORITY TO INVEST IN PRIVATE FUNDS.

(a) **IN GENERAL.**—Section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a-5) is amended by adding at the end the following:

“(d) **CLOSED-END COMPANY AUTHORITY TO INVEST IN PRIVATE FUNDS.**—

“(1) **IN GENERAL.**—The Commission may not limit a closed-end company from investing any or all of the assets of the company in a private fund solely or primarily because of the status of the fund as a private fund.

“(2) **APPLICATION.**—Notwithstanding section 6(f), this subsection shall apply to a closed-end company that elects to be treated as a business development company pursuant to section 54.”.

(b) **DEFINITION OF PRIVATE FUND.**—

(1) **INVESTMENT COMPANY ACT OF 1940.**—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following:

“(55) The term ‘private fund’ means an issuer that would be an investment company but for the exception provided for in paragraph (1) or (7) of section 3(c).”.

(2) **INVESTMENT ADVISERS ACT OF 1940.**—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)) is amended—

(A) by redesignating the second paragraph (29) (relating to “commodity pool” and other terms) as paragraph (31); and

(B) by amending paragraph (29) to read as follows:

“(29) The term ‘private fund’ has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)).”.

(c) **TREATMENT BY NATIONAL SECURITIES EXCHANGES.**—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

“(11)(A) The rules of the exchange do not prohibit the listing or trading of securities of a closed-end company by reason of the amount of the investment by the company of assets in private funds.

“(B) In this paragraph—

“(i) the term ‘closed-end company’—

“(I) has the meaning given the term in section 5(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-5(a)); and

“(II) includes a closed-end company that elects to be treated as a business development company pursuant to section 54 of the Investment Company Act of 1940 (15 U.S.C. 80a-53); and

“(ii) the term ‘private fund’ has the meaning given the term in section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)).”.

(d) **INVESTMENT LIMITATION.**—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a-3(c)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), in the second sentence, by striking “subparagraphs (A)(i) and (B)(i)” and inserting “subparagraphs (A)(i), (B)(i), and (C)”; and

(2) in paragraph (7)(D), by striking “subparagraphs (A)(i) and (B)(i)” and inserting “subparagraphs (A)(i), (B)(i), and (C)”.

SA 5978. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 633, strike line 1 and all that follows through page 634, line 8, and insert the following:

(b) **EXTENSION OF PROHIBITION ON IN-FLIGHT REFUELING TO NON-UNITED STATES AIRCRAFT THAT ENGAGE IN HOSTILITIES IN THE ONGOING CIVIL WAR IN YEMEN.**—Section 1273 of the National Defense Author-

SA 5979. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities

of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2808.

SA 5980. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2810.

SA 5981. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2867.

SA 5982. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 327, strike lines 9 through 13.

SA 5983. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 924, strike subsection (c).

SA 5984. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

SA 5985. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 521, strike subsection (d) through (g) and insert the following:

(d) MAINTAINING THE HEALTH OF THE SELECTIVE SERVICE SYSTEM.—Section 10(a) (50 U.S.C. 3809(a)) is amended by adding at the end the following new paragraph:

“(5) The Selective Service System shall conduct exercises periodically of all mobilization plans, systems, and processes to evaluate and test the effectiveness of such plans, systems, and processes. Once every 4 years, the exercise shall include the full range of internal and interagency procedures to ensure functionality and interoperability and may take place as part of the Department of Defense mobilization exercise under section 10208 of title 10, United States Code. The Selective Service System shall conduct a public awareness campaign in conjunction with each exercise to communicate the purpose of the exercise to the public.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 5986. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 220.

SA 5987. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike lines 6 through 16.

SA 5988. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 104, strike lines 19 through 21 and insert the following:

(B) may enhance efficiency and reliability as compared to currently used systems.

SA 5989. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 319.

SA 5990. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1244 and insert the following:

SEC. 1244. STATEMENT OF POLICY ON DEFENSE OF TAIWAN.

Consistent with the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301 et seq.), it shall be the policy of the United States to supply Taiwan with defensive arms and to maintain the capacity to defend Taiwan, without an express obligation or commitment to do so.

SA 5991. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES.

“(a) IN GENERAL.—In any case in which a servicemember has a professional license in good standing in a jurisdiction or the spouse of a servicemember has a professional license in good standing in a jurisdiction and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in such jurisdiction, the professional license or certification of such servicemember or spouse shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

“(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located;

“(2) remains in good standing with the licensing authority that issued the license; and

“(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

“(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their spouses.”.

SA 5992. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE

SEC. ____01 SHORT TITLE.

This title may be cited as the “Deepfake Task Force Act”.

SEC. ____02. NATIONAL DEEPFAKE AND DIGITAL PROVENANCE TASK FORCE.

(a) DEFINITIONS.—In this section:

(1) DIGITAL CONTENT FORGERY.—The term “digital content forgery” means audio, visual, or text content fabricated or manipu-

lated with the intent to mislead and be indistinguishable from reality, created through the use of technologies, including those that apply artificial intelligence techniques such as generative adversarial networks.

(2) DIGITAL CONTENT PROVENANCE.—The term “digital content provenance” means the verifiable chronology of the origin and history of a piece of digital content, such as an image, video, audio recording, or electronic document.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a private sector or nonprofit organization; or

(B) an institution of higher education.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(5) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means—

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

(B) the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives;

(C) the Committee on Commerce, Science, and Transportation of the Senate;

(D) the Committee on Science, Space, and Technology of the House of Representatives;

(E) the Committee on the Judiciary of the Senate; and

(F) the Committee on the Judiciary of the House of Representatives.

(6) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(7) TASK FORCE.—The term “Task Force” means the National Deepfake and Provenance Task Force established under subsection (b)(1).

(b) ESTABLISHMENT OF TASK FORCE.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Administrator of the National Telecommunications and Information Administration, shall establish a task force, to be known as “the National Deepfake Provenance Task Force”, to—

(A) investigate the feasibility of, and obstacles to, developing and deploying standards and technologies for determining digital content provenance;

(B) propose policy changes to reduce the proliferation and impact of digital content forgeries, such as the adoption of digital content provenance and technology standards;

(C) serve as a formal mechanism for interagency coordination and information sharing to facilitate the creation and implementation of a national strategy to address the growing threats posed by digital content forgeries; and

(D) investigate existing digital content forgery generation technologies, potential detection methods, and disinformation mitigation solutions.

(2) MEMBERSHIP.—

(A) CHAIRPERSON.—The Secretary, or a designee of the Secretary, shall serve as chairperson of the Task Force.

(B) COMPOSITION.—The Task Force shall be composed of not fewer than 13 members, of whom—

(i) not fewer than 5 shall be representatives from the Federal Government, including the chairperson of the Task Force, the Director of the National Institute of Standards and Technology, and the Administrator of the National Telecommunications and Information Administration;

(ii) not fewer than 4 shall be representatives from institutions of higher education; and

(iii) not fewer than 4 shall be representatives from private or nonprofit organizations.

(C) APPOINTMENT.—Not later than 120 days after the date of enactment of this Act, the chairperson of the Task Force shall appoint members to the Task Force in accordance with subparagraph (B) from among technical experts in—

- (i) artificial intelligence;
- (ii) media manipulation;
- (iii) digital forensics;
- (iv) secure digital content and delivery;
- (v) cryptography;
- (vi) privacy;
- (vii) civil rights; or
- (viii) related subjects.

(D) TERM OF APPOINTMENT.—The term of a member of the Task Force shall end on the date described in subsection (g)(1).

(E) VACANCY.—Any vacancy occurring in the membership of the Task Force shall be filled in the same manner in which the original appointment was made.

(F) EXPENSES FOR NON-FEDERAL MEMBERS.—Members of the Task Force described in clauses (ii) and (iii) of subparagraph (B) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

(c) COORDINATED PLAN.—

(1) IN GENERAL.—The Task Force shall develop a coordinated plan to—

(A) reduce the proliferation and impact of digital content forgeries, including by exploring how the adoption of a digital content provenance standard could assist with reducing the proliferation of digital content forgeries;

(B) develop mechanisms for content creators to—

(i) cryptographically certify the authenticity of original media and non-deceptive manipulations; and

(ii) enable the public to validate the authenticity of original media and non-deceptive manipulations to establish digital content provenance; and

(C) increase the ability of internet companies, journalists, watchdog organizations, other relevant entities, and members of the public to meaningfully scrutinize and identify potential digital content forgeries.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A Government-wide research and development agenda to—

(i) improve technologies and systems to detect digital content forgeries; and

(ii) relay information about digital content provenance to content consumers.

(B) An assessment of the feasibility of, and obstacles to, the deployment of technologies and systems to capture, preserve, and display digital content provenance.

(C) A framework for conceptually distinguishing between digital content with benign or helpful alternations and digital content forgeries.

(D) An assessment of the technical feasibility of, and challenges in, distinguishing between—

(i) benign or helpful alterations to digital content; and

(ii) intentionally deceptive or obfuscating alterations to digital content.

(E) A discussion of best practices, including any necessary standards, for the adoption and effective use of technologies and systems to determine digital content provenance and detect digital content forgeries while protecting fair use.

(F) Conceptual proposals for necessary research projects and experiments to further develop successful technology to ascertain digital content provenance.

(G) Proposed policy changes, including changes in law, to—

(i) incentivize the adoption of technologies, systems, open standards, or other means to detect digital content forgeries and determine digital content provenance; and

(ii) reduce the incidence, proliferation, and impact of digital content forgeries.

(H) Recommendations for models for public-private partnerships to fight disinformation and reduce digital content forgeries, including partnerships that support and collaborate on—

(i) industry practices and standards for determining digital content provenance;

(ii) digital literacy education campaigns and user-friendly detection tools for the public to reduce the proliferation and impact of disinformation and digital content forgeries;

(iii) industry practices and standards for documenting relevant research and progress in machine learning; and

(iv) the means and methods for identifying and addressing the technical and financial infrastructure that supports the proliferation of digital content forgeries, such as inauthentic social media accounts and bank accounts.

(I) An assessment of privacy and civil liberties requirements associated with efforts to deploy technologies and systems to determine digital content provenance or reduce the proliferation of digital content forgeries, including statutory or other proposed policy changes.

(J) A determination of metrics to define the success of—

(i) technologies or systems to detect digital content forgeries;

(ii) technologies or systems to determine digital content provenance; and

(iii) other efforts to reduce the incidence, proliferation, and impact of digital content forgeries.

(d) CONSULTATIONS.—In carrying out subsection (c), the Task Force shall consult with the following:

(1) The Director of the National Science Foundation.

(2) The National Academies of Sciences, Engineering, and Medicine.

(3) The Director of the National Institute of Standards and Technology.

(4) The Director of the Defense Advanced Research Projects Agency.

(5) The Director of the Intelligence Advanced Research Projects Activity of the Office of the Director of National Intelligence.

(6) The Secretary of Energy.

(7) The Secretary of Defense.

(8) The Attorney General.

(9) The Secretary of State.

(10) The Federal Trade Commission.

(11) The United States Trade Representative.

(12) Representatives from private industry and nonprofit organizations.

(13) Representatives from institutions of higher education.

(14) Such other individuals as the Task Force considers appropriate.

(e) STAFF.—

(1) IN GENERAL.—Staff of the Task Force shall be comprised of detailees with expertise in artificial intelligence or related fields from—

(A) the Department of Homeland Security;

(B) the National Telecommunications and Information Administration;

(C) the National Institute of Standards and Technology; or

(D) any other Federal agency the chairperson of the Task Force consider appropriate with the consent of the head of the Federal agency.

(2) OTHER ASSISTANCE.—

(A) IN GENERAL.—The chairperson of the Task Force may enter into an agreement

with an eligible entity for the temporary assignment of employees of the eligible entity to the Task Force in accordance with this paragraph.

(B) APPLICATION OF ETHICS RULES.—An employee of an eligible entity assigned to the Task Force under subparagraph (A)—

(i) shall be considered a special Government employee for the purpose of Federal law, including—

(I) chapter 11 of title 18, United States Code; and

(II) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(ii) notwithstanding section 202(a) of title 18, United States Code, may be assigned to the Task Force for a period of not more than 2 years.

(C) FINANCIAL LIABILITY.—An agreement entered into with an eligible entity under subparagraph (A) shall require the eligible entity to be responsible for any costs associated with the assignment of an employee to the Task Force.

(D) TERMINATION.—The chairperson of the Task Force may terminate the assignment of an employee to the Task Force under subparagraph (A) at any time and for any reason.

(f) TASK FORCE REPORTS.—

(1) INTERIM REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date on which all of the appointments have been made under subsection (b)(2)(C), the Task Force shall submit to the President and the relevant congressional committees an interim report containing the findings, conclusions, and recommendations of the Task Force.

(B) CONTENTS.—The report required under subparagraph (A) shall include specific recommendations for ways to reduce the proliferation and impact of digital content forgeries, including the deployment of technologies and systems to determine digital content provenance.

(2) FINAL REPORT.—Not later than 180 days after the date of the submission of the interim report under paragraph (1)(A), the Task Force shall submit to the President and the relevant congressional committees a final report containing the findings, conclusions, and recommendations of the Task Force, including the plan developed under subsection (c).

(3) REQUIREMENTS.—With respect to each report submitted under this subsection—

(A) the Task Force shall make the report publicly available; and

(B) the report—

(i) shall be produced in an unclassified form; and

(ii) may include a classified annex.

(g) TERMINATION.—

(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the date on which the Task Force submits the final report under subsection (f)(2).

(2) RECORDS.—Upon the termination of the Task Force under paragraph (1), each record of the Task Force shall become a record of the National Archives and Records Administration.

SA 5993. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DEPARTMENT OF DEFENSE SPECTRUM AUDIT.

(a) AUDIT AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall jointly—

(1) conduct an audit of the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit; and

(2) submit to Congress, and make available to each Member of Congress upon request, a report containing the results of the audit conducted under paragraph (1).

(b) CONTENTS OF REPORT.—The Assistant Secretary of Commerce for Communications and Information and the Secretary of Defense shall include in the report submitted under subsection (a)(2), with respect to the electromagnetic spectrum that is assigned or otherwise allocated to the Department of Defense as of the date of the audit—

(1) each particular band of spectrum being used by the Department of Defense;

(2) a description of each purpose for which a particular band described in paragraph (1) is being used, and how much of the band is being used for that purpose;

(3) the geographic area in which a particular band described in paragraph (1) is being used;

(4) whether a particular band described in paragraph (1) is used exclusively by the Department of Defense or shared with a non-Federal entity; and

(5) any portion of the spectrum that is not being used by the Department of Defense.

(c) FORM OF REPORT.—The report required under subsection (a)(2) shall be submitted in unclassified form but may include a classified annex.

SA 5994. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 _____. GREATER SAGE-GROUSE PROTECTION AND RECOVERY.

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

(1) to facilitate implementation of State management plans over a period of multiple, consecutive greater sage-grouse life cycles; and

(2) to demonstrate the efficacy of the State management plans for the protection and recovery of the greater sage-grouse.

(b) DEFINITIONS.—In this section:

(1) FEDERAL RESOURCE MANAGEMENT PLAN.—The term “Federal resource management plan” means—

(A) a land use plan prepared by the Bureau of Land Management for public land pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); and

(B) a land and resource management plan prepared by the Forest Service for National

Forest System land pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(2) GREATER SAGE-GROUSE.—The term “greater sage-grouse” means a sage-grouse of the species *Centrocercus urophasianus*.

(3) STATE MANAGEMENT PLAN.—The term “State management plan” means a State-approved plan for the protection and recovery of the greater sage-grouse.

(c) PROTECTION AND RECOVERY OF GREATER SAGE-GROUSE.—

(1) ENDANGERED SPECIES ACT OF 1973 FINDINGS.—

(A) DELAY REQUIRED.—The Secretary of the Interior may not modify or invalidate the finding of the Director of the United States Fish and Wildlife Service announced in the proposed rule entitled “Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to List Greater Sage-Grouse (*Centrocercus urophasianus*) as an Endangered or Threatened Species” (80 Fed. Reg. 59858 (October 2, 2015)) during the 10-year period beginning on the date of enactment of this Act.

(B) EFFECT ON OTHER LAWS.—The delay required under subparagraph (A) is and shall remain effective without regard to any other statute, regulation, court order, legal settlement, or any other provision of law or in equity.

(C) EFFECT ON CONSERVATION STATUS.—The conservation status of the greater sage-grouse shall be considered not to warrant listing of the greater sage-grouse as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) during the 10-year period beginning on the date of enactment of this Act.

(2) COORDINATION OF FEDERAL LAND MANAGEMENT AND STATE CONSERVATION AND MANAGEMENT PLANS.—

(A) PROHIBITION ON WITHDRAWAL AND MODIFICATION OF FEDERAL RESOURCE MANAGEMENT PLANS.—On notification by the Governor of a State with a State management plan, the Secretary of the Interior and the Secretary of Agriculture may not make, modify, or extend any withdrawal or amend or otherwise modify any Federal resource management plan applicable to Federal land in the State in a manner inconsistent with the State management plan for, as specified by the Governor in the notification, a period of not fewer than 5 years beginning on the date of the notification.

(B) RETROACTIVE EFFECT.—In the case of any State that provides notification under subparagraph (A), if any withdrawal was made, modified, or extended or any amendment or modification of a Federal resource management plan applicable to Federal land in the State was issued after June 1, 2014, and the withdrawal, amendment, or modification altered the management of the greater sage-grouse or the habitat of the greater sage-grouse—

(i) implementation and operation of the withdrawal, amendment, or modification shall be stayed to the extent that the withdrawal, amendment, or modification is inconsistent with the State management plan; and

(ii) the Federal resource management plan, as in effect immediately before the withdrawal, amendment, or modification, shall apply instead with respect to the management of the greater sage-grouse and the habitat of the greater sage-grouse, to the extent consistent with the State management plan.

(C) DETERMINATION OF INCONSISTENCY.—Any disagreement regarding whether a withdrawal, amendment, or other modification of a Federal resource management plan is inconsistent with a State management plan

shall be resolved by the Governor of the affected State.

(3) RELATION TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—With regard to any major Federal action consistent with a State management plan, any findings, analyses, or conclusions regarding the greater sage-grouse and the habitat of the greater sage-grouse under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not have a preclusive effect on the approval or implementation of the major Federal action in that State.

(4) REPORTING REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through the date that is 10 years after that date of enactment, the Secretary of the Interior and the Secretary of Agriculture shall jointly submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the implementation by the Secretaries of, and the effectiveness of, systems to monitor the status of greater sage-grouse on Federal land under the jurisdiction of the Secretaries.

(5) JUDICIAL REVIEW.—Notwithstanding any other provision of law (including regulations), this subsection, including any determination made under paragraph (2)(C), shall not be subject to judicial review.

SEC. 10. IMPLEMENTATION OF LESSER PRAIRIE-CHICKEN RANGE-WIDE CONSERVATION PLAN AND OTHER CONSERVATION MEASURES.

(a) DEFINITIONS.—In this section:

(1) CANDIDATE CONSERVATION AGREEMENT; CANDIDATE CONSERVATION AGREEMENT WITH ASSURANCES.—The terms “Candidate Conservation Agreement” and “Candidate Conservation Agreement with Assurances” have the meanings given those terms in the announcement of the Department of the Interior and the Department of Commerce entitled “Announcement of Final Policy for Candidate Conservation Agreements with Assurances” (64 Fed. Reg. 32726 (June 17, 1999)).

(2) LESSER PRAIRIE-CHICKEN.—The term “lesser prairie-chicken” means a prairie-chicken of the species *Tympanuchus pallidicinctus*.

(3) RANGE-WIDE PLAN.—The term “Range-Wide Plan” means the lesser prairie-chicken Range-Wide Conservation Plan of the Western Association of Fish and Wildlife Agencies, as described in the proposed rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Listing the Lesser-Prairie Chicken as a Threatened Species with a Special Rule” (79 Fed. Reg. 4652 (January 29, 2014)).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) PROHIBITION ON TREATMENT AS THREATENED OR ENDANGERED SPECIES.—

(1) IN GENERAL.—Notwithstanding any prior action by the Secretary, the lesser prairie-chicken shall not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) before the date that is 10 years after the date of enactment of this Act.

(2) PROHIBITION ON PROPOSAL.—Effective beginning on the date that is 10 years after the date of enactment of this Act, the lesser prairie-chicken may not be treated as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) unless the Secretary publishes a determination, based on the totality of the scientific evidence, that conservation (as that term is used in that Act) under the Range-Wide Plan and the agreements, programs, and efforts described in subsection (c)

have not achieved the conservation goals established by the Range-Wide Plan.

(c) MONITORING OF PROGRESS OF CONSERVATION PROGRAMS.—The Secretary shall monitor and annually submit to Congress a report on the conservation progress of the lesser prairie-chicken under the Range-Wide Plan and all related—

(1) Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances;

(2) Federal conservation programs administered by the Director of the United States Fish and Wildlife Service, the Director of the Bureau of Land Management, and the Secretary of Agriculture;

(3) State conservation programs; and

(4) private conservation efforts.

SEC. 10. REMOVAL OF ENDANGERED SPECIES STATUS FOR AMERICAN BURYING BEETLE.

Notwithstanding the final rule of the United States Fish and Wildlife Service entitled “Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the American Burying Beetle” (54 Fed. Reg. 29652 (July 13, 1989)), the American burying beetle (*Nicrophorus americanus*) may not be listed as a threatened species or an endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SA 5995. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON ENERGY PRODUCT SUPPLY CHAINS.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the strength and vitality of United States energy product supply chains, including—

(1) the level of dependence of the United States on foreign nations for energy products;

(2) the impact of Federal regulations and statutes, including subtitle II of title 46, United States Code, on United States energy product supply chains; and

(3) recommendations on how to secure and protect United States energy product supply chains.

SA 5996. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. WAIVER OF COASTWISE ENDORSEMENT REQUIREMENTS.

Section 12112 of title 46, United States Code, is amended by adding at the end the following:

“(c) **WAIVERS IN CASES OF PRODUCT CARRIER SCARCITY OR UNAVAILABILITY.**—

“(1) **IN GENERAL.**—The head of an agency shall, upon request, temporarily waive the requirements of subsection (a), including the requirement to satisfy section 12103, if the person requesting that waiver reasonably demonstrates to the head of an agency that—

“(A) there is no product carrier, with respect to a specified good, that meets such requirements, exists, and is available to carry such good; and

“(B) the person made a good faith effort to locate a product carrier that complies with such requirements.

“(2) **DURATION.**—Any waiver issued under paragraph (1) shall be limited in duration, and shall expire by a specified date that is not less than 30 days after the date on which the waiver is issued.

“(3) **EXTENSION.**—Upon request, if the circumstances under which a waiver was issued under paragraph (1) have not substantially changed, the head of an agency shall, without delay, grant one or more extensions to a waiver issued under paragraph (1), for periods of not less than 15 days each.

“(4) **DEADLINE FOR WAIVER RESPONSE.**—

“(A) **RESPONSE DEADLINE.**—Not later than 60 days after receiving a request for a waiver under paragraph (1), the head of an agency shall approve or deny such request.

“(B) **FINDINGS IN SUPPORT OF DENIED WAIVER.**—If the head of an agency denies such a request, the head of an agency shall, not later than 14 days after denying the request, submit to the requester a report that includes the findings that served as the basis for denying the request.

“(C) **REQUEST DEEMED GRANTED.**—If the head of an agency has neither granted nor denied the request before the response deadline described in subparagraph (A), the request shall be deemed granted on the date that is 61 days after the date on which the head of an agency received the request. A waiver that is deemed granted under this subparagraph shall be valid for a period of 30 days.

“(5) **NOTICE TO CONGRESS.**—

“(A) **IN GENERAL.**—The head of an agency shall notify Congress—

“(i) of any request for a temporary waiver under this subsection, not later than 48 hours after receiving such request; and

“(ii) of the issuance of any such waiver, not later than 48 hours after such issuance.

“(B) **CONTENTS.**—The head of an agency shall include in each notification under subparagraph (A)(ii) a detailed explanation of the reasons the waiver is necessary.

“(6) **DEFINITIONS.**—In this subsection:

“(A) **PRODUCT CARRIER.**—The term ‘product carrier’, with respect to a good, means a vessel constructed or adapted primarily to carry such good in bulk in the cargo spaces.

“(B) **HEAD OF AN AGENCY.**—The term ‘head of an agency’ means an individual, or such individual acting in that capacity, who is responsible for the administration of the navigation or vessel inspection laws.”.

SA 5997. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense ac-

tivities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking “WYOMING” and inserting “THE STATE OF WYOMING OR UTAH”; and

(2) by striking “Wyoming” and inserting “the State of Wyoming or Utah”.

SA 5998. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. CLARIFICATION OF EMERGENCY WAR FUNDING FOR PURPOSES OF DETERMINING ELIGIBLE COSTS.

(a) **DEFINITION OF EMERGENCY WAR FUNDING.**—For purposes of determining eligible costs for emergency war funding, the term “emergency war funding”—

(1) means a contingency operation (as defined in section 101(a) of title 10, United States Code) conducted by the Department of Defense that—

(A) is conducted in a foreign country;

(B) has geographical limits;

(C) is not longer than 60 days; and

(D) provides only—

(i) replacement of ground equipment lost or damaged in conflict;

(ii) equipment modifications;

(iii) munitions;

(iv) replacement of aircraft lost or damaged in conflict;

(v) military construction for short-term temporary facilities;

(vi) direct war operations; and

(vii) fuel; and

(2) does not include any operation that provides for—

(A) research and development; or

(B) training, equipment, and sustainment activities for foreign military forces.

(b) **REPORT TO BE INCLUDED IN THE PRESIDENT’S BUDGET SUBMISSION TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Director of the Office of Management and Budget shall submit to Congress a report on the effect of the clarified definition of emergency war funding under subsection (a) on the process for determining eligible costs for emergency war funding.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) For the subsequent fiscal year, a plan for transferring to the base budget any activities that do not meet such definition.

(B) For each of the subsequent five fiscal years, the anticipated emergency war funding based on such clarified definition.

(c) **POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT**

MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.—

(1) **IN GENERAL.**—Title IV of the Congressional Budget Act of 1974 (2 U.S.C. 651 et seq.) is amended by adding at the end the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION**“SEC. 441. POINT OF ORDER AGAINST FUNDING FOR CONTINGENCY OPERATIONS THAT DOES NOT MEET THE REQUIREMENTS FOR EMERGENCY WAR FUNDING.**

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘contingency operation’ has the meaning given that term in section 101 of title 10, United States Code; and

“(2) the term ‘emergency war funding’ has the meaning given that term in section 1276 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.

“(b) **POINT OF ORDER.**—

“(1) **IN GENERAL.**—In the Senate, it shall not be in order to consider a provision in a bill, joint resolution, motion, amendment, amendment between the Houses, or conference report that provides new budget authority for a contingency operation, unless the provision of new budget authority meets the requirements to constitute emergency war funding.

“(2) **POINT OF ORDER SUSTAINED.**—If a point of order is made by a Senator against a provision described in paragraph (1), and the point of order is sustained by the Chair, that provision shall be stricken from the measure and may not be offered as an amendment from the floor.

“(c) **FORM OF THE POINT OF ORDER.**—A point of order under subsection (b)(1) may be raised by a Senator as provided in section 313(e).

“(d) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill or joint resolution, upon a point of order being made by any Senator pursuant to subsection (b)(1), and such point of order being sustained, such material contained in such conference report or House amendment shall be stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

“(e) **SUPERMAJORITY WAIVER AND APPEAL.**—

“(1) **WAIVER.**—Subsection (b)(1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

“(2) **APPEALS.**—Debate on appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (b)(1).”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of contents in section 1(b) of the Congressional Budget Act of 1974 is amended by inserting after the item relating to section 428 the following:

“PART C—ADDITIONAL LIMITATIONS ON BUDGETARY AND APPROPRIATIONS LEGISLATION

“Sec. 441. Point of order against funding for contingency operations that does not meet the requirements for emergency war funding.”.

SA 5999. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10. CATEGORICAL EXCLUSIONS IN ENVIRONMENTAL REVIEWS.

(a) DEFINITIONS.—In this section:

(1) ENVIRONMENTAL ASSESSMENT.—The term “environmental assessment” has the meaning given the term in section 1508.1 of title 40, Code of Federal Regulations (or a successor regulation).

(2) ENVIRONMENTAL IMPACT STATEMENT.—The term “environmental impact statement” means a detailed statement required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) PROPOSED ACTION.—The term “proposed action” means an action (within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) proposed to be carried out by the Secretary under this Act.

(4) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(b) CATEGORICAL EXCLUSIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to paragraph (2), the Secretary may, with respect to a proposed action and without further approval, use a categorical exclusion under title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) that has been approved by—

(A)(i) another Federal agency; and
(ii) the Council on Environmental Quality; or

(B) an Act of Congress.

(2) REQUIREMENTS.—The Secretary may use a categorical exclusion described in paragraph (1) if the Secretary—

(A) carefully reviews the description of the proposed action to ensure that it fits within the category of actions described in the categorical exclusion; and

(B) considers the circumstances associated with the proposed action to ensure that there are no extraordinary circumstances that warrant the preparation of an environmental assessment or an environmental impact statement.

SA 6000. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DESIGNATION OF OVERLAND SUPERSONIC AND HYPERSONIC TESTING CORRIDOR.

(a) DESIGNATION.—

(1) IN GENERAL.—Notwithstanding section 91.817 of title 14, Code of Federal Regulations, not later than 180 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration (in this section referred to as the “Administrator”), in consultation with the Secretary of Defense, shall designate an overland supersonic and hypersonic testing corridor in the United States that runs from Edwards Air Force Base, California to the Utah Test and Training Range and Dugway Proving Ground in Utah for the purposes described in subsection (b).

(2) REQUIREMENTS.—

(A) MILITARY OPERATION AREAS.—In designating the corridor under paragraph (1), the Administrator shall—

(i) to the extent practicable, designate the corridor within existing military operation areas (in this section referred to as “MOA”) in the area described in such paragraph; or

(ii) if necessary, designate new MOA airspace to complete the corridor and ensure that the corridor is suitable for testing.

(B) INCREASED ALTITUDE.—The Administrator shall—

(i) set the vertical limits in the corridor designated under paragraph (1) at FL 600; and

(ii) increase, as necessary, the vertical limit of any existing MOA in the corridor to FL 600.

(b) PURPOSES OF DESIGNATED CORRIDOR.—The corridor designated under subsection (a)(1) shall be used for the following purposes:

(1) To test supersonic and hypersonic military passenger aircraft and military non-passenger aircraft.

(2) To test supersonic and hypersonic civil aircraft subject to subsection (e).

(c) TESTING REQUIREMENTS.—Any supersonic or hypersonic aircraft testing in the corridor designated under subsection (a)(1) shall meet the following requirements:

(1) The testing shall only occur between the hours of 7:00 AM and 7:00 PM (in the time zone in which the testing occurs).

(2) The testing shall not include any commercial passengers or commercial cargo.

(d) SPECIAL FLIGHT AUTHORIZATION REQUIREMENTS.—With respect to special flight authorizations under section 91.818(c) of title 14, Code of Federal Regulations, for civil aircraft testing as described in subsection (b)(2), the Administrator shall do the following:

(1) PERMIT SONIC BOOM OVERPRESSURE.—In considering the environmental findings to grant a special flight authorization, the Administrator shall permit a measurable amount of sonic boom overpressure outside of the corridor designated under subsection (a)(1), as long as the available data is sufficient for the Administrator to determine that the sonic boom overpressure does not significantly affect the quality of the human environment.

(2) NOISE IMPACT DATA.—

(A) IN GENERAL.—Subject to subparagraph (B), in considering the environmental findings to grant a special flight authorization, the Administrator shall not require any additional environmental impact analysis regarding noise impact if—

(i) an applicant presents data generated from FAA-approved software; and

(ii) such data reasonably demonstrates that there is no additional noise impact due

to the applicant’s testing of supersonic or hypersonic civil aircraft.

(B) EXCEPTION.—The Administrator may require an additional environmental impact analysis regarding noise impact if the Administrator certifies that extraordinary circumstances exist to justify such additional analysis.

(3) REUSE OF RESEARCH AND FINDINGS.—The Administrator shall reuse any applicable research and findings from a prior supersonic or hypersonic civil aircraft test and incorporate such research and findings into any applicable analysis necessary to grant a special flight authorization if the prior supersonic or hypersonic civil aircraft test—

(A) was under similar conditions to the testing proposed by the applicant for the special flight authorization; and

(B) considered similar issues or decisions as the testing proposed by the applicant for the special flight authorization.

(e) CIVIL TESTING.—The Secretary of Defense shall allow civil aircraft testing as described in subsection (b)(2), unless—

(1) such testing would interfere with any military operations or testing in the corridor; or

(2) the Administrator has not granted a special flight authorization under section 91.818(c) of title 14, Code of Federal Regulations, for such testing.

SA 6001. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. PROHIBITION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO VETTED SYRIAN OPPOSITION.

None of the funds authorized to be appropriated by this Act may be obligated or expended for activities under section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3541).

SA 6002. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1026. CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NORTH ATLANTIC TREATY ORGANIZATION COUNTRIES.

Section 8679 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsections (b) and (c)”; and

(2) by redesignating subsection (c) as subsection (d); and

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

“(c) CONSTRUCTION OF NAVAL VESSELS IN SHIPYARDS IN NATO COUNTRIES.—The Secretary of the Navy may construct a naval vessel in a foreign shipyard if—

“(1) the shipyard is located within the boundaries of a member country of the North Atlantic Treaty Organization; and

“(2) the cost of construction of such vessel in such shipyard will be less than the cost of construction of such vessel in a domestic shipyard.”.

SA 6003. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Military Humanitarian Operations

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Military Humanitarian Operations Act of 2022”.

SEC. 1282. MILITARY HUMANITARIAN OPERATION DEFINED.

(a) IN GENERAL.—In this subtitle, the term “military humanitarian operation” means a military operation involving the deployment of members or weapons systems of the United States Armed Forces where hostile activities are reasonably anticipated and with the aim of preventing or responding to a humanitarian catastrophe, including its regional consequences, or addressing a threat posed to international peace and security. The term includes—

(1) operations undertaken pursuant to the principle of the “responsibility to protect” as referenced in United Nations Security Council Resolution 1674 (2006);

(2) operations specifically authorized by the United Nations Security Council, or other international organizations; and

(3) unilateral deployments and deployments made in coordination with international organizations, treaty-based organizations, or coalitions formed to address specific humanitarian catastrophes.

(b) OPERATIONS NOT INCLUDED.—The term “military humanitarian operation” does not mean a military operation undertaken for the following purposes:

(1) Responding to or repelling attacks, or preventing imminent attacks, on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(2) Direct acts of reprisal for attacks on the United States or any of its territorial possessions, embassies, or consulates, or members of the United States Armed Forces.

(3) Invoking the inherent right to individual or collective self-defense in accordance with Article 51 of the Charter of the United Nations.

(4) Military missions to rescue United States citizens or military or diplomatic personnel abroad.

(5) Humanitarian missions in response to natural disasters where no civil unrest or combat with hostile forces is reasonably anticipated, and where such operation is for not more than 30 days.

(6) Actions to maintain maritime freedom of navigation, including actions aimed at combating piracy.

(7) Training exercises conducted by the United States Armed Forces abroad where no combat with hostile forces is reasonably anticipated.

SEC. 1283. REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION.

The President may not deploy members of the United States Armed Forces into the territory, airspace, or waters of a foreign country for a military humanitarian operation not previously authorized by statute unless—

(1) the President submits to Congress a formal request for authorization to use members of the Armed Forces for the military humanitarian operation; and

(2) Congress enacts a specific authorization for such use of forces.

SEC. 1284. SEVERABILITY.

If any provision of this subtitle is held to be unconstitutional, the remainder of the subtitle shall not be affected.

SA 6004. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PARTICIPATION IN HEALTH SAVINGS ACCOUNTS.

(a) IN GENERAL.—Subparagraph (C) of section 223(c)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(C) SPECIAL RULE FOR INDIVIDUALS ELIGIBLE FOR CERTAIN DEPARTMENT OF DEFENSE OR VETERANS BENEFITS.—An individual shall be treated as an eligible individual for any period if the individual—

“(i) receives hospital care or medical services under any law administered by the Secretary of Veterans Affairs for a service-connected disability (within the meaning of section 101(16) of title 38, United States Code),

“(ii) is covered under the TRICARE program (as defined in section 1072 of title 10, United States Code), or

“(iii) is enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. _____. TREATMENT OF DIETARY SUPPLEMENTS AS MEDICAL EXPENSES FOR CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Paragraph (2) of section 223(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) DIETARY SUPPLEMENTS.—In the case of an individual to whom subsection (c)(1)(C) applies, amounts paid for dietary supplements shall be treated as paid for medical care. For purposes of this paragraph, the term ‘dietary supplement’ has the meaning given such term by section 201(ff) of the Federal Food, Drug, and Cosmetic Act.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SA 6005. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1003. TREATMENT OF FUNDS RECEIVED BY NATIONAL GUARD BUREAU AS REIMBURSEMENT FROM STATES.

Section 710 of title 32, United States Code, is amended by adding at the end the following new subsection:

“(g) TREATMENT OF REIMBURSED FUNDS.—Any funds received by the National Guard Bureau from a State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands as reimbursement under this section for the use of military property shall be credited to—

“(1) the appropriation, fund, or account used in incurring the obligation; or

“(2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made.”.

SA 6006. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. SECRETARY OF DEFENSE CONSIDERATION OF POWERED EXOSKELETONS AND HUMAN CONTROLLED ROBOTS FOR HEAVY LIFT SUSTAINMENT TASKS.

Whenever the Secretary of Defense evaluates the research and development of emerging war-fighting technologies, the Secretary shall consider the use of full-body, autonomously powered exoskeletons and semi-autonomous or tele-operated single or dual-armed, human controlled robots used for heavy lift sustainment tasks.

SA 6007. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title IV, add the following:

Subtitle D—Other Matters

SEC. 431. REPORTING ON END STRENGTH RATIONALES.

Section 115a(b) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”;

(2) by inserting “, including an assessment of the most important threats facing the United States by regional command and how personnel end strength level requests address those specific threats” after “in effect at the time”; and

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

“(2) Not later than May 1 each year, the Secretary shall provide a briefing to Congress including—

“(A) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each component of the Department of Defense;

“(B) the rationale for recommended increases or decreases in active, reserve, and civilian personnel for each of the regional combatant commands;

“(C) the primary functions or missions of military and civilian personnel in each regional combatant command; and

“(D) an assessment of any areas in which decreases in active, reserve, or civilian personnel would not result in a decrease in readiness.”.

SA 6008. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2811. CLARIFICATION OF MILITARY CONSTRUCTION FUNDING UNDER CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM BUDGET.

Section 1701(d)(2) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1522(d)(2)) is amended by inserting after “military construction projects.” the following new sentence: “For any military installation with a dual mission set in which one mission falls under the program, the office assigned under subsection (b)(1) shall be the primary office for receipt of any funding requests for military construction at such installation in support of the mission of the program.”.

SA 6009. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1052. GUARANTEEING DUE PROCESS FOR UNITED STATES CITIZENS AND LAWFUL PERMANENT RESIDENTS.

(a) **SHORT TITLE.**—This section may be cited as the “Due Process Guarantee Act”.

(b) **PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.**—

(1) **LIMITATION ON DETENTION.**—

(A) **IN GENERAL.**—Section 4001(a) of title 18, United States Code, is amended—

(i) by striking “No citizen” and inserting the following:

“(1) No citizen or lawful permanent resident of the United States”; and

(ii) by adding at the end the following:

“(2) Any Act of Congress that authorizes an imprisonment or detention described in paragraph (1) shall be consistent with the Constitution and shall expressly authorize such imprisonment or detention.”.

(B) **APPLICABILITY.**—Nothing in section 4001(a)(2) of title 18, United States Code, as added by subparagraph (A)(ii), may be construed to limit, narrow, abolish, or revoke any detention authority conferred by statute, declaration of war, authorization to use military force, or similar authority effective before the date of the enactment of this Act.

(2) **RELATIONSHIP TO AN AUTHORIZATION TO USE MILITARY FORCE, DECLARATION OF WAR, OR SIMILAR AUTHORITY.**—Section 4001 of title 18, United States Code, as amended by paragraph (1), is further amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following:

“(b)(1) No United States citizen or lawful permanent resident who is apprehended in the United States may be imprisoned or otherwise detained without charge or trial unless such imprisonment or detention is expressly authorized by an Act of Congress.

“(2) A general authorization to use military force, a declaration of war, or any similar authority, on its own, may not be construed to authorize the imprisonment or detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

“(3) Paragraph (2) shall apply to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the Due Process Guarantee Act.

“(4) Nothing in this section may be construed to authorize the imprisonment or detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

SA 6010. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 521, strike subsection (g) and insert the following:

(g) **SEPARATE VOTE REQUIREMENT FOR INDUCTION OF MEN AND WOMEN.**—

(1) **FINDINGS.**—Congress makes the following findings:

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to “raise and support Armies”.

(B) The United States first required military conscription in the American Civil War under the Civil War Military Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the volunteer force to support exceedingly high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President's induction authority to “no greater number of men than the Congress shall hereafter make specific appropriation for from time to time”.

(E) Congress allowed induction authority to lapse in 1947.

(F) Congress reinstated the President's induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President's induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose.

(2) **AMENDMENT.**—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection: Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended by adding at the end the following new subsection:

“(d) No person shall be inducted for training and service in the Armed Forces unless Congress first passes and there is enacted—

“(1) a law expressly authorizing such induction into service; and

“(2) a law authorizing separately—

“(A) the number of male persons subject to such induction into service; and

“(B) the number of female persons subject to such induction into service.”.

(h) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect 1 year after such date of enactment.

SA 6011. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 372. REPORT ON CARBON FIBER USED FOR DEPARTMENT OF DEFENSE PURPOSES.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress and relevant Federal agencies, as determined by the

Secretary, which shall include the Department of Commerce, and publish in the Federal Register, a report that contains the following:

(1) The percentages of each of the following categories of military vehicles owned or scheduled to be owned by the Department of Defense that utilize foreign-sourced carbon fiber or domestic-sourced carbon fiber with foreign-sourced polyacrylonitrile:

(A) Next-generation aircraft and systems for such aircraft.

(B) Hypersonic aircraft and vehicles.

(C) Unmanned air vehicles.

(2) A list of foreign countries from which the Department of Defense imports carbon fiber or polyacrylonitrile, including the amount imported from each country.

(3) An assessment of the current state of production in the United States of carbon fiber and polyacrylonitrile.

SA 6012. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) **FINDING.**—Congress finds that section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 63 Stat. 2241)—

(1) expresses the sense of Congress that, due to threats that are ever-changing, Congress must be informed with respect to allied contributions to the common defense to properly assess the readiness of the United States and the countries described in subsection (c)(2) for threats; and

(2) requires the Secretary to submit to Congress an annual report on the contributions of allies to the common defense.

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

(1) the threats facing the United States—

(A) extend beyond the global war on terror; and

(B) include near-peer threats; and

(2) the President should seek from each country described in subsection (c)(2) acceptance of international security responsibilities and agreements to make contributions to the common defense in accordance with the collective defense agreements or treaties to which such country is a party.

(c) **REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.**—

(1) **IN GENERAL.**—Not later than March 1 each year, the Secretary, in coordination with the heads of other Federal agencies, as the Secretary determines to be necessary, shall submit to the appropriate committees of Congress a report containing a description of—

(A) the annual defense spending by each country described in paragraph (2), including available data on nominal budget figures and defense spending as a percentage of the gross domestic products of each such country for the fiscal year immediately preceding the fiscal year in which the report is submitted;

(B) the activities of each such country to contribute to military or stability operations in which the Armed Forces of the

United States are a participant or may be called upon in accordance with a cooperative defense agreement to which the United States is a party;

(C) any limitations placed by any such country on the use of such contributions; and

(D) any actions undertaken by the United States or by other countries to minimize such limitations.

(2) **COUNTRIES DESCRIBED.**—The countries described in this paragraph are the following:

(A) Each member state of the North Atlantic Treaty Organization.

(B) Each member state of the Gulf Cooperation Council.

(C) Each country party to the Inter-American Treaty of Reciprocal Assistance (Rio Treaty), done at Rio de Janeiro September 2, 1947, and entered into force December 3, 1948 (TIAS 1838).

(D) Australia.

(E) Japan.

(F) New Zealand.

(G) The Philippines.

(H) South Korea.

(I) Thailand.

(3) **FORM.**—Each report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

(4) **AVAILABILITY.**—A report submitted under paragraph (1) shall be made available on request to any Member of Congress.

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

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

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

SA 6013. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

Subtitle H—Congressional Approval of National Emergency Declarations

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the “Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act” or the “ARTICLE ONE Act”.

SEC. 1082. CONGRESSIONAL REVIEW OF NATIONAL EMERGENCIES.

Title II of the National Emergencies Act (50 U.S.C. 1621 et seq.) is amended by striking sections 201 and 202 and inserting the following:

“SEC. 201. DECLARATIONS OF NATIONAL EMERGENCIES.

“(a) **AUTHORITY TO DECLARE NATIONAL EMERGENCIES.**—With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such a national emergency by proclamation. Such proclamation shall immediately be transmitted to Congress and published in the Federal Register.

“(b) **SPECIFICATION OF PROVISIONS OF LAW TO BE EXERCISED.**—No powers or authorities made available by statute for use during the period of a national emergency shall be exercised unless and until the President specifies the provisions of law under which the President proposes that the President or other officers will act in—

“(1) a proclamation declaring a national emergency under subsection (a); or

“(2) one or more Executive orders relating to the emergency published in the Federal Register and transmitted to Congress.

“(c) PROHIBITION ON SUBSEQUENT ACTIONS IF EMERGENCIES NOT APPROVED.—

“(1) **SUBSEQUENT DECLARATIONS.**—If a joint resolution of approval is not enacted under section 203 with respect to a national emergency before the expiration of the 30-day period described in section 202(a), or with respect to a national emergency proposed to be renewed under section 202(b), the President may not, during the remainder of the term of office of that President, declare a subsequent national emergency under subsection (a) with respect to the same circumstances.

“(2) **EXERCISE OF AUTHORITIES.**—If a joint resolution of approval is not enacted under section 203 with respect to a power or authority specified by the President in a proclamation under subsection (a) or an Executive order under subsection (b)(2) with respect to a national emergency, the President may not, during the remainder of the term of office of that President, exercise that power or authority with respect to that emergency.

“(d) **EFFECT OF FUTURE LAWS.**—No law enacted after the date of the enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

“SEC. 202. EFFECTIVE PERIODS OF NATIONAL EMERGENCIES.

“(a) **TEMPORARY EFFECTIVE PERIODS.**—

“(1) **IN GENERAL.**—A declaration of a national emergency shall remain in effect for 30 days from the issuance of the proclamation under section 201(a) (not counting the day on which the proclamation was issued) and shall terminate when that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 with respect to the proclamation.

“(2) **EXERCISE OF POWERS AND AUTHORITIES.**—Any emergency power or authority made available under a provision of law specified pursuant to section 201(b) may be exercised pursuant to a declaration of a national emergency for 30 days from the issuance of the proclamation or Executive order (not counting the day on which such proclamation or Executive order was issued). That power or authority may not be exercised after that 30-day period expires unless there is enacted into law a joint resolution of approval under section 203 approving—

“(A) the proclamation of the national emergency or the Executive order; and

“(B) the exercise of the power or authority specified by the President in such proclamation or Executive order.

“(3) **EXCEPTION IF CONGRESS IS UNABLE TO CONVENE.**—If Congress is physically unable to convene as a result of an armed attack upon the United States or another national emergency, the 30-day periods described in paragraphs (1) and (2) shall begin on the first day Congress convenes for the first time after the attack or other emergency.

“(b) **RENEWAL OF NATIONAL EMERGENCIES.**—A national emergency declared by the President under section 201(a) or previously renewed under this subsection, and not already terminated pursuant to subsection (a) or (c), shall terminate on the date that is one year after the President transmitted to Congress the proclamation declaring the emergency or

Congress approved a previous renewal pursuant to this subsection, unless—

“(1) the President publishes in the Federal Register and transmits to Congress an Executive order renewing the emergency; and

“(2) there is enacted into law a joint resolution of approval renewing the emergency pursuant to section 203 before the termination of the emergency or previous renewal of the emergency.

“(c) TERMINATION OF NATIONAL EMERGENCIES.—

“(1) IN GENERAL.—Any national emergency declared by the President under section 201(a) shall terminate on the earliest of—

“(A) the date provided for in subsection (a);

“(B) the date provided for in subsection (b);

“(C) the date specified in an Act of Congress terminating the emergency; or

“(D) the date specified in a proclamation of the President terminating the emergency.

“(2) EFFECT OF TERMINATION.—

“(A) IN GENERAL.—Effective on the date of the termination of a national emergency under paragraph (1)—

“(i) except as provided by subparagraph (B), any powers or authorities exercised by reason of the emergency shall cease to be exercised;

“(ii) any amounts reprogrammed or transferred under any provision of law with respect to the emergency that remain unobligated on that date shall be returned and made available for the purpose for which such amounts were appropriated; and

“(iii) any contracts entered into under any provision of law relating to the emergency shall be terminated.

“(B) SAVINGS PROVISION.—The termination of a national emergency shall not affect—

“(i) any legal action taken or pending legal proceeding not finally concluded or determined on the date of the termination under paragraph (1);

“(ii) any legal action or legal proceeding based on any act committed prior to that date; or

“(iii) any rights or duties that matured or penalties that were incurred prior to that date.

“SEC. 203. REVIEW BY CONGRESS OF NATIONAL EMERGENCIES.

“(a) JOINT RESOLUTION OF APPROVAL DEFINED.—In this section, the term ‘joint resolution of approval’ means a joint resolution that contains only the following provisions after its resolving clause:

“(1) A provision approving—

“(A) a proclamation of a national emergency made under section 201(a);

“(B) an Executive order issued under section 201(b)(2); or

“(C) an Executive order issued under section 202(b).

“(2) A provision approving a list of all or a portion of the provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

“(b) PROCEDURES FOR CONSIDERATION OF JOINT RESOLUTIONS OF APPROVAL.—

“(1) INTRODUCTION.—After the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a joint resolution of approval may be introduced in either House of Congress by any member of that House.

“(2) REQUESTS TO CONVENE CONGRESS DURING RECESSES.—If, when the President transmits to Congress a proclamation declaring a national emergency under section 201(a), or an Executive order specifying emergency powers or authorities under section 201(b)(2)

or renewing a national emergency under section 202(b), Congress has adjourned sine die or has adjourned for any period in excess of 3 calendar days, the majority leader of the Senate and the Speaker of the House of Representatives, or their respective designees, acting jointly after consultation with and with the concurrence of the minority leader of the Senate and the minority leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

“(3) COMMITTEE REFERRAL.—A joint resolution of approval shall be referred in each House of Congress to the committee or committees having jurisdiction over the emergency authorities invoked by the proclamation or Executive order that is the subject of the joint resolution.

“(4) CONSIDERATION IN SENATE.—In the Senate, the following shall apply:

“(A) REPORTING AND DISCHARGE.—If the committee to which a joint resolution of approval has been referred has not reported it at the end of 10 calendar days after its introduction, that committee shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar.

“(B) PROCEEDING TO CONSIDERATION.—Notwithstanding Rule XXII of the Standing Rules of the Senate, when the committee to which a joint resolution of approval is referred has reported the resolution, or when that committee is discharged under subparagraph (A) from further consideration of the resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is subject to 4 hours of debate divided equally between those favoring and those opposing the joint resolution of approval. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business.

“(C) FLOOR CONSIDERATION.—A joint resolution of approval shall be subject to 10 hours of consideration, to be divided evenly between the proponents and opponents of the resolution.

“(D) AMENDMENTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

“(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

“(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

“(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution of approval.

“(E) MOTION TO RECONSIDER FINAL VOTE.—A motion to reconsider a vote on passage of a joint resolution of approval shall not be in order.

“(F) APPEALS.—Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

“(5) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—In the House of Representatives, the following shall apply:

“(A) REPORTING AND DISCHARGE.—If any committee to which a joint resolution of approval has been referred has not reported it to the House within 10 calendar days after

the date of referral, such committee shall be discharged from further consideration of the joint resolution.

“(B) PROCEEDING TO CONSIDERATION.—

“(i) IN GENERAL.—Beginning on the third legislative day after each committee to which a joint resolution of approval has been referred reports it to the House or has been discharged from further consideration, and except as provided in clause (ii), it shall be in order to move to proceed to consider the joint resolution in the House. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(ii) SUBSEQUENT MOTIONS TO PROCEED TO JOINT RESOLUTION OF APPROVAL.—A motion to proceed to consider a joint resolution of approval shall not be in order after the House has disposed of another motion to proceed on that resolution.

“(C) FLOOR CONSIDERATION.—Upon adoption of the motion to proceed in accordance with subparagraph (B)(i), the joint resolution of approval shall be considered as read. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except two hours of debate, which shall include debate on any amendments, equally divided and controlled by the sponsor of the joint resolution (or a designee) and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

“(D) AMENDMENTS.—

“(i) IN GENERAL.—Except as provided in clause (ii), no amendments shall be in order with respect to a joint resolution of approval.

“(ii) AMENDMENTS TO STRIKE OR ADD SPECIFIED PROVISIONS OF LAW.—Clause (i) shall not apply with respect to any amendment—

“(I) to strike a provision or provisions of law from the list required by subsection (a)(2); or

“(II) to add to that list a provision or provisions of law specified by the President under section 201(b) in the proclamation or Executive order that is the subject of the joint resolution.

“(6) RECEIPT OF RESOLUTION FROM OTHER HOUSE.—If, before passing a joint resolution of approval, one House receives from the other a joint resolution of approval from the other House, then—

“(A) the joint resolution of the other House shall not be referred to a committee and shall be deemed to have been discharged from committee on the day it is received; and

“(B) the procedures set forth in paragraphs (3), (4), and (5), as applicable, shall apply in the receiving House to the joint resolution received from the other House to the same extent as such procedures apply to a joint resolution of the receiving House.

“(c) RULE OF CONSTRUCTION.—The enactment of a joint resolution of approval under this section shall not be interpreted to serve as a grant or modification by Congress of statutory authority for the emergency powers of the President.

“(d) RULES OF THE HOUSE AND SENATE.—This section is enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in the House in the case of joint resolutions described in this section, and supersedes other rules only to the extent that it is inconsistent with such other rules; and

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

“SEC. 204. EXCLUSION OF CERTAIN NATIONAL EMERGENCIES INVOKING INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

“(a) IN GENERAL.—In the case of a national emergency described in subsection (b), the provisions of this Act, as in effect on the day before the date of the enactment of the Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act, shall continue to apply on and after such date of enactment.

“(b) NATIONAL EMERGENCY DESCRIBED.—

“(1) IN GENERAL.—A national emergency described in this subsection is a national emergency pursuant to which the President proposes to exercise emergency powers or authorities made available under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), supplemented as necessary by a provision of law specified in paragraph (2).

“(2) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this paragraph are—

“(A) the United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.);

“(B) section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)); or

“(C) any provision of law that authorizes the implementation, imposition, or enforcement of economic sanctions with respect to a foreign country.

“(c) EFFECT OF ADDITIONAL POWERS AND AUTHORITIES.—Subsection (a) shall not apply to a national emergency or the exercise of emergency powers and authorities pursuant to the national emergency if, in addition to the exercise of emergency powers and authorities described in subsection (b), the President proposes to exercise, pursuant to the national emergency, any emergency powers and authorities under any other provision of law.”.

SEC. 1083. REPORTING REQUIREMENTS.

Section 401 of the National Emergencies Act (50 U.S.C. 1641) is amended by adding at the end the following:

“(d) REPORT ON EMERGENCIES.—The President shall transmit to Congress, with any proclamation declaring a national emergency under section 201(a) or any Executive order specifying emergency powers or authorities under section 201(b)(2) or renewing a national emergency under section 202(b), a report, in writing, that includes the following:

“(1) A description of the circumstances necessitating the declaration of a national emergency, the renewal of such an emergency, or the use of a new emergency authority specified in the Executive order, as the case may be.

“(2) The estimated duration of the national emergency, or a statement that the duration of the national emergency cannot reasonably be estimated at the time of transmission of the report.

“(3) A summary of the actions the President or other officers intend to take, including any reprogramming or transfer of funds, and the statutory authorities the President and such officers expect to rely on in addressing the national emergency.

“(4) In the case of a renewal of a national emergency, a summary of the actions the President or other officers have taken in the preceding one-year period, including any reprogramming or transfer of funds, to address the emergency.

“(e) PROVISION OF INFORMATION TO CONGRESS.—The President shall provide to Con-

gress such other information as Congress may request in connection with any national emergency in effect under title II.

“(f) PERIODIC REPORTS ON STATUS OF EMERGENCIES.—If the President declares a national emergency under section 201(a), the President shall, not less frequently than every 6 months for the duration of the emergency, report to Congress on the status of the emergency and the actions the President or other officers have taken and authorities the President and such officers have relied on in addressing the emergency.”.

SEC. 1084. EXCLUSION OF IMPOSITION OF DUTIES AND IMPORT QUOTAS FROM PRESIDENTIAL AUTHORITIES UNDER INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c)(1) The authority granted to the President by this section does not include the authority to impose duties or tariff-rate quotas or (subject to paragraph (2)) other quotas on articles entering the United States.

“(2) The limitation under paragraph (1) does not prohibit the President from excluding all articles imported from a country from entering the United States.”.

SEC. 1085. CONFORMING AMENDMENTS.

(a) NATIONAL EMERGENCIES ACT.—Title III of the National Emergencies Act (50 U.S.C. 1631) is repealed.

(b) INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 207 of the International Emergency Economic Powers Act (50 U.S.C. 1706) is amended—

(1) in subsection (b), by striking “concurrent resolution” and inserting “joint resolution”; and

(2) by adding at the end the following:

“(e) In this section, the term ‘National Emergencies Act’ means the National Emergencies Act, as in effect on the day before the date of the enactment of the Assuring that Robust, Thorough, and Informed Congressional Leadership is Exercised Over National Emergencies Act.”.

SEC. 1086. EFFECTIVE DATE; APPLICABILITY.

(a) IN GENERAL.—This subtitle and the amendments made by this subtitle shall—

(1) take effect on the date of the enactment of this Act; and

(2) except as provided in subsection (b), apply with respect to national emergencies declared under section 201 of the National Emergencies Act on or after that date.

(b) APPLICABILITY TO RENEWALS OF EXISTING EMERGENCIES.—When a national emergency declared under section 201 of the National Emergencies Act before the date of the enactment of this Act would expire or be renewed under section 202(d) of that Act (as in effect on the day before such date of enactment), that national emergency shall be subject to the requirements for renewal under section 202(b) of that Act, as amended by section 1082.

SA 6014. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

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

SEC. 624. CERTAIN ABSENCES WITHOUT LEAVE THAT RESULT FROM CONVICTIONS IN FOREIGN COUNTRIES TO BE CONSIDERED UNAVOIDABLE FOR PURPOSES OF PAY AND ALLOWANCES.

Section 503 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(c) CERTAIN ABSENCES RESULTING FROM CONVICTIONS IN FOREIGN COUNTRIES.—For purposes of subsection (a), the absence without leave or over leave of a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic Atmospheric Administration shall be excused as an unavoidable if—

“(1) the member is absent without leave or over leave because the member is in confinement by civil authorities, or by military authorities for civil authorities, in a foreign country and is tried and convicted in that country; and

“(2) the Secretary concerned determines that extraordinary circumstances justify the excusal of the absence as unavoidable.”.

SA 6015. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 624. CERTAIN ABSENCES WITHOUT LEAVE THAT RESULT FROM CONVICTIONS IN FOREIGN COUNTRIES TO BE CONSIDERED UNAVOIDABLE FOR PURPOSES OF PAY AND ALLOWANCES.

Section 503 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(c) CERTAIN ABSENCES RESULTING FROM CONVICTIONS IN FOREIGN COUNTRIES.—For purposes of subsection (a), the absence without leave or over leave of a member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic Atmospheric Administration shall be excused as an unavoidable if—

“(1) the member is absent without leave or over leave because the member is in confinement by civil authorities, or by military authorities for civil authorities, in a foreign country and is tried and convicted in that country; and

“(2) the Secretary concerned determines that the United States has a strong interest in ameliorating the negative effect of that conviction on the spouse or children of the member.”.

SA 6016. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel

strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 632. CONTINUATION OF PAY AND BENEFITS FOR LIEUTENANT RIDGE ALKONIS.

The Secretary of the Navy may continue to provide pay and benefits to Lieutenant Ridge Alkonis until such time as the Secretary makes a determination with respect to the separation of Lieutenant Alkonis from the Navy.

SA 6017. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. OVERSIGHT AND AUDIT AUTHORITY.

Section 19010 of the CARES Act (31 U.S.C. 712 note) is amended by adding at the end the following:

“(f) **LIMITATION ON REPORTS.**—The Comptroller General shall not include in any report under subsection (c) any discussion or analysis of potential policy options to create a Federal pandemic risk insurance program or business interruption insurance program.”.

SA 6018. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF CONGRESSIONAL OVERSIGHT COMMISSION.

Section 4020(f) of the CARES Act (15 U.S.C. 9055(f)) is amended by striking “September 30, 2025” and inserting “December 31, 2022”.

SA 6019. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. MASTER ACCOUNT DATABASE.

The Federal Reserve Act is amended by inserting after section 11B (12 U.S.C. 248b et seq.) the following:

“SEC. 11C. MASTER ACCOUNT DATABASE.

“(a) **DEFINITIONS.**—In this section:

“(1) **APPLICATION.**—The term ‘application’ means an application for a master account, including an application under Operating Circular 1 of the Board and any successive operating circulars or similar forms.

“(2) **MASTER ACCOUNT.**—The term ‘master account’ means an account for—

“(A) any service offered under section 11A(b); or

“(B) any deposit received under the first undesignated paragraph of section 13.

“(b) **PUBLISHING MASTER ACCOUNT INFORMATION.**—

“(1) **ONLINE DATABASE.**—The Board shall create and maintain a public, online, and searchable database that contains—

“(A) a list of every entity that currently holds a master account, including the date on which the master account was granted; and

“(B) a list of every entity that held a master account in the 10 years prior to the date of enactment of this section but no longer holds that master account, including the dates on which the master account was granted and terminated; and

“(C) a list of every entity that has applied for a master account in the 10 years prior to the date of enactment of this section, including whether, and the dates on which, the application was approved, rejected, pending, or withdrawn; and

“(D) a list of every entity that applies for a master account after enactment of this section, including whether, and the dates on which, the application was approved, rejected, pending, or withdrawn; and

“(E) for each list described in subparagraphs (A) through (D)—

“(i) a description of the type of entity that holds or applied for a master account, including whether such entity is an insured depository institution, as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813), or a depository institution that is not an insured depository institution; and

“(ii) the provision of law authorizing each entity to hold the master account.

“(2) **DATABASE UPDATES.**—Not less frequently than once every month, the Board shall update the database to add any new information required under paragraph (1).

“(3) **DEADLINE.**—Not later than 90 days after the date of enactment of this section, the Board shall publish on the database the information required under paragraph (1).

“(c) **EXPLANATIONS OF APPLICATION REJECTIONS.**—Not later than 90 days after the Board rejects an application or after an application is submitted but not approved by the Board, the Board shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that includes an explanation of that rejection or failure to approve that application.”.

SA 6020. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REPEAL OF LIMITATION ON AWARDING CONTRACTS TO ENTITIES OPERATING COMMERCIAL TERRESTRIAL COMMUNICATION NETWORKS THAT CAUSE HARMFUL INTERFERENCE WITH THE GLOBAL POSITIONING SYSTEM.

Section 1662 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (10 U.S.C. 2281 note; Public Law 116-283) is repealed.

SA 6021. Mr. OSSOFF (for himself, Mr. ROUNDS, and Mrs. SHAHEEN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. PLAN TO ELIMINATE RECORDS BACKLOG AT THE NATIONAL PERSONNEL RECORDS CENTER.

(a) **PLAN REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Archivist of the United States shall submit to the appropriate congressional committees a comprehensive plan to eliminate the backlog of requests for records from the National Personnel Records Center and to improve the efficiency and responsiveness of operations at the National Personnel Records Center, that includes, at a minimum, the following:

(1) The number and percentage of unresolved veteran record requests that have been pending for more than—

- (A) 20 days;
- (B) 90 days; and
- (C) one year.

(2) Target timeframes to eliminate the backlog.

(3) A detailed plan for using existing funds to improve information technology infrastructure, including secure access to appropriate agency Federal records, to prevent future backlogs.

(4) Actions to improve customer service for requesters.

(5) Measurable goals with respect to the comprehensive plan and metrics for tracking progress toward such goals.

(6) Strategies to prevent future record request backlogs, including backlogs caused by an event that prevents employees of the Center from reporting to work in person.

(b) **UPDATES.**—Not later than 90 days after the date on which the comprehensive plan is submitted under subsection (a), and semi-annually thereafter until the National Personnel Records Center resolves 90 percent of all requests for separation documents (other than documents subject to fees or involving records damaged or lost in the 1973 fire) in 20 days or less, the Archivist of the United States shall submit to the appropriate congressional committees an update of such plan that—

(1) describes progress made by the National Personnel Records Center during the preceding 180-day period with respect to record request backlog reduction and efficiency and responsiveness improvement; and

(2) provides data on progress made toward the goals identified in the comprehensive plan; and

(3) describes any changes made to the comprehensive plan.

(c) **CONSULTATION REQUIREMENT.**—In carrying out subsections (a) and (b), the Archivist of the United States shall consult with the Secretary of Veterans Affairs.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Homeland Security and Governmental Affairs and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Oversight and Reform and the Committee on Veterans’ Affairs of the House of Representatives.

SEC. ____ . ADDITIONAL FUNDING.

In addition to amounts otherwise available, there is authorized to be appropriated to the National Archives and Records Administration, \$60,000,000 to address backlogs in responding to requests from veterans for military personnel records, improve cybersecurity, improve digital preservation and access to archival Federal records, and address backlogs in requests made under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”). Such amounts may also be used for the Federal Records Center Program.

SEC. ____ . ADDITIONAL STAFFING.

Not later than 30 days after the date of the enactment of this Act, the Archivist of the United States shall ensure that the National Personnel Records Center maintains staffing levels that enable the maximum processing of records requests possible in order to achieve the performance goal of responding to 90 percent of all requests for separation documents (other than documents subject to fees or involving records damaged or lost in the 1973 fire) serviced in 20 days or less.

SEC. ____ . ADDITIONAL REPORTING.

The Inspector General for the National Archives and Records Administration shall, for two years following the date of the enactment of this Act, include in every semi-annual report submitted to Congress pursuant to the Inspector General Act of 1978, a detailed summary of—

(1) efforts taken by the National Archives and Records Administration to address the backlog of records requests at the National Personnel Records Center; and

(2) any recommendations for action proposed by the Inspector General related to reducing the backlog of records requests at the National Personnel Records Center and the status of compliance with those recommendations by the National Archives and Records Administration.

SA 6022. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 112. REPORT ON HEAVY DUMP TRUCK REQUIREMENTS FOR THE ARMY.

Not later than March 6, 2023, the Secretary of the Army shall submit to Congress a report setting forth the following:

(1) The number of heavy dump trucks needed by the Army for the regular component of

the Army, the Army National Guard of the United States, and the Army Reserve.

(2) The number of heavy dump trucks the Army has procured using amounts appropriated for fiscal year 2022 as of the date on which the report is submitted.

(3) The reason for the Army’s request for appropriations for heavy dump trucks for fiscal year 2023.

(4) A description of the rationale for the Army’s request for appropriations for heavy dump trucks for fiscal year 2024.

(5) A strategy projecting procurement quantities by year for heavy dump trucks to achieve program requirements.

SA 6023. Mr. LEE submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. REPORT ON THE DEMILITARIZATION ABROAD OF UNSERVICEABLE MUNITIONS LOCATED OUTSIDE THE UNITED STATES.

(a) **IN GENERAL.**—Not later than 180 days after the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth an assessment of the feasibility and advisability of demilitarizing abroad unserviceable munitions that are located outside the United States in order to avoid the costs of transporting such munitions to the United States for demilitarization.

(b) **CONSIDERATIONS.**—In preparing the evaluation required for the report, the Secretary shall take into account the following:

(1) The need for mitigation of adverse environmental impacts, or impacts to the health and safety of local populations, in the demilitarization of unserviceable munitions.

(2) The availability and ease of use of munitions demilitarization technologies and mechanisms abroad, whether or not currently in use by the Army, including available non-incineration technologies.

(3) Any costs savings achievable through demilitarization of unserviceable munitions abroad.

(c) **TECHNOLOGIES.**—If the Secretary determines for purposes of the report that the demilitarization abroad of unserviceable munitions located outside the United States is feasible and advisable, the report shall include a description and assessment of various technologies and other mechanisms that would be suitable for such demilitarization.

SA 6024. Mr. MENENDEZ (for himself, Mr. RISCH, Mr. KAINE, Mr. CASSIDY, Mr. CARDIN, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—United States-Ecuador Partnership Act of 2022

SEC. 1281. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This subtitle may be cited as the “United States-Ecuador Partnership Act of 2022”.

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

Subtitle G—United States-Ecuador Partnership Act of 2022

Sec. 1281. Short title; table of contents.

Sec. 1282. Findings.

Sec. 1283. Sense of Congress.

Sec. 1284. Facilitating economic and commercial ties.

Sec. 1285. Promoting inclusive economic development.

Sec. 1286. Combating illicit economies, corruption, and negative foreign influence.

Sec. 1287. Strengthening democratic governance.

Sec. 1288. Fostering conservation and stewardship.

Sec. 1289. Authorization to transfer excess Coast Guard vessels.

Sec. 1290. Reporting requirements.

Sec. 1291. Sunset.

SEC. 1282. FINDINGS.

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

(1) The United States and Ecuador have a history of bilateral cooperation grounded in mutual respect, shared democratic values, and mutual security interests.

(2) On February 7, 2021, and April 11, 2021, Ecuador held democratic elections that included parties from across the political spectrum, paving the way for continued progress towards strengthening democratic institutions.

(3) The United States and Ecuador share strategic interests in strengthening Ecuador’s democratic institutions, generating inclusive economic growth, and building capacity in law enforcement, anti-corruption, and conservation efforts.

(4) The United States and Ecuador historically have enjoyed strong commercial, investment, and economic ties, yet Ecuador continues to face significant challenges to inclusive economic development, including—

(A) the heavy economic toll of the COVID-19 pandemic;

(B) vulnerabilities with respect to the growing role of the People’s Republic of China in the financing and refinancing of Ecuador’s debts, and in strategic infrastructure projects and sectors of the Ecuadorian economy; and

(C) the need to develop and strengthen open and transparent economic policies that strengthen Ecuador’s integration with global markets, inclusive economic growth, and opportunities for upward social mobility for the Ecuadorian people.

(5) Since its establishment in December 2019, the United States Development Finance Corporation has provided more than \$440,000,000 in financing to Ecuador.

(6) Ecuador’s justice system has taken important steps to fight corruption and criminality and to increase accountability. However, enduring challenges to the rule of law in Ecuador, including the activities of transnational criminal organizations, illicit mining, illegal, unreported, and unregulated (IUU) fishing, and undemocratic actors, present ongoing risks for political and social stability in Ecuador.

(7) The activities undertaken by the Government of the People’s Republic of China in Ecuador, including its development of the

ECU-911 video surveillance and facial recognition system, financing of the corruptly managed and environmentally deleterious Coca Codo Sinclair Dam, and support for illegal, unreported, and unregulated fishing practices around the Galapagos Islands, pose risks to democratic governance and biodiversity in the country.

(8) Ecuador, which is home to several of the Earth's most biodiverse ecosystems, including the Galapagos Islands, the headwaters of the Amazon river, the Condor mountain range, and the Yasuni Biosphere Reserve, has seen a reduction in its rainforests between 1990 and 2016, due in part to the incursion of criminal networks into protected areas.

(9) On March 24, 2021, the Senate unanimously approved Senate Resolution 22 (117th Congress), reaffirming the partnership between the United States and the Republic of Ecuador, and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations.

(10) On August 13, 2021, the United States and Ecuador celebrated the entry into force of the Protocol to the Trade and Investment Council Agreement between the Government of the United States of America and the Government of the Republic of Ecuador Relating to Trade Rules and Transparency, recognizing the steps Ecuador has taken to decrease unnecessary regulatory burden and create a more transparent and predictable legal framework for foreign direct investment in recent years.

SEC. 1283. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should take additional steps to strengthen its bilateral partnership with Ecuador, including by developing robust trade and investment frameworks, increasing law enforcement cooperation, renewing the activities of the United States Agency for International Development in Ecuador, and supporting Ecuador's response to and recovery from the COVID-19 pandemic, as necessary and appropriate; and

(2) strengthening the United States-Ecuador partnership presents an opportunity to advance core United States national security interests and work with other democratic partners to maintain a prosperous, politically stable, and democratic Western Hemisphere that is resilient to malign foreign influence.

SEC. 1284. FACILITATING ECONOMIC AND COMMERCIAL TIES.

The Secretary of State, in coordination with the Secretary of Commerce, the United States Trade Representative, the Secretary of the Treasury, and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy to strengthen commercial and economic ties between the United States and Ecuador by—

(1) promoting cooperation and information sharing to encourage awareness of and increase trade and investment opportunities between the United States and Ecuador;

(2) supporting efforts by the Government of Ecuador to promote a more open, transparent, and competitive business environment, including by lowering trade barriers, implementing policies to reduce trading times, and improving efficiencies to expedite customs operations for importers and exporters of all sizes, in all sectors, and at all entry ports in Ecuador;

(3) establishing frameworks or mechanisms to review the long term financial sustainability and security implications of foreign investments in Ecuador in strategic sectors or services;

(4) establishing competitive and transparent infrastructure project selection and

procurement processes in Ecuador that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms;

(5) developing programs to help the Government of Ecuador improve efficiency and transparency in customs administration, including through support for the Government of Ecuador's ongoing efforts to digitize its customs process and accept electronic documents required for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs, security, efficiency, and competitiveness;

(6) spurring digital transformation that would advance—

(A) the provision of digitized government services with the greatest potential to improve transparency, lower business costs, and expand citizens' access to public services and public information;

(B) the provision of transparent and affordable access to the internet and digital infrastructure; and

(C) best practices to mitigate the risks to digital infrastructure by doing business with communication networks and communications supply chains with equipment and services from companies with close ties to or susceptible to pressure from governments or security services without reliable legal checks on governmental powers; and

(7) identifying, as appropriate, a role for the United States International Development Finance Corporation, the Millennium Challenge Corporation, the United States Agency for International Development, and the United States private sector in supporting efforts to increase private sector investment and strengthen economic prosperity.

SEC. 1285. PROMOTING INCLUSIVE ECONOMIC DEVELOPMENT.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, as appropriate, shall develop and implement a strategy and related programs to support inclusive economic development across Ecuador's national territory by—

(1) facilitating increased access to public and private financing, equity investments, grants, and market analysis for small and medium-sized businesses;

(2) providing technical assistance to local governments to formulate and enact local development plans that invest in Indigenous and Afro-Ecuadorian communities;

(3) connecting rural agricultural networks, including Indigenous and Afro-Ecuadorian agricultural networks, to consumers in urban centers and export markets, including through infrastructure construction and maintenance programs that are subject to audits and carefully designed to minimize potential environmental harm;

(4) partnering with local governments, the private sector, and local civil society organizations, including organizations representing marginalized communities and faith-based organizations, to provide skills training and investment in support of initiatives that provide economically viable, legal alternatives to participating in illegal economies; and

(5) connecting small scale fishing enterprises to consumers and export markets, in order to reduce vulnerability to organized criminal networks.

SEC. 1286. COMBATING ILLICIT ECONOMIES, CORRUPTION, AND NEGATIVE FOREIGN INFLUENCE.

The Secretary of State shall develop and implement a strategy and related programs to increase the capacity of Ecuador's justice system and law enforcement authorities to

combat illicit economies, corruption, transnational criminal organizations, and the harmful influence of malign foreign and domestic actors by—

(1) providing technical assistance and support to specialized units within the Attorney General's office to combat corruption and to promote and protect internationally recognized human rights in Ecuador, including the Transparency and Anti-Corruption Unit, the Anti-Money Laundering Unit, the Task Force to Combat Corruption in Central America, and the Environmental Crimes Unit;

(2) strengthening bilateral assistance and complementary support through multilateral anti-corruption mechanisms, as necessary and appropriate, to counter corruption and recover assets derived from corruption, including through strengthening independent inspectors general to track and reduce corruption;

(3) improving the technical capacity of prosecutors and financial institutions in Ecuador to combat corruption by—

(A) detecting and investigating suspicious financial transactions, and conducting asset forfeitures and criminal analysis; and

(B) combating money laundering, financial crimes, and extortion;

(4) providing technical assistance and material support (including, as appropriate, radars, vessels, and communications equipment) to vetted specialized units of Ecuador's national police and the armed services to disrupt, degrade, and dismantle organizations involved in illicit narcotics trafficking, transnational criminal activities, illicit mining, and illegal, unregulated, and unreported fishing, among other illicit activities;

(5) providing technical assistance to address challenges related to Ecuador's penitentiary and corrections system;

(6) strengthening the regulatory framework of mining through collaboration with key Ecuadorian institutions, such as the Interior Ministry's Special Commission for the Control of Illegal Mining and the National Police's Investigative Unit on Mining Crimes, and providing technical assistance in support of their law enforcement activities;

(7) providing technical assistance to judges, prosecutors, and ombudsmen to increase capacity to enforce laws against human smuggling and trafficking, illicit mining, illegal logging, illegal, unregulated, and unreported (IUU) fishing, and other illicit economic activities;

(8) providing support to the Government of Ecuador to prevent illegal, unreported, and unregulated fishing, including through expanding detection and response capabilities, and the use of dark vessel tracing technology;

(9) supporting multilateral efforts to stem illegal, unreported, and unregulated fishing with neighboring countries in South America and within the South Pacific Regional Fisheries Management Organisation;

(10) assisting the Government of Ecuador's efforts to protect defenders of internationally recognized human rights, including through the work of the Office of the Ombudsman of Ecuador, and by encouraging the inclusion of Indigenous and Afro-Ecuadorian communities and civil society organizations in this process;

(11) supporting efforts to improve transparency, uphold accountability, and build capacity within the Office of the Comptroller General;

(12) enhancing the institutional capacity and technical capabilities of defense and security institutions of Ecuador to conduct national or regional security missions, including through regular bilateral and multilateral cooperation, foreign military financing,

international military education, and training programs, consistent with applicable Ecuadorian laws and regulations;

(13) enhancing port management and maritime security partnerships to disrupt, degrade, and dismantle transnational criminal networks and facilitate the legitimate flow of people, goods, and services; and

(14) strengthening cybersecurity cooperation—

(A) to effectively respond to cybersecurity threats, including state-sponsored threats;

(B) to share best practices to combat such threats;

(C) to help develop and implement information architectures that respect individual privacy rights and reduce the risk that data collected through such systems will be exploited by malign state and non-state actors;

(D) to strengthen resilience against cyberattacks, misinformation, and propaganda; and

(E) to strengthen the resilience of critical infrastructure.

SEC. 1287. STRENGTHENING DEMOCRATIC GOVERNANCE.

(a) **STRENGTHENING DEMOCRATIC GOVERNANCE.**—The Secretary of State, in coordination with the Administrator of the United States Agency for International Development, should develop and implement initiatives to strengthen democratic governance in Ecuador by supporting—

(1) measures to improve the capacity of national and subnational government institutions to govern through transparent, inclusive, and democratic processes;

(2) efforts that measurably enhance the capacity of political actors and parties to strengthen democratic institutions and the rule of law;

(3) initiatives to strengthen democratic governance, including combating political, administrative, and judicial corruption and improving transparency of the administration of public budgets; and

(4) the efforts of civil society organizations and independent media—

(A) to conduct oversight of the Government of Ecuador and the National Assembly of Ecuador;

(B) to promote initiatives that strengthen democratic governance, anti-corruption standards, and public and private sector transparency; and

(C) to foster political engagement between the Government of Ecuador, including the National Assembly of Ecuador, and all parts of Ecuadorian society, including women, indigenous communities, and Afro-Ecuadorian communities.

(b) **LEGISLATIVE STRENGTHENING.**—The Administrator of the United States Agency for International Development, working through the Consortium for Elections and Political Process Strengthening or any equivalent or successor mechanism, shall develop and implement programs to strengthen the National Assembly of Ecuador by providing training and technical assistance to—

(1) members and committee offices of the National Assembly of Ecuador, including the Ethics Committee and Audit Committee;

(2) assist in the creation of entities that can offer comprehensive and independent research and analysis on legislative and oversight matters pending before the National Assembly, including budgetary and economic issues; and

(3) improve democratic governance and government transparency, including through effective legislation.

(c) **BILATERAL LEGISLATIVE COOPERATION.**—To the degree practicable, in implementing the programs required under subsection (b), the Administrator of the United States Agency for International Development should facilitate meetings and collaboration

between members of the United States Congress and the National Assembly of Ecuador.

SEC. 1288. FOSTERING CONSERVATION AND STEWARDSHIP.

The Administrator of the United States Agency for International Development, in coordination with the Secretary of State and the heads of other relevant Federal departments and agencies, shall develop and implement programs and enhance existing programs, as necessary and appropriate, to improve ecosystem conservation and enhance the effective stewardship of Ecuador's natural resources by—

(1) providing technical assistance to Ecuador's Ministry of the Environment to safeguard national parks and protected forests and protected species, while promoting the participation of Indigenous communities in this process;

(2) strengthening the capacity of communities to access the right to prior consultation, encoded in Article 57 of the Constitution of Ecuador and related laws, executive decrees, administrative acts, and ministerial regulations;

(3) supporting Indigenous and Afro-Ecuadorian communities as they raise awareness of threats to biodiverse ancestral lands, including through support for local media in such communities and technical assistance to monitor illicit activities;

(4) partnering with the Government of Ecuador in support of reforestation and improving river, lake, and coastal water quality;

(5) providing assistance to communities affected by illegal mining and deforestation; and

(6) fostering mechanisms for cooperation on emergency preparedness and rapid recovery from natural disasters, including by—

(A) establishing regional preparedness, recovery, and emergency management centers to facilitate rapid response to survey and help maintain planning on regional disaster anticipated needs and possible resources; and

(B) training disaster recovery officials on latest techniques and lessons learned from United States experiences.

SEC. 1289. AUTHORIZATION TO TRANSFER EXCESS COAST GUARD VESSELS.

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should undertake efforts to expand cooperation with the Government of Ecuador to—

(1) ensure protections for the Galápagos Marine Reserve;

(2) deter illegal, unreported, and unregulated fishing; and

(3) increase interdiction of narcotics trafficking and other forms of illicit trafficking.

(b) **AUTHORITY TO TRANSFER EXCESS COAST GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.**—The President shall conduct a joint assessment with the Government of Ecuador to ensure sufficient capacity exists to maintain Island class cutters. Upon completion of a favorable assessment, the President is authorized to transfer up to two ISLAND class cutters to the Government of Ecuador as excess defense articles pursuant to the authority of section 516 of the Foreign Assistance Act (22 U.S.C. 2321j).

(c) **GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.**—The value of a vessel transferred to another country on a grant basis pursuant to authority provided by subsection (b) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(d) **COSTS OF TRANSFERS.**—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient notwith-

standing section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)).

(e) **REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.**—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States.

(f) **EXPIRATION OF AUTHORITY.**—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

SEC. 1290. REPORTING REQUIREMENTS.

(a) **SECRETARY OF STATE.**—The Secretary of State, in coordination with the heads of other relevant Federal departments and agencies as described in sections 1284, 1286, and 1287(a), shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate congressional committees a comprehensive strategy to address the requirements described in sections 1284, 1286, and 1287(a); and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(b) **ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**—The Administrator of the United States Agency for International Development, in coordination with the heads of other relevant Federal departments and agencies as described in sections 1285, 1287(b), and 1288, shall—

(1) not later than 180 days after the date of the enactment of this Act, submit to appropriate congressional committees a comprehensive strategy to address the requirements described in sections 1284, 1287(b), and 1288; and

(2) not later than 2 years and 4 years after submitting the comprehensive strategy under paragraph (1), submit to the appropriate congressional committees a report describing the implementation of the strategy.

(c) **SUBMISSION.**—The strategies and reports required under subsections (a) and (b) may be submitted to the appropriate congressional committees as joint strategies and reports.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subtitle, the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1291. SUNSET.

This subtitle shall terminate on the date that is 5 years after the date of the enactment of this Act.

SA 6025. Mr. MENENDEZ (for himself and Mr. RISCH) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Peace Corps Reauthorization**SEC. 1281. SHORT TITLE.**

This subtitle may be cited as the “Peace Corps Reauthorization Act of 2022”.

SEC. 1282. FUNDING FOR THE PEACE CORPS; INTEGRATION OF INFORMATION AGE VOLUNTEER OPPORTUNITIES.

Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended—

(1) in subparagraph (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) There is authorized to be appropriated \$410,500,000 for each of the fiscal years 2023 through 2027 to carry out this Act.”; and

(B) in paragraph (2), by striking “that fiscal year and the subsequent fiscal year” and inserting “obligation until the last day of the subsequent fiscal year”; and

(2) by redesignating subsection (h) as subsection (e).

SEC. 1283. READJUSTMENT ALLOWANCES FOR VOLUNTEERS AND VOLUNTEER LEADERS.

Section 5 of the Peace Corps Act (22 U.S.C. 2504) is amended—

(1) in subsection (b), by striking “insure their health” and inserting “ensure their safety, their health, and”;

(2) in subsection (c)—

(A) by striking “\$125” and inserting “\$375”;

(B) by striking “his” each place such term appears and inserting “the volunteer’s”; and

(C) by striking “he” and inserting “the volunteer”;

(3) by redesignating subsection (e) as subsection (d);

(4) by inserting after subsection (d), as redesignated, the following:

“(e) The Director shall consult with health experts outside of the Peace Corps, including experts licensed in the field of mental health, and follow guidance by the Centers for Disease Control and Prevention regarding the prescription of medications to volunteers.”;

(5) in subsection (h), by striking “he” and inserting “the President”;

(6) in subsection (n)(2)—

(A) by striking “subsection (e)” each place such term appears and inserting “subsection (d)”;

(B) by striking “he” and inserting “the President”;

(7) in subsection (o), by striking “his” each place such term appears and inserting “the volunteer’s”.

SEC. 1284. RESTORATION OF VOLUNTEER OPPORTUNITIES FOR MAJOR DISRUPTIONS TO VOLUNTEER SERVICE.

(a) IN GENERAL.—Section 5 of the Peace Corps Act (22 U.S.C. 2504), as amended by section 1283 of this Act, is further amended by adding at the end the following:

“(q) DISRUPTION OF SERVICE PROTOCOLS.—

“(1) IN GENERAL.—The Director shall establish processes for the safe return to service of returning Peace Corps volunteers whose service is interrupted due to mandatory evacuations of volunteers due to catastrophic events or global emergencies of unknowable duration, which processes shall include—

“(A) the establishment of monitoring and communications systems, protocols, safety measures, policies, and metrics for determining the appropriate approaches for restoring volunteer opportunities for evacuated returned volunteers whose service is interrupted by a catastrophic event or global emergency; and

“(B) streamlining, to the fullest extent practicable, application requirements for the return to service of such volunteers.

“(2) RETURN TO SERVICE.—Beginning on the date on which any volunteer described in paragraph (1) returns to service, the Director

shall strive to afford evacuated volunteers, to the fullest extent practicable, the opportunity—

“(A) to return to their previous country of service, except for Peace Corps missions in China; and

“(B) to continue their service in the most needed sectors within the country in which they had been serving immediately before their evacuation due to a catastrophic event or global emergency, except for Peace Corps missions in China.

“(r) SUSPENSION OF PAYMENTS AND ACCRUAL OF INTEREST ON FEDERAL LOANS DURING SERVICE.—

“(1) IN GENERAL.—If a volunteer received a Federal loan held by the Department of Education under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) before commencing service in the Peace Corps—

“(A) all payments due for such loans shall be suspended; and

“(B) interest shall not accrue on such loan for the duration of such service.

“(2) DEFERMENT OR FORBEARANCE.—Notwithstanding any other provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary of Education shall deem each month for which a loan payment was—

“(A) suspended under this section; or

“(B) subject to a deferment or forbearance under the Higher Education Act of 1965, as if the borrower of the loan had made a payment for the purpose of any loan forgiveness program or loan rehabilitation program authorized under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq. and 1087a et seq.) for which the borrower would have otherwise qualified.”.

(b) MEDICAL PERSONNEL.—Section 5A(b) of the Peace Corps Act (22 U.S.C. 2504a(b)) is amended, in the matter preceding paragraph (1), by inserting “, mental health professionals” after “medical officers”.

(c) VOLUNTEER LEADERS.—Section 6 of the Peace Corps Act (22 U.S.C. 2505) is amended—

(1) in paragraph (1), by striking “\$125” and inserting “\$375”; and

(2) in paragraph (3), by striking “he” and inserting “the President”.

SEC. 1285. HEALTH CARE CONTINUATION FOR PEACE CORPS VOLUNTEERS.

Section 5(d) of the Peace Corps Act, as redesignated by section 1283(3) of this Act, is amended to read as follows:

“(d)(1) Volunteers shall receive such health care during their service as the Director considers necessary or appropriate, including, if necessary, services under section 8B.

“(2) Applicants for enrollment shall receive such health examinations preparatory to their service, and applicants for enrollment who have accepted an invitation to begin a period of training under section 8(a) shall receive, preparatory to their service, such immunization, dental care, and information regarding prescription options and potential interactions, as may be necessary and appropriate and in accordance with subsection (F).

“(3) Returned volunteers shall receive the health examinations described in paragraph (2) during the 6-month period immediately following the termination of their service, including services provided in accordance with section 8B (except that the 6-month limitation shall not apply in the case of such services), as the Director determines necessary or appropriate.

“(4) Subject to such conditions as the Director may prescribe, the health care described in paragraphs (1) through (3) for serving volunteers, applicants for enrollment, or returned volunteers may be provided in any facility of any agency of the United States Government, and in such cases the amount

expended for maintaining and operating such facility shall be reimbursed from appropriations available under this Act. Health care may not be provided under this subsection in a manner that is inconsistent with the Assisted Suicide Funding Restriction Act of 1997 (Public Law 105-12).

“(5) Returned volunteers, including those whose period of service is subject to early termination as the result of an emergency, shall receive, upon termination of their service with the Peace Corps, 60 days of short term non-service-related health insurance for transition and travel, during which they will be—

“(A) given an opportunity to extend such transitional health insurance for 1 additional month, at their expense; and

“(B) advised to obtain health insurance coverage through a qualified health plan (as defined in section 1301 of the Patient Protection and Affordable Care Act (42 U.S.C. 18021)).

“(6) Not later than 30 days before the date on which the period of service of a volunteer terminates, or 30 days after such termination date if such termination is the result of an emergency, the Director, in consultation with the Secretary of Health and Human Services, shall provide detailed information to such volunteer regarding options for health care after termination other than health care provided by the Peace Corps, including information regarding—

“(A) how to find additional, detailed information, including information regarding—

“(i) the application process and eligibility requirements for medical assistance through a State Medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), or under a waiver of such plan; and

“(ii) health care navigators or health care option identification services available through the public and private sectors;

“(B) the qualified health plans (as defined in section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a))) offered through an Exchange established under title I of such Act, including the enrollment periods for enrolling such plans; and

“(C) if such volunteer is 25 years of age or younger, the eligibility of such volunteer to enroll as a dependent child in a group health plan or health insurance coverage in which the parent of such volunteer is enrolled in such plan or coverage offers such dependent coverage.

“(7) Paragraphs (5) and (6) shall apply to volunteers whose periods of service are subject to early termination.”.

SEC. 1286. ACCESS TO ANTIMALARIAL DRUGS AND HYGIENE PRODUCTS FOR PEACE CORPS VOLUNTEERS.

Section 5A of the Peace Corps Act (22 U.S.C. 2504a) is amended—

(1) by striking subsections (c) and (e);

(2) by redesignating subsection (d) as subsection (e);

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

“(c) ANTIMALARIAL DRUGS.—

“(1) IN GENERAL.—The Director shall consult with experts at the Centers for Disease Control and Prevention regarding recommendations for prescribing malaria prophylaxis, in order to provide the best standard of care within the context of the Peace Corps environment.

“(2) CERTAIN TRAINING.—The Director shall ensure that each Peace Corps medical officer serving in a malaria-endemic country receives training in the recognition of the side effects of such medications.

“(3) CONSULTATION.—The Director shall consult with the Assistant Secretary of Defense for Health Affairs regarding the policy of using mefloquine in the field as an antimalarial prophylactic.

“(d) ACCESS TO HYGIENE PRODUCTS.—Not later than 180 days after the date of the enactment of the Peace Corps Reauthorization Act of 2022, the Director shall establish a comprehensive policy to ensure Peace Corps volunteers who require hygiene products are able to access such products.”.

SEC. 1287. CODIFICATION OF CERTAIN EXECUTIVE ORDERS RELATING TO EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS AND EXTENSION OF THE PERIOD OF SUCH STATUS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5A the following:

“SEC. 5B. CODIFICATION OF EXECUTIVE ORDERS RELATING TO NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

“(a) IN GENERAL.—Subject to subsection (b), Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall remain in effect and have the full force and effect of law.

“(b) PERIOD OF ELIGIBILITY.—

“(1) DEFINITIONS.—In this subsection:

“(A) EXECUTIVE AGENCY.—the term ‘Executive agency’—

“(i) has the meaning given such term in section 105 of title 5, United States Code;

“(ii) includes the United States Postal Service and the Postal Regulatory Commission; and

“(iii) does not include the Government Accountability Office.

“(B) HIRING FREEZE.—The term ‘hiring freeze’ means any memorandum, Executive order, or other action by the President that prohibits an Executive agency from filling vacant Federal civilian employee positions or creating new such positions.

“(2) IN GENERAL.—The period of eligibility for noncompetitive appointment to the civil service provided to an individual under subsection (a), including any individual who is so eligible on the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall be extended by the total number of days, during such period, that—

“(A) a hiring freeze for civilian employees of the executive branch is in effect by order of the President with respect to any Executive agency at which the individual has applied for employment;

“(B) there is a lapse in appropriations with respect to any Executive agency at which the individual has applied for employment; or

“(C) the individual is receiving disability compensation under section 8142 of title 5, United States Code, based on the individual’s service as a Peace Corps volunteer, retroactive to the date the individual applied for such compensation.

“(3) APPLICABILITY.—The period of eligibility for noncompetitive appointment status to the civil service under subsection (a) shall apply to a Peace Corps volunteer—

“(A) whose service ended involuntarily as a result of a suspension of volunteer operations by the Director, but may not last longer than 1 year after the date on which such service ended involuntarily; or

“(B) who re-enrolls as a volunteer in the Peace Corps after completion of a term of service.”.

SEC. 1288. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

The Peace Corps Act (22 U.S.C. 2501 et seq.) is amended by inserting after section 5B, as added by section 1287 of this Act, the following:

“SEC. 5C. EXTENSION OF PERIOD OF EXISTING NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS FOR RETURNING VOLUNTEERS.

“(a) IN GENERAL.—Subject to section 5B, Executive Order 11103 (22 U.S.C. 2504 note; relating to Providing for the Appointment of Former Peace Corps Volunteers to the Civilian Career Services), as amended by Executive Order 12107 (44 Fed. Reg. 1055; relating to the Civil Service Commission and Labor-Management in the Federal Service), as in effect on the day before the date of the enactment of the Peace Corps Reauthorization Act of 2022, shall remain in effect and have the full force and effect of law.

“(b) NONCOMPETITIVE ELIGIBILITY FEDERAL HIRING STATUS.—Subject to subsection (d), any volunteer whose Peace Corps service was terminated after April 1, 2020, and who has been certified by the Director as having satisfactorily completed a full term of service, may be appointed within two years of completion of qualifying service to a position in any United States department, agency, or establishment in the competitive service under title 5, United States Code, without competitive examination, in accordance with such regulations and conditions as may be prescribed by the Director of the Office of Personnel Management.

“(c) EXTENSION.—The appointing authority may extend the noncompetitive appointment eligibility under subsection (b) to not more than 3 years after a volunteer’s separation from the Peace Corps if the volunteer, following such service, was engaged in—

“(1) military service;

“(2) the pursuit of studies at a recognized institution of higher learning; or

“(3) other activities which, in the view of the appointing authority, warrant an extension of such eligibility.

“(d) EXCEPTION.—The appointing authority may not extend the noncompetitive appointment eligibility under subsection (b) to any volunteer who chooses to be subject to early termination.”.

SEC. 1289. PROTECTION OF PEACE CORPS VOLUNTEERS AGAINST REPRISAL OR RETALIATION.

Section 8G of the Peace Corps Act (22 U.S.C. 2507g) is amended by adding at the end the following:

“(d) PROHIBITION AGAINST REPRISAL OR RETALIATION.—

“(1) DEFINITIONS.—In this subsection:

“(A) COVERED OFFICIAL OR OFFICE.—The term ‘covered official or office’ means—

“(i) any Peace Corps employee, including an employee of the Office of Inspector General;

“(ii) a Member of Congress or a designated representative of a committee of Congress;

“(iii) an Inspector General (other than the Inspector General for the Peace Corps);

“(iv) the Government Accountability Office;

“(v) any authorized official of the Department of Justice or other Federal law enforcement agency; and

“(vi) a United States court, including any Federal grand jury.

“(B) RELIEF.—The term ‘relief’ includes all affirmative relief necessary to make a volunteer whole, including monetary compensation, equitable relief, compensatory damages, and attorney fees and costs.

“(C) REPRISAL OR RETALIATION.—The term ‘reprisal or retaliation’ means taking,

threatening to take, or initiating adverse administrative action against a volunteer because the volunteer made a report described in subsection (a) or otherwise disclosed to a covered official or office any information pertaining to waste, fraud, abuse of authority, misconduct, mismanagement, violations of law, or a significant threat to health and safety, if the activity or occurrence complained of is based upon the reasonable belief of the volunteer.

“(2) IN GENERAL.—The Director of the Peace Corps shall take all reasonable measures, including through the development and implementation of a comprehensive policy, to prevent and address reprisal or retaliation against a volunteer by any Peace Corps officer or employee, or any other person with supervisory authority over the volunteer during the volunteer’s period of service.

“(3) REPORTING AND INVESTIGATION; RELIEF.—

“(A) IN GENERAL.—A volunteer may report a complaint or allegation of reprisal or retaliation—

“(i) directly to the Inspector General of the Peace Corps, who may conduct such investigations and make such recommendations with respect to the complaint or allegation as the Inspector General considers appropriate; and

“(ii) through other channels provided by the Peace Corps, including through the process for confidential reporting implemented pursuant to subsection (a).

“(B) RELIEF.—The Director of the Peace Corps—

“(i) may order any relief for an affirmative finding of a proposed or final resolution of a complaint or allegation of reprisal or retaliation in accordance with policies, rules, and procedures of the Peace Corps; and

“(ii) shall ensure that such relief is promptly provided to the volunteer.

“(4) APPEAL.—

“(A) IN GENERAL.—A volunteer may submit an appeal to the Director of the Peace Corps of any proposed or final resolution of a complaint or allegation of reprisal or retaliation.

“(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to affect any other right of recourse a volunteer may have under any other provision of law.

“(5) NOTIFICATION OF RIGHTS AND REMEDIES.—The Director of the Peace Corps shall ensure that volunteers are informed in writing of the rights and remedies provided under this section.

“(6) DISPUTE MEDIATION.—The Director of the Peace Corps shall offer the opportunity for volunteers to resolve disputes concerning a complaint or allegation of reprisal or retaliation through mediation in accordance with procedures developed by the Peace Corps.

“(7) VOLUNTEER COOPERATION.—The Director of the Peace Corps may take such disciplinary or other administrative action, including termination of service, with respect to a volunteer who unreasonably refuses to cooperate with an investigation into a complaint or allegation of reprisal or retaliation conducted by the Inspector General of the Peace Corps.”.

SEC. 1290. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511) is amended—

(1) in subsection (b)(2)—

(A) in the matter preceding subparagraph (A), by striking “(subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Peace Corps in the United States and in other countries in order to”; and

(B) in subparagraph (C), by striking “and” at the end;

(C) by redesignating subparagraph (D) as subparagraph (G); and

(D) by inserting after subparagraph (C) the following:

“(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers in fulfilling the goals of the Peace Corps;

“(E) make recommendations on strengthening diversity, equity, inclusion, and accessibility principles in the workforce and daily work of the Peace Corps, including by—

“(i) increasing the recruitment of volunteers from diverse backgrounds and better supporting such volunteers during their training and enrollment in the Peace Corps;

“(ii) increasing and sustaining a diverse and inclusive workforce through data collection, anti-harassment and anti-discrimination measures, recruitment, retention, professional development, and promotion and leadership initiatives that also consider the work and roles of contractors;

“(iii) ensuring that advisory committees and boards represent the diversity of the agency; and

“(iv) increasing opportunities in operations, programming, and procurement through work with partners and communities that are underrepresented or traditionally marginalized;

“(F) make recommendations to reduce any financial barriers to application, training, or enrollment in the Peace Corps, including medical expenses and other out-of-pocket costs; and”;

(2) in subsection (c), by amending paragraph (2) to read as follows:

“(2)(A) The Council shall be composed of 7 members who are United States citizens and are not being paid as officers or employees of the Peace Corps or of any other United States Government entity.

“(B) Of the 7 members of the Council—

“(i) 1 member shall be appointed by the President;

“(ii) 3 members shall be appointed by the President pro tempore of the Senate, of which—

“(I) 2 members shall be appointed upon the recommendation of the leader in the Senate of the political party that is not the political party of the President;

“(II) 1 member shall be appointed upon the recommendation of the leader in the Senate of the political party of the President; and

“(III) at least 2 members shall be former Peace Corps volunteers; and

“(iii) 3 members shall be appointed by the Speaker of the House of Representatives, of which—

“(I) 2 members shall be appointed upon the recommendation of the leader in the House of Representatives of the political party that is not the political party of the President;

“(II) 1 member shall be appointed upon the recommendation of the leader in the House of Representatives of the political party of the President; and

“(III) at least 2 members shall be former Peace Corps volunteers.

“(C) Council members shall be appointed to 2-year terms. No member of the Council may serve for more than 2 consecutive 2-year terms.

“(D) Not later than 30 days after any vacancy occurs on the Council, the Director shall appoint an individual to fill such vacancy. Any Council member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed—

“(i) shall be appointed for the remainder of such term; and

“(ii) may only serve on the Council for 1 additional 2-year term.

“(E)(i) Except as provided in clause (ii), Council members shall not be subject to laws relating to Federal employment, including laws relating to hours of work, rates of com-

pensation, leave, unemployment compensation, and Federal employee benefits.

“(ii) Notwithstanding clause (i), Council members shall be deemed to be Federal employees for purposes of—

“(I) chapter 81 of title 5, United States Code (relating to compensation for work-related injuries);

“(II) chapter 11 of title 18, United States Code (relating to conflicts of interest);

“(III) chapter 171 of title 28, United States Code (relating to tort claims); and

“(IV) section 3721 of title 31 (relating to claims for damage to, or loss of, personal property incident to service).

“(F) Council members shall serve at the pleasure of the Director. The Council may remove a member from the Council by a vote of 5 members if the Council determines that such member—

“(i) committed malfeasance in office;

“(ii) persistently neglected, or was unable to successfully discharge, his or her duties on the Council; or

“(iii) committed an offense involving moral turpitude.”;

(3) in subsection (g)—

(A) by striking “and at its first regular meeting in each calendar year thereafter” and inserting “at its first meeting each subsequent calendar year”; and

(B) by adding at the end the following: “The Chair and Vice Chair shall each serve in such capacity for a period not to exceed 2 years. The Director may renew the term of members appointed as Chair and Vice Chair under this subsection.”;

(4) in subsection (h), by amending paragraph (1) to read as follows:

“(1) The Council shall hold 1 regular meeting per quarter of each calendar year at a date and time to be determined by the Chair of the Council or at the call of the Director.”; and

(5) by adding at the end the following:

“(k) INDEPENDENCE OF INSPECTOR GENERAL.—None of the activities or functions of the Council authorized under subsection (b)(2) may undermine the independence or supersede the duties of the Inspector General of the Peace Corps.”.

SEC. 1291. MEMORANDUM OF AGREEMENT WITH BUREAU OF DIPLOMATIC SECURITY OF THE DEPARTMENT OF STATE.

(a) QUINQUENNIAL REVIEW AND UPDATE.—Not later than 180 days after the date of the enactment of this Act, and at least once every 5 years, the Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall—

(1) review the Memorandum of Agreement between the Bureau of Diplomatic Security of the Department of State and the Peace Corps regarding security support and protection of Peace Corps volunteers, and staff members abroad; and

(2) update such Memorandum of Agreement, as appropriate.

(b) NOTIFICATION.—

(1) IN GENERAL.—The Director of the Peace Corps and the Assistant Secretary of State for Diplomatic Security shall jointly submit any update to the Memorandum of Agreement under subsection (a) to—

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

(B) the Committee on Foreign Affairs of the House of Representatives.

(2) TIMING OF NOTIFICATION.—Each written notification submitted pursuant to paragraph (1) shall be submitted not later than 30 days before the update referred to in such paragraph takes effect.

SEC. 1292. CLARIFICATION REGARDING ELIGIBILITY OF UNITED STATES NATIONALS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this Act, is further amended—

(1) in section 7(a)(5) (22 U.S.C. 2506(a)(5)), by striking “United States citizens” each place such term appears and inserting “United States nationals of American Samoa and citizens of the United States”;

(2) in section 8(b) (22 U.S.C. 2507(b)), by inserting “United States nationals of American Samoa and” after “training for”;

(3) in section 10(b) (22 U.S.C. 2509(b)), striking “any person not a citizen or resident of the United States” and inserting “any person who is not a United States national of American Samoa nor a citizen or resident of the United States”; and

(4) in section 12(g) (22 U.S.C. 2511(g)), by inserting “United States nationals of American Samoa or” after “who are”.

SEC. 1293. WORKERS COMPENSATION FOR PEACE CORPS VOLUNTEERS.

Section 8142(c) of title 5, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) a volunteer injured on or after the date of the enactment of the Peace Corps Reauthorization Act of 2022 is deemed to be receiving monthly pay at the rate for GS-7, step 5;

“(2)(A) a volunteer or former volunteer whose injury occurred before the date of the enactment of the Peace Corps Reauthorization Act of 2022 shall have their disability compensation prospectively adjusted so that they are deemed receiving monthly pay at the rate for GS-7, step 5, unless such adjustment would result in a reduction of compensation payable;

“(B) benefits paid under section 8133 due to a death occurring before such date of enactment shall be prospectively adjusted to reflect the volunteer's deemed receiving monthly pay at the rate for GS-7, step 5; and

“(C) nothing in this subsection may be construed to authorize the retroactive adjustment to the rate for GS-7, step 5 for compensation payable for any period before such date of enactment.”.

SEC. 1294. SEXUAL ASSAULT ADVISORY COUNCIL.

(a) REPORT AND EXTENSION OF THE SEXUAL ASSAULT ADVISORY COUNCIL.—Section 8D of the Peace Corps Act (22 U.S.C. 2507d) is amended—

(1) by amending subsection (d) to read as follows:

“(d) REPORTS.—On an annual basis through the date specified in subsection (g), the Council shall submit a report to the Director of the Peace Corps, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes its findings based on the reviews conducted pursuant to subsection (c) and includes relevant recommendations. Each such report shall be made publicly available.”; and

(2) in subsection (g), by striking “October 1, 2023” and inserting “October 1, 2027”.

SEC. 1295. SUSPENSION WITHOUT PAY.

Section 7 of the Peace Corps Act (22 U.S.C. 2506) is amended by inserting after subsection (a) the following:

“(b) SUSPENSION WITHOUT PAY.—(1) The Peace Corps may suspend (without pay) any employee appointed or assigned under this section if the Director has determined that the employee engaged in serious misconduct that could impact the efficiency of the service and could lead to removal for cause.

“(2) Any employee for whom a suspension without pay is proposed under this subsection shall be entitled to—

“(A) written notice stating the specific reasons for such proposed suspension;

“(B)(i) up to 15 days to respond orally or in writing to such proposed suspension if the employee is assigned in the United States; or

“(ii) up to 30 days to respond orally or in writing to such proposed suspension if the employee is assigned outside of the United States;

“(C) representation by an attorney or other representative, at the employee's own expense;

“(D) a written decision, including the specific reasons for such decision, as soon as practicable;

“(E) a process through which the employee may submit an appeal to the Director of the Peace Corps not later than 10 business days after the issuance of a written decision; and

“(F) a final decision personally rendered by the Director of the Peace Corps not later than 30 days after the receipt of such appeal.

“(3) Notwithstanding any other provision of law, a final decision under paragraph (2)(F) shall be final and not subject to further review.

“(4) If the Director fails to establish misconduct by an employee under paragraph (1) and no disciplinary action is taken against such employee based upon the alleged grounds for the suspension, the employee shall be entitled to reinstatement, back pay, full benefits, and reimbursement of attorney fees of up to \$20,000.”

SEC. 1296. OCEANIA PEACE CORPS PARTNERSHIPS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Director of the Peace Corps shall submit to Congress a report on strategies to reasonably and safely expand the number of Peace Corps volunteers in the Indo-Pacific countries of Oceania, with the goals of—

(1) expanding the presence of the Peace Corps to all currently feasible locations in the Indo-Pacific countries of Oceania; and

(2) working with regional and international partners of the United States to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania in support of climate resilience initiatives.

(b) ELEMENTS.—The report required by subsection (a) shall—

(1) assess the factors contributing to the current absence of the Peace Corps and its volunteers in the Indo-Pacific countries of Oceania;

(2) examine potential remedies that include working with United States Government agencies and regional governments, including governments of United States allies—

(A) to increase the health infrastructure and medical evacuation capabilities of the Indo-Pacific countries of Oceania to better support the safety of Peace Corps volunteers while in those countries;

(B) to address physical safety concerns that have decreased the ability of the Peace Corps to operate in the Indo-Pacific countries of Oceania; and

(C) to increase transportation infrastructure in the Indo-Pacific countries of Oceania to better support the travel of Peace Corps volunteers and their access to necessary facilities;

(3) evaluate the potential to expand the deployment of Peace Corps Response volunteers to help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities that require specific professional expertise; and

(4) explore potential new operational models to address safety and security needs of Peace Corps volunteers in the Indo-Pacific countries of Oceania, including—

(A) changes to volunteer deployment durations; and

(B) scheduled redeployment of volunteers to regional or United States-based healthcare facilities for routine physical and behavioral health evaluation.

(c) VOLUNTEERS IN LOW-INCOME OCEANIA COMMUNITIES.—

(1) IN GENERAL.—In examining the potential to expand the presence of Peace Corps volunteers in low-income communities in the Indo-Pacific countries of Oceania under subsection (a)(2), the Director of the Peace Corps shall consider the development of initiatives described in paragraph (2).

(2) INITIATIVES DESCRIBED.—Initiatives described in this paragraph are volunteer initiatives that help the Indo-Pacific countries of Oceania address social, economic, and development needs of their communities, including by—

(A) addressing, through appropriate resilience-based interventions, the vulnerability that communities in the Indo-Pacific countries of Oceania face as result of extreme weather, severe environmental change, and other climate related trends; and

(B) improving, through smart infrastructure principles, access to transportation and connectivity infrastructure that will help address the economic and social challenges that communities in the Indo-Pacific countries of Oceania confront as a result of poor or nonexistent infrastructure.

(d) INDO-PACIFIC COUNTRIES OF OCEANIA DEFINED.—In this section, the term “Indo-Pacific countries of Oceania” means Fiji, Kiribati, Republic of the Marshall Islands, Micronesia, Nauru, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu.

SEC. 1297. TECHNICAL AND CONFORMING AMENDMENTS.

The Peace Corps Act (22 U.S.C. 2501 et seq.), as amended by this Act, is further amended—

(1) by amending section 1 to read as follows:

“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

“(a) SHORT TITLE.—This Act may be cited as the ‘Peace Corps Act’.

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

“TITLE I—THE PEACE CORPS

“Sec. 1. Short title; table of contents.

“Sec. 2. Declaration of purpose.

“Sec. 2A. Peace Corps as an independent agency.

“Sec. 3. Authorization.

“Sec. 4. Director of the Peace Corps and delegation of functions.

“Sec. 5. Peace Corps volunteers.

“Sec. 5A. Health care for volunteers at Peace Corps posts.

“Sec. 5B. Codification of Executive orders relating to noncompetitive eligibility Federal hiring status for returning volunteers.

“Sec. 5C. Extension of period of existing noncompetitive eligibility Federal hiring status for returning volunteers.

“Sec. 6. Peace Corps volunteer leaders.

“Sec. 7. Peace Corps employees.

“Sec. 8. Volunteer training.

“Sec. 8A. Sexual assault risk-reduction and response training.

“Sec. 8B. Sexual assault policy.

“Sec. 8C. Office of Victim Advocacy.

“Sec. 8D. Establishment of Sexual Assault Advisory Council.

“Sec. 8E. Volunteer feedback and Peace Corps review.

“Sec. 8F. Establishment of a policy on stalking.

“Sec. 8G. Establishment of a confidentiality protection policy.

“Sec. 8H. Removal and assessment and evaluation.

“Sec. 8I. Reporting requirements.

“Sec. 9. Participation of foreign nationals.

“Sec. 10. General powers and authorities.

“Sec. 11. Reports.

“Sec. 12. Peace Corps National Advisory Council.

“Sec. 13. Experts and consultants.

“Sec. 14. Detail of personnel to foreign governments and international organizations.

“Sec. 15. Utilization of funds.

“Sec. 16. Foreign Currency Fluctuations Account.

“Sec. 17. Use of foreign currencies.

“Sec. 18. Activities promoting Americans’ understanding of other peoples.

“Sec. 19. Exclusive right to seal and name.

“Sec. 22. Security investigations.

“Sec. 23. Universal Military Training and Service Act.

“Sec. 24. Foreign language proficiency.

“Sec. 25. Nonpartisan appointments.

“Sec. 26. Definitions.

“Sec. 27. Construction.

“Sec. 28. Effective date.

“TITLE II—AMENDMENT OF INTERNAL REVENUE CODE AND SOCIAL SECURITY ACT

“TITLE III—ENCOURAGEMENT OF VOLUNTARY SERVICE PROGRAMS

“Sec. 301. ”;

(2) in section 2(a) (22 U.S.C. 2501(a))—

(A) by striking “help the peoples” and inserting “partner with the peoples”; and

(B) by striking “manpower” and inserting “individuals”;

(3) in section 3 (22 U.S.C. 2502)—

(A) by redesignating subsection (h) as subsection (e); and

(B) in subsection (e), as redesignated, by striking “disabled people” each place such term appears and inserting “people with disabilities”;

(4) in section 4(b) (22 U.S.C. 2503(b))—

(A) by striking “him” and inserting “the President”;

(B) by striking “he” and inserting “the Director”; and

(C) by striking “of his subordinates” and all that follows through “functions.” and inserting “subordinate of the Director the authority to perform any such function.”;

(5) in section 5 (22 U.S.C. 2504)—

(A) in subsection (c), by striking “: *Provided, however,*” and all that follows through “the amount” and inserting “. Under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of the volunteer’s family, or others, during the period of the volunteer’s service, or prior to the volunteer’s return to the United States. In the event of the volunteer’s death during the period of his service, the amount”;

(B) in subsection (h), by striking “he may determine” and inserting “the President may determine”; and

(C) in subsection (o) by striking “the date of his departure” and all that follows and inserting “the date of the volunteer’s departure from the volunteer’s place of residence to enter training until not later than 3 months after the termination of the volunteer’s service.”;

(6) in section 6(3) (22 U.S.C. 2505(3)), by striking by striking “he may determine” and inserting “the President may determine”;

(7) in section 7 (22 U.S.C. 2506)—

(A) in subsection (a), by moving paragraphs (7) and (8) 2 ems to the left; and

(B) in subsection (b), as redesignated, by striking “in his discretion” and inserting “in the President’s discretion”;

(8) in section 8A (22 U.S.C. 2507a)—

(A) in subsection (c), by striking “his or her” and inserting “the volunteer’s”;

(B) in subsection (d)(2), by inserting “the” before “information”; and

(C) in subsection (f)—

(i) in paragraph 2(A), by striking “his or her” each place such phrase appears and inserting “the volunteer’s”; and

(ii) in paragraph (4)(A), by striking “his or her” and inserting “the person’s”;

(9) in section 8C(a) (22 U.S.C. 2507c(a)), in the subsection heading, by striking “VICTIMS” and inserting “VICTIM”;

(10) in section 8E (22 U.S.C. 2507e)—

(A) in subsection (b), by striking “subsection (c),” and inserting “subsection (c),”; and

(B) in subsection (e)(1)(F), by striking “Peace Corp’s mission” and inserting “Peace Corps’ mission”;

(11) in section 9 (22 U.S.C. 2508)—

(A) by striking “under which he was admitted or who fails to depart from the United States at the expiration of the time for which he was admitted” and inserting “under which such person was admitted or who fails to depart from the United States at the expiration of the period for which such person was admitted”; and

(B) by striking “Act proceedings” and inserting “Act. Removal proceedings”;

(12) in section 10 (22 U.S.C. 2509)—

(A) in subsection (b), by striking “he may prescribe” and inserting “the President may prescribe”;

(B) in subsection (d), by striking “section 3709 of the Revised Statutes of the United States, as amended, section 302 of the Federal Property and Administrative Services Act of 1949”; and by inserting “sections 3101(a), 3101(c), 3104, 3106, 3301(b)(2), and 6101 of title 41, United States Code”; and

(C) in subsection (j), by striking “of this section.”;

(13) in section 12(d)(1)(b) (22 U.S.C. 2511(d)(1)(b)), by striking “his or her” and inserting “the member’s”;

(14) in section 14 (22 U.S.C. 2513)—

(A) in subsection (a), by striking “his agency” and inserting “such agency”; and

(B) in subsection (b)—

(i) by striking “his allowance” and inserting “the”; and

(ii) by striking “he”;

(15) in section 15 (22 U.S.C. 2514)—

(A) in subsection (c), by striking “that Act” and inserting “that subchapter”; and

(B) in subsection (d)(7), by striking “his designee” and inserting “the Director’s designee”;

(16) in section 19(a) (22 U.S.C. 2518(a)), by striking “he shall determine” and inserting “the President shall determine”;

(17) in section 23 (22 U.S.C. 2520)—

(A) in the section heading, by striking “UNIVERSAL MILITARY TRAINING AND SERVICE” and inserting “MILITARY SELECTIVE SERVICE”; and

(B) by striking “Universal Military Training and Service Act” and inserting “Military Selective Service Act (50 U.S.C. 3801 et seq.)”;

(18) in section 24—

(A) by striking “he” each place such term appears and inserting “the volunteer”; and

(B) by striking “his” and inserting “the volunteer’s”;

(19) in section 26—

(A) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively;

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

“(2) The term ‘Director’ means the Director of the Peace Corps.”;

(C) in paragraph (5), as redesignated, by striking “he or she” and inserting “the medical officer”;

(D) in paragraph (7), as redesignated, by striking “5(m)” and inserting “5(n)”; and

(E) in paragraph (10), as redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) in subparagraph (A), as redesignated, by striking “section 5(f)” and inserting “section 5(e)”; and

(20) in section 301(a), by striking “manpower” each place such term appears and inserting “individuals”.

SA 6026. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 3875, to require the President to develop and maintain products that show the risk of natural hazards across the United States, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Community Disaster Resilience Zones Act of 2022”.

SEC. 2. FINDINGS.

Section 101(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121(b)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by adding “; and” at the end; and

(3) by adding at the end the following:

“(7) identifying and improving the climate and natural hazard resilience of vulnerable communities.”.

SEC. 3. NATURAL HAZARD RISK ASSESSMENT.

(a) IN GENERAL.—Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

“SEC. 206. NATURAL HAZARD RISK ASSESSMENT.

“(a) DEFINITIONS.—In this section:

“(1) COMMUNITY DISASTER RESILIENCE ZONE.—The term ‘community disaster resilience zone’ means a census tract designated by the President under subsection (d)(1).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State;

“(B) an Indian tribal government; or

“(C) a local government.

“(b) PRODUCTS.—The President shall continue to maintain a natural hazard assessment program that develops and maintains products that—

“(1) are available to the public; and

“(2) define natural hazard risk across the United States.

“(c) FEATURES.—The products maintained under subsection (b) shall, for lands within States and areas under the jurisdiction of Indian tribal governments—

“(1) show the risk of natural hazards; and

“(2) include ratings and data for—

“(A) loss exposure, including population equivalence, buildings, and agriculture;

“(B) social vulnerability;

“(C) community resilience; and

“(D) any other element determined by the President.

“(d) COMMUNITY DISASTER RESILIENCE ZONES DESIGNATION.—

“(1) IN GENERAL.—Not later than 30 days after the date on which the President makes the update and enhancement required under subsection (e)(4), and not less frequently than every 5 years thereafter, the President shall identify and designate community disaster resilience zones, which shall be—

“(A) the 50 census tracts assigned the highest individual hazard risk ratings; and

“(B) subject to paragraph (3), in each State, not less than 1 percent of census tracts that are assigned high individual risk ratings.

“(2) RISK RATINGS.—In carrying out paragraph (1), the President shall use census tract risk ratings derived from a product maintained under subsection (b) that—

“(A) reflect—

“(i) high levels of individual hazard risk ratings based on an assessment of the inter-section of—

“(I) loss to population equivalence;

“(II) building value; and

“(III) agriculture value;

“(ii) high social vulnerability ratings and low community resilience ratings; and

“(iii) any other elements determined by the President; and

“(B) reflect the principal natural hazard risks identified for the respective census tracts.

“(3) GEOGRAPHIC BALANCE.—In identifying and designating the community disaster resilience zones described in paragraph (1)(B)—

“(A) for the purpose of achieving geographic balance, when applicable, the President shall consider making designations in coastal, inland, urban, suburban, and rural areas; and

“(B) the President shall include census tracts on Tribal lands located within a State.

“(4) DURATION.—The designation of a community disaster resilience zone under paragraph (1) shall be effective for a period of not less than 5 years.

“(e) REVIEW AND UPDATE.—Not later than 180 days after the date of enactment of the Community Disaster Resilience Zones Act of 2022, and not less frequently than every 5 years thereafter, the President shall—

“(1) with respect to any product that is a natural hazard risk assessment—

“(A) review the underlying methodology of the product; and

“(B) receive public input on the methodology and data used for the product;

“(2) consider including additional data in any product that is a natural hazard risk assessment, such as—

“(A) the most recent census tract data;

“(B) data from the American Community Survey of the Bureau of the Census, a successor survey, a similar survey, or another data source, including data by census tract on housing characteristics and income;

“(C) information relating to development, improvements, and hazard mitigation measures;

“(D) data that assesses past and future loss exposure, including analysis on the effects of a changing climate on future loss exposure;

“(E) data from the Resilience Analysis and Planning Tool of the Federal Emergency Management Agency; and

“(F) other information relevant to prioritizing areas that have—

“(i) high risk levels of—

“(I) natural hazard loss exposure, including population equivalence, buildings, infrastructure, and agriculture; and

“(II) social vulnerability; and

“(ii) low levels of community resilience;

“(3) make publicly available any changes in methodology or data used to inform an update to a product maintained under subsection (b); and

“(4) update and enhance the products maintained under subsection (b), as necessary.

“(f) NATURAL HAZARD RISK ASSESSMENT INSIGHTS.—In determining additional data to include in products that are natural hazard risk assessments under subsection (e)(2), the President shall consult with, at a minimum—

“(1) the Administrator of the Federal Emergency Management Agency;

“(2) the Secretary of Agriculture and the Chief of the Forest Service;

“(3) the Secretary of Commerce, the Administrator of the National Oceanic and Atmospheric Administration, the Director of the Bureau of the Census, and the Director of the National Institute of Standards and Technology;

“(4) the Secretary of Defense and the Commanding Officer of the United States Army Corps of Engineers;

“(5) the Administrator of the Environmental Protection Agency;

“(6) the Secretary of the Interior and the Director of the United States Geological Survey;

“(7) the Secretary of Housing and Urban Development; and

“(8) the Director of the Federal Housing Finance Agency.

“(g) **COMMUNITY DISASTER RESILIENCE ZONE.**—With respect to financial assistance provided under section 203(i) to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone, the President may increase the amount of the Federal share described under section 203(h) to not more than 90 percent of the total cost of the resilience or mitigation project.

“(h) **RESILIENCE OR MITIGATION PROJECT PLANNING ASSISTANCE.**—

“(1) **IN GENERAL.**—The President may provide financial, technical, or other assistance under this title to an eligible entity that plans to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone.

“(2) **PURPOSE.**—The purpose of assistance provided under paragraph (1) shall be to carry out activities in preparation for a resilience or mitigation project or seek an evaluation and certification under subsection (i)(2) for a resilience or mitigation project before the date on which permanent work of the resilience or mitigation project begins.

“(3) **APPLICATION.**—If required by the President, an eligible entity seeking assistance under paragraph (1) shall submit an application in accordance with subsection (i)(1).

“(4) **FUNDING.**—In providing assistance under paragraph (1), the President may use amounts set aside under section 203(i).

“(i) **COMMUNITY DISASTER RESILIENCE ZONE PROJECT APPLICATIONS.**—

“(1) **IN GENERAL.**—If required by the President or other Federal law, an eligible entity shall submit to the President an application at such time, in such manner, and containing or accompanied by such information as the President may reasonably require.

“(2) **EVALUATION AND CERTIFICATION.**—

“(A) **IN GENERAL.**—Not later than 120 days after the date on which an eligible entity submits an application under paragraph (1), the President shall evaluate the application to determine whether the resilience or mitigation project that the entity plans to perform within, or that primarily benefits, a community disaster resilience zone—

“(i) is designed to reduce injuries, loss of life, and damage and destruction of property, such as damage to critical services and facilities; and

“(ii) substantially reduces the risk of, or increases resilience to, future damage, hardship, loss, or suffering.

“(B) **CERTIFICATION.**—If the President determines that an application submitted under paragraph (1) meets the criteria described in subparagraph (A), the President shall certify the proposed resilience or mitigation project.

“(C) **EFFECT OF CERTIFICATION.**—The certification of a proposed resilience or mitigation project under subparagraph (B) shall not be construed to exempt the resilience or mitigation project from the requirements of any other law.

“(3) **PROJECTS CAUSING DISPLACEMENT.**—With respect to a resilience or mitigation project certified under paragraph (2)(B) that involves the displacement of a resident from any occupied housing unit, the entity performing the resilience or mitigation project shall—

“(A) provide, at the option of the resident, a suitable and habitable housing unit that is,

with respect to the housing unit from which the resident is displaced—

“(i) of a comparable size;

“(ii) located in the same local community or a community with reduced hazard risk; and

“(iii) offered under similar costs, conditions, and terms;

“(B) ensure that property acquisitions resulting from the displacement and made in connection with the resilience or mitigation project—

“(i) are deed restricted in perpetuity to preclude future property uses not relating to mitigation or resilience; and

“(ii) are the result of a voluntary decision by the resident; and

“(C) plan for robust public participation in the resilience or mitigation project.”

(b) **NATIONAL RISK INDEX FUNDING.**—Nothing in section 206 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by subsection (a) of this section, shall be construed to prohibit the Administrator of the Federal Emergency Management Agency from using amounts available to maintain and update the National Risk Index until the earlier of—

(1) the date on which those amounts are transferred to another source; and

(2) 3 years after the date of enactment of this Act.

(c) **APPLICABILITY.**—The amendments made by this Act shall only apply with respect to amounts appropriated on or after the date of enactment of this Act.

SA 6027. Mr. SCHUMER (for Mr. CARDIN) proposed an amendment to the bill S. 3906, to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Small Business Broadband and Emerging Information Technology Enhancement Act of 2022”.

SEC. 2. BROADBAND AND EMERGING INFORMATION TECHNOLOGY COORDINATOR.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 49 (15 U.S.C. 631 note) as section 50; and

(2) by inserting after section 48 (15 U.S.C. 657u) the following:

“SEC. 49. BROADBAND AND EMERGING INFORMATION TECHNOLOGY.

“(a) **DEFINITIONS.**—In this section—

“(1) the term ‘Associate Administrator’ means the Associate Administrator for the Office of Investment and Innovation;

“(2) the term ‘broadband’ means—

“(A) high-speed wired broadband internet; and

“(B) high-speed wireless internet;

“(3) the term ‘broadband and emerging information technology coordinator’ means the employee designated to carry out the broadband and emerging information technology coordination responsibilities of the Administration under subsection (b)(1); and

“(4) the term ‘emerging information technology’ includes—

“(A) data science technologies such as artificial intelligence and machine learning;

“(B) Internet of Things;

“(C) distributed ledger technologies such as blockchain;

“(D) cloud computing and software as a system technologies;

“(E) computer numerical control technologies such as 3D printing; and

“(F) robotics and automation.

“(b) **ASSIGNMENT OF COORDINATOR.**—

“(1) **ASSIGNMENT OF COORDINATOR.**—The Associate Administrator shall designate a senior employee of the Office of Investment and Innovation to serve as the broadband and emerging information technology coordinator, who—

“(A) shall report to the Associate Administrator;

“(B) shall work in coordination with—

“(i) the chief information officer, the chief technology officer, and the head of the Office of Technology of the Administration; and

“(ii) any other Associate Administrator of the Administration determined appropriate by the Associate Administrator;

“(C) has experience developing and implementing telecommunications policy in the private sector or government; and

“(D) has demonstrated significant experience in the area of broadband or emerging information technology.

“(2) **RESPONSIBILITIES OF COORDINATOR.**—The broadband and emerging information technology coordinator shall—

“(A) coordinate programs of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and other emerging information technologies;

“(B) serve as the primary liaison of the Administration to other Federal agencies involved in broadband and emerging information technology policy, including the Department of Commerce, the Department of Agriculture, the Department of the Treasury, and the Federal Communications Commission;

“(C) identify best practices relating to broadband and emerging information technology that may benefit small business concerns; and

“(D) identify and catalog tools and training available through the resource partners of the Administration that assist small business concerns in adopting, making innovations in, and using broadband and emerging information technologies.

“(3) **TRAVEL.**—Not more than 20 percent of the hours of service by the broadband and emerging information technology coordinator during any fiscal year shall consist of travel outside the United States to perform official duties.

“(c) **BROADBAND AND EMERGING INFORMATION TECHNOLOGY TRAINING.**—The broadband and emerging information technology coordinator shall provide to employees of the Administration training that—

“(1) familiarizes employees of the Administration with broadband and other emerging information technologies;

“(2) includes—

“(A) instruction on counseling small business concerns regarding adopting, making innovations in, and using broadband and other emerging information technologies; and

“(B) information on programs of the Federal Government that provide assistance to small business concerns relating to broadband and emerging information technologies; and

“(3) to maximum extent practicable, uses the tools and training cataloged and identified under subsection (b)(2)(D).

“(d) **REPORTS.**—

“(1) **BIENNIAL REPORT ON ACTIVITIES.**—Not later than 2 years after the date on which the Associate Administrator makes the first designation of an employee under subsection (b), and every 2 years thereafter, the broadband and emerging information technology coordinator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on

Small Business of the House of Representatives a report regarding the programs and activities of the Administration relating to broadband and other emerging information technologies.

“(2) IMPACT OF BROADBAND AVAILABILITY, SPEED, AND PRICE AND EMERGING INFORMATION TECHNOLOGY DEPLOYMENT ON SMALL BUSINESSES.—

“(A) IN GENERAL.—Subject to appropriations, the Chief Counsel for Advocacy shall conduct a study evaluating the impact of—

“(i) broadband availability, speed, and price on small business concerns; and

“(ii) emerging information technology deployment on small business concerns.

“(B) REPORT.—Not later than 3 years after the date of enactment of the Small Business Broadband and Emerging Information Technology Enhancement Act of 2022, the Chief Counsel for Advocacy shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Energy and Commerce and the Committee on Small Business of the House of Representatives a report on the results of the study under subparagraph (A), including—

“(i) a survey of broadband speeds available to small business concerns;

“(ii) a survey of the cost of broadband speeds available to small business concerns;

“(iii) a survey of the type of broadband technology used by small business concerns;

“(iv) a survey of the types of emerging information technologies used by small business concerns; and

“(v) any policy recommendations that may improve the access of small business concerns to broadband services or emerging information technologies.”.

SEC. 3. ENTREPRENEURIAL DEVELOPMENT.

Section 21(c)(3)(B) of the Small Business Act (15 U.S.C. 648(c)(3)(B)) is amended—

(1) in the matter preceding clause (i), by inserting “accessing broadband and other emerging information technology,” after “technology transfer,”;

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

(3) in clause (iii), by adding “and” at the end; and

(4) by adding at the end the following:

“(iv) increasing the competitiveness and productivity of small business concerns by assisting entrepreneurs in accessing broadband and other emerging information technology;”.

SA 6028. Mr. SCHUMER (for Mr. CARDIN (for himself and Mr. RUBIO)) proposed an amendment to the bill H.R. 3462, to require an annual report on the cybersecurity of the Small Business Administration, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBA Cyber Awareness Act”.

SEC. 2. CYBERSECURITY AWARENESS REPORTING.

(a) IN GENERAL.—Section 10 of the Small Business Act (15 U.S.C. 639) is amended by inserting after subsection (a) the following:

“(b) CYBERSECURITY REPORTS.—

“(1) ANNUAL REPORT.—Not later than 180 days after the date of enactment of this subsection, and every year thereafter, the Administrator shall submit a report to the appropriate congressional committees that includes—

“(A) a strategy to increase the cybersecurity of information technology infrastructure of the Administration;

“(B) a supply chain risk management strategy and an implementation plan to address the risks of foreign manufactured information technology equipment utilized by the Administration, including specific risk mitigation activities for components originating from entities with principal places of business located in the People’s Republic of China; and

“(C) an account of—

“(i) any incident that occurred at the Administration during the 2-year period preceding the date on which the first report is submitted, and, for subsequent reports, the 1-year period preceding the date of submission; and

“(ii) any action taken by the Administrator to respond to or remediate any such incident.

“(2) FISMA REPORTS.—Each report required under paragraph (1) may be submitted as part of the report required under section 3554 of title 44, United States Code.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the reporting requirements of the Administrator under chapter 35 of title 44, United States Code, in particular the requirement to notify the Federal information security incident center under section 3554(b)(7)(C)(ii) of such title, any guidance issued by the Office of Management and Budget, or any other provision of law or Federal policy.

“(4) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

“(i) the Committee on Small Business and Entrepreneurship of the Senate;

“(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(iii) the Committee on Small Business of the House of Representatives; and

“(iv) the Committee on Oversight and Reform of the House of Representatives.

“(B) INCIDENT.—The term ‘incident’ has the meaning given the term in section 3552 of title 44, United States Code.

“(C) INFORMATION TECHNOLOGY.—The term ‘information technology’ has the meaning given the term in section 3502 of title 44, United States Code.”.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Small Business Administration shall, to the greatest extent practicable, provide to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Small Business of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives a detailed account of information technology (as defined in section 3502 of title 44, United States Code) of the Small Business Administration that was manufactured by an entity that has its principal place of business located in the People’s Republic of China.

SA 6029. Mr. SCHUMER (for Mr. CARDIN) proposed an amendment to the bill S. 2521, to require the Administrator of the Small Business Administration to establish an SBIC Working Group, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “SBIC Advisory Committee Act of 2022”.

SEC. 2. SBIC ADVISORY COMMITTEE.

(a) DEFINITIONS.—In this section—

(1) the terms “Administration” and “Administrator” mean the Small Business Ad-

ministration and the Administrator thereof, respectively;

(2) the term “covered Members” means the Chair and Ranking Member of—

(A) the Committee on Small Business and Entrepreneurship of the Senate; and

(B) the Committee on Small Business of the House of Representatives;

(3) the terms “licensee”, “small business investment company”, and “underlicensed State” have the meanings given those terms in section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 662);

(4) the term “low-income community” has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;

(5) the term “rural area” has the meaning given the term by the Bureau of the Census;

(6) the terms “small business concern”, “small business concern owned and controlled by veterans”, and “small business concern owned and controlled by women” have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term “socially or economically disadvantaged individual” means a socially disadvantaged individual or economically disadvantaged individual, as described in paragraphs (5) and (6)(A), respectively, of section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(8) the term “underfinanced State” means a State that has below median financing, as determined by the Administrator; and

(9) the term “underserved community” means—

(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));

(B) a community that has been designated as an empowerment zone or an enterprise community under section 1391 of the Internal Revenue Code of 1986;

(C) a community that has been designated as a promise zone by the Secretary of Housing and Urban Development; and

(D) a community that has been designated as a qualified opportunity zone under section 1400Z-1 of the Internal Revenue Code of 1986.

(b) ESTABLISHMENT.—The Administrator shall establish an SBIC Advisory Committee (referred to in this section as the “Advisory Committee”) to convene outside experts to advise on the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(c) COMPOSITION.—

(1) MEMBERSHIP.—The Advisory Committee shall be composed of 16 members appointed by the Administrator as follows:

(A) The Associate Administrator of the Office of Investment and Innovation of the Small Business Administration, or another designee of the Administrator as determined by the Administrator.

(B) 7 members with competence, interest, or knowledge of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), of whom—

(i) not fewer than 3 shall have a demonstrated record of expertise in investing in—

(I) low-income communities;

(II) communities that have been designated as qualified opportunity zones under section 1400Z-1 of the Internal Revenue Code of 1986;

(III) businesses primarily engaged in research and development;

(IV) manufacturers;

(V) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee;

(VI) rural areas; or

(VII) underfinanced States; and

(ii) not fewer than 1 member shall be a representative from a trade association for the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(C) 8 members appointed by the Administrator as follows:

(i) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(ii) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate under paragraph (2).

(iii) 2 members shall be selected from among the individuals in the list submitted by the Chair of the Committee on Small Business of the House of Representatives under paragraph (2).

(iv) 2 members shall be selected from among the individuals in the list submitted by the Ranking Member of the Committee on Small Business of the House of Representatives under paragraph (2).

(2) RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, each of the covered Members shall provide to the Administrator a list of 3 candidates for membership on the Advisory Committee, who shall be individuals who hold a high-ranking position or senior leadership role, and have no conflict of interest in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), in—

(A) a relevant industry trade association;

(B) the investment industry with expertise in pensions, endowments, and other non-banking institutions;

(C) academia with expertise in the investment industry; or

(D) a nonprofit institution, including one that serves any of the entities described in subclauses (I) through (VII) of paragraph (1)(B)(i).

(3) PRIVATE SECTOR MEMBERS.—Not fewer than 2 and not more than 4 of the members of the Advisory Committee shall be investors in the private sector who—

(A) invest in small business concerns; and

(B) as of the date of appointment, do not participate in the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.).

(4) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be the member of the Advisory Committee appointed under paragraph (1)(A).

(5) PERIOD OF APPOINTMENT.—Members of the Advisory Committee shall be appointed for the life of the Advisory Committee.

(6) VACANCIES.—Any vacancy in the Advisory Committee shall be filled in the same manner as the original appointment.

(d) DEADLINE FOR APPOINTMENT.—Not later than 60 days after the date on which the covered Members provide the lists to the Administrator under subsection (c)(2), the Administrator shall—

(1) appoint the members of the Advisory Committee; and

(2) submit to Congress a list of the members so appointed.

(e) DUTIES.—The Advisory Committee shall provide advice and recommendations to the Administrator—

(1) concerning policy and program development and other matters of significance concerning activities under the Small Business Act (15 U.S.C. 631 et seq.) and the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.), including diversifying management teams or companies;

(2) concerning incentives for small business investment companies to—

(A) invest and locate in underlicensed States and underfinanced States; and

(B) invest in small business concerns, including those owned and controlled by socially or economically disadvantaged individuals, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women;

(3) concerning metrics of success, and benchmarks for success, with respect to the goals described in this section; and

(4) concerning the impact of the small business investment program under title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) on the private investment market, including whether investments under the program compete with the private sector.

(f) REPORT.—Not later than 18 months after the date on which the Administrator establishes the Advisory Committee under subsection (b), the Advisory Committee shall submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report that includes the recommendations of the Advisory Committee described in subsection (e).

(g) TERMINATION.—The Advisory Committee shall terminate on the date on which the Advisory Committee submits the report required under subsection (f).

SA 6030. Mr. SCHUMER proposed an amendment to amendment SA 5745 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

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

SA 6031. Mr. SCHUMER proposed an amendment to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take on the date that is 5 days after the date of enactment of the Act.

SA 6032. Mr. SCHUMER proposed an amendment to amendment SA 6031 proposed by Mr. SCHUMER to the bill H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, and for other purposes; as follows:

On page 1, line 3, strike “5” and insert “6”.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to the nomination of

Michael Alan Ratney, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia, dated September 28, 2022.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leader.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 9:30 a.m., to conduct a business meeting.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 11 a.m., to conduct a business meeting.

THE SUBCOMMITTEE ON AVIATION SAFETY, OPERATIONS, AND INNOVATION

The Subcommittee on Aviation Safety, Operations, and Innovation of the Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, September 28, 2022, at 2:15 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Zachary Schultz, an intern in my office, be granted floor privileges until September 29, 2022.

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

ORDERS FOR THURSDAY, SEPTEMBER 29, 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, September 29, and that following the prayer and the pledge, the morning hour be

deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of Calendar No. 389, H.R. 6833.

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

Mr. SCHUMER. Now, Mr. President, before we adjourn, I just want to notify the Members that we expect to vote on the Freeman nomination before lunch.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. SCHUMER. Mr. President, now, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:25 p.m., adjourned until Thursday, September 29, 2022, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING CLAUDINO “TITO”
ROSARIO FOR HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, as a labor organizer, Claudino “Tito” Rosario has served Central Florida for the past 15 years working to organize hospitality workers with UNITE HERE Local 362.

Tito was one of the key organizers in the union’s fight to win \$15 per hour at Walt Disney World in 2018, while winning affordable healthcare for airport workers, recruiting countless workplace leaders, participating in civil disobedience, and building a stronger union that is filled with hope due to his spirit.

Tito first joined UNITE HERE when he became a custodial cast member at Walt Disney World in 1995. He worked in several resorts across their property, eventually working at Disney’s Animal Kingdom where he became a shop steward for his co-workers in 2005. He was hired to the Local 362 Union organizing team in 2007 where he organized workers at Walt Disney World, airport food service workers, airline catering workers, and casino workers across the country.

In retirement, Tito plans to spend time with his wife Lourdes of 25 years, his 11 grandchildren, and his one great-grandchild. He also plans to donate time to his church’s ministry—Iglesia Pentecostal Pozo De Jacob, Inc. Pastores Melissa Rivera y José A. Franco—serving as secretary general. Tito has touched thousands of lives in Central Florida, and I join the members of UNITE HERE Local 362 in being forever grateful for his hard work and dedication.

IN RECOGNITION OF THE 136TH ANNIVERSARY OF THE MOUNT MORIAH MISSIONARY BAPTIST CHURCH

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize the Mt. Moriah Missionary Baptist Church on the anniversary of its inception after 136 blessed years of contributing to and serving the surrounding community through ministry and service. Mt. Moriah celebrated their anniversary on Sunday, September 25, 2022 at 10:00 a.m. during their Sunday service in Macon, Georgia.

The Mt. Moriah Missionary Baptist Church was founded in 1886 by Rev. Harrison Hall and Rev. Henry A. Williams. Starting as a humble wooden structure on Powell Street, the church began to expand over the years to include a Sunday School and other additions

that would become meeting spaces for community groups and clubs such as the Loyal Matrons, Richardson Literary, Cooperative Women, the Brotherhood, and a new Boy Scout Troop. After many fruitful years of ministry and expansion, the Lord provided Mt. Moriah with the means to relocate to its present-day home on Millerfield Road in 1967 where it was able to further expand and serve its members with even greater impact.

The Mt. Moriah Baptist Church has for a century played a vital role in the spiritual and overall development of several generations through its active involvement in the Boy Scouts, Cub Scouts, Brownies, and Vacation Bible Schools. The church has always prioritized educating its members, and especially its youth, in positive life skills and encourages all members to join Prayer Meetings and Bible Study. And truly, the congregation of Mt. Moriah has always demonstrated a genuine concern for uplifting the surrounding community. Mt. Moriah continued in this mission in the foundation of the Family Life Center. Built and dedicated in 1992, the Center houses a nursery, library, six classrooms, and a gymnasium to be used and enjoyed by the church’s members and ministries such as the Single’s Ministry, the Couple’s Ministry, Mission Board, YDC Ministry, Keenagers (Senior Saints), the Men of Mt. Moriah, and Women of Mt. Moriah. In 2006, the church established the Travel Ministry and took on the worthy cause of spreading its mission of evangelism and altruism abroad. Over the years the Travel Ministry would spread its ministry wide, including travel to Barbados, Jamaica, Liberia, South Carolina, Florida, and many other places with people in need.

Over the decades, none of Mt. Moriah’s accomplishments could have been possible without the hard work and dedication of the church’s many dedicated members, deacons, ministers, and, most importantly, its pastors. Each pastor has contributed to the growth and excellence of the church through various initiatives; under Reverend Lonzy Edwards, Sr.’s leadership Mt. Moriah saw the establishment of a college scholarship fund, a new radio ministry, and a property expansion. Mt. Moriah’s current lead pastor, Reverend Dr. Stanley Kimble, has not only continued to advance the church’s long-held mission of uplifting the greater community; he has also brought forth a newfound passion for youth engagement and local charities. Dr. Kimble founded the “Get Your Glory Youth Praise Dance Ministry” and the Youth Cafe on every third Sunday, as well as the Feeding of the Homeless Ministry and the Red Cross Blood Drive. It is without a doubt that these pastors’ contributions inspired so many to do what they may never have thought possible.

The story of Mt. Moriah Missionary Baptist Church, which began as a small group of people worshipping 136 years ago and has grown into an expansive and successful church, is truly an inspiring one of the dedication and perseverance of a faithful congregation who put all of their love and trust in the Lord.

Ephesians 4:4 tells us, “There is one body, and one Spirit, even as ye are called in one hope of your calling.” Mt. Moriah from its inception has served as one body and spirit in service to God and Jesus Christ.

Madam Speaker, today I ask my colleagues to join my wife, Vivian, and me, along with the more than 730,000 people of Georgia’s Second Congressional District in recognizing and honoring the Mount Moriah Missionary Baptist Church on its 136th anniversary for its congregation’s enduring commitment to each other and to our Lord and Savior Jesus Christ. May their actions continue to inspire the community in courage, in dedication, and in faith.

HONORING SOMOS MAYFAIR

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. LOFGREN. Madam Speaker, I rise today to commemorate the 25th anniversary of Somos Mayfair, a community organization located in East San Jose.

Mayfair is a vibrant neighborhood with a deep legacy of social services, community organizing, and social justice movements. Renowned labor leader Cesar Chavez did early work here and it is recognized as the birthplace of the Chicano Civil Rights Movement.

Somos Mayfair builds community power in East San Jose through leadership development and by organizing resident-led solutions. Somos has built an inclusive vision of a thriving, healthy, and safe community.

Recent accomplishments include:

Building a network of resident leaders trained to be community organizers, leaders, and advocates;

Providing over 1,600 parents and young children the resources and community they need through their Family Resource Centers;

Collaborating with partners to win the development of Quetzal Gardens—a new project making affordable apartments available to residents;

Securing \$1.2 million for translation services within San Jose public schools; and

Championing a local preference policy to protect residents from displacement.

As we move forward in challenging, yet hopeful times, we salute Somos Mayfair and its families. We look forward to working together to create opportunities and advancement for all working families.

HONORING DIANA MENDEZ FOR
HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Dr. Diana Mendez was born and raised by her Peruvian

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

family in Lima before moving to Orlando, Florida when she was 14 years old.

After high school, Dr. Mendez earned a bachelor's degree with honors in psychology from the University of Central Florida. She then earned her Ph.D. in clinical psychology from the University of Detroit Mercy and completed a clinical health psychology post-doctoral fellowship at the University of Miami Miller School of Medicine, Psychiatry, and Behavioral Sciences.

Dr. Mendez is board certified in behavioral and cognitive psychology and began working at the Orlando VA healthcare system in 2014. As a result of her outstanding clinical skills and natural leadership abilities, she now oversees the clinical care, staff, and operations of mental health services across four of the Orlando VA's community-based outpatient clinics.

Every aspect of Dr. Mendez's career reflects a dedication to advocacy, equity, and service to others. Her research focuses on decreasing health disparities by improving social determinants of health for at-risk and underrepresented communities. She works tirelessly to improve access to mental health care for veterans from historically marginalized communities, which is reflected in her clinics' operations, as well as in the evidence-based, culturally sensitive approach she takes within her clinical work.

As a VA national consultant for diversity, equity, and inclusion, Dr. Mendez's leadership and expertise has been a driving force behind many DEI-related initiatives at the Orlando VA and throughout VA's across the country.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE CORPORAL JOHN S. GILBERTIE FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Corporal John S. Gilbertie who was inducted into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Cpl. Gilbertie's career accomplishments only begins to adequately describe the importance of his military service. He served in the 82nd Airborne Division from October 1917 to May 1919, which included serving as an infantryman and squad leader in company E, 327th Infantry Regiment during the St. Mihiel and Meuse-Argonne campaigns of World War I. During WWI, Cpl. Gilbertie led nightly patrols for the 327th Regiment, which earned him the Distinguished Service Cross. According to his citation, he carried messages from the front lines to battalion and regimental headquarters in October 1918 near Cornay, France; "Although suffering from the effects of gas and sickness, on two occasions, he volun-

teered and led patrols in the enemy territory, obtaining and returning with information of the utmost importance and value." For his efforts, Cpl. Gilbertie was awarded the Silver Star Medal, the World War I Victory Medal with three Clasps and the Italian War Cross.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Cpl. Gilbertie's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Cpl. John S. Gilbertie for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Corporal John Gilbertie for his induction to the 82nd Airborne Division's Hall of Fame.

HONORING THE LIFE OF NEAL J. KATZ

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. TAYLOR. Madam Speaker, today, I rise to honor and celebrate the life of Neal J. Katz.

On November 23, 1954, Neal was born to Regina and Louis Katz in New York City. In high school he would earn the name "Statz" after managing statistics for Horace Mann's Basketball Team, a lifelong skill to which he was well suited.

Following his graduation from Rensselaer Polytechnic Institute where he received a Bachelor of Science in Civil Engineering and a Master's in Business Administration, Neal and his wife, Diane, would move to Texas, eventually settling in Plano.

Mr. Katz would become an active fixture in Collin County politics where his roles included serving as an elector as part of the Texas delegation to the Electoral College, on the State Republican Executive Committee, as a delegate to the National Convention, and as an active participant in more than a dozen local organizations. Most recently, he retired as Executive Director of the Collin County Republican Party.

Service above self was an important component of Neal's life, and his passions included keeping his hometown of Plano safe. To that end, he was a graduate of the Plano Citizens Police Academy, a Field Training Officer, and a volunteer in several initiatives including Citizens Assisting Plano Police, the Plano Youth Police Academy, and Summer Safety School.

As a proud father to Janelle and Rachel, Neal proudly served as a Girl Scouts Troop Cookie Dad before being elevated to a University of North Texas sports fan and ISU theatre patron.

While we mourn Neal's loss, we remember his many contributions as a servant leader within our community. With much gratitude for his longtime grassroots efforts, I ask my colleagues in the House of Representatives to join me in celebrating the rich legacy of Neal J. Katz.

HONORING MIKE BRENNAN, FOUNDER AND FORMER CO-CHAIRMAN OF UNITY FOUNDATION

HON. FRANK J. MRVAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. MRVAN. Madam Speaker, it is with great respect and admiration that I take this time to honor Mike Brennan and to wish him well upon his retirement from the board of Unity Foundation of La Porte County. Mike is the founder and former Co-Chairman of this outstanding organization, and his lifetime commitment to charitable efforts is to be commended. Mr. Brennan will be honored at the foundation's 30th anniversary celebration taking place at Blue Chip Casino in Michigan City, Indiana, on Saturday, October 1, 2022.

Mike Brennan is a developer, entrepreneur, and philanthropist. His successful career and lifetime of service is truly impressive and noteworthy. Among his many accomplishments, Mike is the founder and developer of Light-house Place Premium Outlets mall, which was built in 1987 in Michigan City, Indiana. In 1997, Mike was an investor of the former site of Joy Manufacturing which he helped develop into the Michigan City Enterprise Center, a facility that housed numerous companies and created many jobs throughout Northwest Indiana. In addition, he was a co-owner of Sager Metal Strip Company in Michigan City, a company that engineered and designed conveyor systems for organizations worldwide.

In the early 1990s, Mr. Brennan responded to the Lilly Endowment Inc. GIFT Initiative (Give Indiana Funds for Tomorrow) and began organizing ideas that would eventually culminate in the creation of Unity Foundation of La Porte County. Mike sought to establish an organization focused on giving back to the community. Since the beginning, he worked to unite local companies and partnered with remarkable leaders from La Porte, Michigan City, and throughout the region to help create Unity Foundation of La Porte County. Under Mike's outstanding leadership, the foundation has been immensely successful and continues to grow and expand. Today, the organization's assets have grown to more than forty million dollars while awarding over one million dollars in grants and scholarships each year. In addition, Unity Foundation has successfully reached all seven of Lilly Endowment Inc.'s fundraising challenges and has funded many projects, grants, and services including the Unity Park project, Save the Mill Pond, The Home Team, Trail Creek Watershed Planning & Partnership, The Discovery Alliance, Vibrant Communities of La Porte County and numerous COVID disaster relief and recovery efforts, to name a few. For his devotion to improving communities in La Porte County and throughout Northwest Indiana, Mr. Brennan is worthy of the highest praise.

Madam Speaker, I ask that you and my other distinguished colleagues join me in recognizing Unity Foundation of La Porte County as the organization celebrates its 30th anniversary and in honoring Mike Brennan for his inspirational leadership and in wishing him well upon his retirement from the board. Mr. Brennan's remarkable contributions to the foundation and to the community will have a positive impact for generations to come.

HONORING ELSIE M. COLÓN RIVERA FOR HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Elsie M. Colón Rivera is a 36-year-old Hispanic woman from Cidra, Puerto Rico, and the oldest and only sister of five children. She was born with a rare blood disease called Von Willebrand disease. Playing as a child was a challenge because she could have lots of bleeds, but it still didn't stop her from doing sports like gymnastics, cheerleading, and swimming, and reaching her goals.

From high school up until leaving Puerto Rico, Elsie volunteered at Centro de Bendición in San Juan, a social help center. There, Elsie helped people obtain their high school diplomas, and distribute meals, clothes, and personal hygiene products, among others. This volunteer experience helped her find what she loved and defined her professional career to the service of people. Also, as a veteran dependent, she participated in the work-study program at San Juan VA Medical Center. There, she worked in the administrative area of the mental health clinic. This work set her commitment to service.

She moved from Puerto Rico to Florida in 2016 with her husband in search of a better future. Elsie is an honor graduate of a master's in business administration at the Inter-American University of Puerto Rico. From 2018 to 2022, Elsie worked in the family business doing administrative work. She missed her work of service and decided to move to AGM University's Orlando Campus to work as an administrative coordinator. Elsie is highly motivated by her daughter to use a positive mind, empathy, and energy to encourage others to succeed.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE CAPTAIN JOHN B. SAULS FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Captain John B. Sauls who was inducted into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Cpt. Sauls' career accomplishments only begins to adequately describe the importance of his military service. He commanded Company G, 401st Glider Infantry Regiment. On June 9, 1944, Sauls led an attack on German defensive positions which were denying the progress of the Allied movement west from Normandy. Without cover or

concealment, Sauls and his company charged toward the Nazis, maneuvering down the 500-meter corridor directly into machine gun fire and artillery. After moving down the causeway, Sauls realized he only had a squad-sized element with him and the rest of the company was pinned down, wounded, or killed. Sauls made it across the corridor of fire and ran past the first line of German defense, shooting Nazis with his Thompson submachine gun. For his actions, Sauls earned the Silver Star. He died in 1987 at the age of 73.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Cpt. Sauls' selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Cpt. Sauls for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Captain John Sauls for his induction to the 82nd Airborne Division's Hall of Fame.

CHERYL BRUNGARDT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Cheryl Brungardt for receiving the Wheat Ridge Business Association's 2022 Mayor's Award.

The Mayor's Award is selected by Mayor Bud Starker to be awarded to an outstanding member of the community. A Wheat Ridge native, Cheryl was selected as this year's awardee for her tireless community service that she does with energy and dedication. She is passionate about every task she undertakes and often the first to volunteer to do the unglamorous but necessary tasks that help move the City of Wheat Ridge forward. Genuine and cheerful, she is a vital community member.

I thank Cheryl Brungardt, for her outstanding leadership, which helps make Wheat Ridge a wonderful place to live and work.

RECOGNIZING COMMANDER CALVIN JAMIESON FOR HIS SERVICE TO THE GARLAND-TOMPKINS AMERICAN LEGION POST 399

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BERGMAN. Madam Speaker, it is my honor to recognize Commander Calvin Jamieson for his years of service to the Garland-Tompkins American Legion Post 399. Through his exceptional leadership, steadfast devotion, and willingness to serve, Commander Jamieson has become an indispensable part of Michigan's First District.

Born and raised on Old Mission Peninsula, Commander Jamieson has served his community and Nation his entire life. After joining the

United States Army in 1955, he was stationed at Fort Knox in Kentucky. Part of an elite Combat Infantry Division, he and his fellow soldiers were always ready to answer the call of duty.

In 1972, Commander Jamieson joined the Garland-Tompkins American Legion, and in 1996, he became Post Commander. In this role, he worked tirelessly to ensure the successful operation of the Post. From building a new Legion Hall, to planning the Post's dinners, to coordinating community outreach events, Commander Jamieson has been a cornerstone not only of the Post, but also of the Old Mission Peninsula Community.

Madam Speaker, on behalf of Michigan's First Congressional District, I ask you to join me in recognizing the service of Commander Calvin Jamieson. His life's actions and work have embodied the highest level of patriotism and service to his community.

HONORING IRIS PADILLA FOR HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Iris Padilla immigrated to the United States from Venezuela at the age of 16. She is passionate about education and serving her community. In 2011, she fueled that passion by creating Kids Academy Learning Center.

Iris is the original founder of Kids Academy Learning Center and a co-owner of three additional facilities located in Haines City and Eagle Lake. The learning academies provide educational services for over 500 families and employment opportunities that boost the local economy.

She prides herself on the center's mission, "staff will strive to provide the highest quality childcare and educational service that promotes and enhances each child's development while assuring our parent's peace of mind in the care and service we render."

Iris exemplifies the heart of a servant leader. She provides free notary services and is an active member of the Kiwanis Club, the Northeast Chamber, and the professional development for the Council for Professional Recognition, where she ensures that childcare specialists are trained and equipped to provide excellent service to children. She is also a member of the Latin Business Expo where she works to spread awareness of positivity throughout the community by highlighting, promoting, and educating the community about Hispanic culture and businesses.

Iris is honored to have the opportunity to positively impact the lives of so many families on a daily basis. She is the mother of 2 children and has 8 grandchildren.

HONORING DAVID LEWIS ON HIS RETIREMENT FROM THE U.S. GOVERNMENT ACCOUNTABILITY OFFICE

HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SCOTT of Virginia. Madam Speaker, I rise on behalf of myself and Ranking Member VIRGINIA FOXX to recognize the retirement of David Lewis and honor his public service to the American people as the Assistant Director in the Office of Congressional Relations at the U.S. Government Accountability Office (GAO).

As Chair and Ranking Member of the Committee on Education and Labor, we would like to recognize an outstanding public servant, Mr. Lewis, who has dedicated his career to strengthening accountability within the federal government. Mr. Lewis will retire on September 30, 2022, after a distinguished, 38-year career in public service at the GAO.

Mr. Lewis has been an invaluable asset to us, Members of the Committee, and Members across Congress. Mr. Lewis built a considerable body of work in multiple issue areas, but we are most appreciative of the work he helped shepherd for our Committee.

Mr. Lewis helped strengthen GAO's relationship with Congress and upheld GAO's values on some of the most sensitive matters facing our nation in a bipartisan manner. As a Legislative Advisor, Mr. Lewis served as a mentor for countless GAO staff at every level of the agency. He provided teams with measured guidance and valuable insight on Congress. He could be relied on to help provide practical, diplomatic solutions. Further, he excelled at helping GAO meet Congress' needs, and helped Congress better utilize GAO's expertise. As a result of Mr. Lewis' efforts, GAO has strengthened relationships with key congressional committees including the House Education and Labor Committee. We commend his long and effective career as a public servant and note that he will be missed by this Committee and many others.

Madam Speaker, we join our colleagues and the staff on the Committee on Education and Labor in thanking Mr. Lewis for his service to the American people and wish him well in his retirement.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE COMMAND SERGEANT MAJOR BRYANT LAMBERT FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Command Sergeant Major Bryant Lambert for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their

commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Command Sgt. Maj. Lambert's career accomplishments only begins to adequately describe the importance of his military service. In his 26 years with the 82nd Airborne Division, he has held every rank and position in the division from rifleman to command sergeant major. He began as an infantryman in the 2nd Battalion of the 1st Brigade's 508th Infantry Regiment and later served in the division's 1st Brigade, 2-504 PIR and 3rd Brigade, 1-505 PIR before becoming the 3rd Brigade Combat Team's regimental command sergeant major. In 2010, he advanced to become the 82nd Airborne Division command sergeant major where he later served as the senior enlisted advisor for Regional Command-South and Combined Joint Task Force-82 during Operation Enduring Freedom. While in the military, Command Sgt. Maj. Lambert completed training programs at the U.S. Army Airborne School, the U.S. Army Drill Sergeant School, and the U.S. Army Sergeants Major Academy that contributed to his success and led him to serve in numerous other units at military bases across the country. He also completed many deployments, including three tours in Afghanistan, two tours in Iraq, and singular tours in Grenada, Saudi Arabia, and Haiti. He retired from the Army in 2018.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Command Sgt. Maj. Lambert's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Command Sgt. Maj. Lambert for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Command Sergeant Major Bryant Lambert for his induction to the 82nd Airborne Division's Hall of Fame.

NEW IMAGE BREWERY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize New Image Brewery for receiving the Wheat Ridge Business Association's 2022 Reinvestment Award.

New Image Brewery is being recognized for their resilience in investing in our community despite opening a business at a challenging time. When New Image Brewery first came to Wheat Ridge, they were looking for a facility to produce their beers, however, due to zoning laws, they were required to open a tasting room. New Image Brewery agreed to this new vision, but as they began to open their doors, the COVID-19 pandemic hit. Now, two years after their original opening, New Image Brewery was able to finally open the doors to their tasting room and has been met with great community support. Quickly, this brewery has become a popular spot in the community, featuring a wide array of brews inside and an on-site food truck outside.

I thank New Image Brewery for their "reinvestment" in our community. We are happy to have their tasting room's doors finally open.

**RECOGNIZING PHILIP D. HAMNER
ON HIS DEPARTURE**

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. DELAURO. Madam Speaker, I rise as Chair of the House Appropriations Committee to congratulate Philip D. Hamner on his 27 years of service to our Nation upon his retirement from the U.S. House of Representatives.

Mr. Hamner began his tenure with the Office of Finance of the Chief Administrative Officer (CAO) of the House as an Accounting Supervisor in 1995. Since 2011, he has been serving as CAO's Director of Accounting. With outstanding work ethic and expert knowledge of the United States Standard General Ledger (USSGL), Mr. Hamner has been at the helm of House accounting since he joined the House staff, previously serving as Systems Accountant, Deputy Director of Accounting, and Acting Director of Accounting.

Mr. Hamner's greatest contribution to this institution and its staff has been his successful leadership and immeasurable knowledge of accounting. During his tenure, he led his team in compiling the Annual House Financial Statements and annual external audits. Mr. Hamner played a significant role in the implementation of the House's financial system of record, PeopleSoft. Mr. Hamner has worked tirelessly over his distinguished career to ensure the House's financial transactions are accurately recorded and reported. These contributions have led the CAO Office of Finance team to receive 24 consecutive clean audit opinions for the U.S. House of Representatives. Speaking as an appropriator, that is a worthy distinction!

Mr. Hamner is a dedicated, dependable, tried-and-true employee to whom the House owes a tremendous amount of gratitude. I extend my congratulations to Mr. Hamner on an outstanding congressional career. His country thanks him for his hard work and dedication to this institution.

May Philip D. Hamner embrace all new opportunities that are presented to him in the future with the same passion and diligence he shared with us.

**HONORING ST. CLOUD POLICE
CHIEF BLAIR ANDERSON**

HON. TOM EMMER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. EMMER. Madam Speaker, I rise today to honor a dedicated public servant and a good friend, St. Cloud Police Chief Blair Anderson. Blair will be retiring this November after nearly 10 years of service to the St. Cloud community. He leaves behind a legacy of distinguished service that made our community safer and will not soon be forgotten.

Before becoming Chief of Police in St. Cloud, Blair was a member of the Dakota

County Sheriff's Office, where he started his career as an intern in 1995. He rose within the ranks and left as a Commander in 2011 to serve as Chief Deputy in Carver County.

Originally from Detroit, Michigan, Blair embraced the St. Cloud community and made meaningful changes during his many years of service. One change we are particularly proud of is the St. Cloud Police Department's Community OutPost or COP House program that Chief Anderson created. The COP House serves as a place for residents of the St. Cloud community and local law enforcement to gather and participate in afterschool programs, receive health services, and build meaningful relationships with one another.

The impact the COP House has had on the St. Cloud community is incredible and one that we've been working to turn into a national model for improving community/police relations. This is just one of the many improvements Blair made during his tenure that will continue to serve the entire St. Cloud community long after his retirement.

There is a reason all marked St. Cloud Police vehicles say "To serve and protect" on them, rather than the reverse. Chief Blair Anderson has made service to the St. Cloud community the cornerstone of his department. Under his watch, we all breathed a little easier. He will be greatly missed by the St. Cloud community, but his legacy will never be forgotten.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE CAPTAIN GERALD A. WOLFORD FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Captain Gerald A. Wolford who was inducted into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Cpt. Wolford's career accomplishments only begins to adequately describe the importance of his military service. He served in the 82nd Airborne Division from 2000 to 2006. As a staff sergeant deployed to Iraq in 2003, the gun section of Cpt. Wolford's Company D, 3rd Battalion, 325th Infantry came under fire during a river crossing in As-Samawah, Iraq. Unable to suppress with small arms, Cpt. Wolford silenced the position using a non-standard tactical vehicle and anti-tank weapon. He received the Silver Star for demonstrating outstanding valor and personal courage while serving as a Heavy Machine Gun Section Leader during a battalion river crossing in As Samawah, Iraq. As his unit approached the city, a rocket-propelled grenade struck his vehicle, wounding two paratroopers. Cpt. Wolford moved the wounded paratroopers to safety before his vehicle was

struck a second time when escorting a dismounted squad to a forward position. Cpt. Wolford continued directing section fires and engaging the enemy when a third rocket-propelled grenade detonated near his truck, and a fourth grenade passed over his head. For his actions, Cpt. Wolford was awarded the Silver Star and selected as the 2003 USO Soldier of the Year. He commissioned into the infantry branch in 2006 and finished his career as an information operations officer at the Department of the Army Headquarters in the Pentagon.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Cpt. Wolford's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Cpt. Wolford for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Captain Gerald Wolford for his induction to the 82nd Airborne Division's Hall of Fame.

THE WHEELIE BEAN

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize the Wheelie Bean for receiving the Wheat Ridge Business Association's 2022 Sustainability Green Business Award.

The Sustainability Green Business Award is given to a business in Wheat Ridge with a strong commitment to protecting the environment to help end the climate crisis facing our planet. I thank the Wheelie Bean for their continued work to help create a greener, more sustainable Wheat Ridge.

IN RECOGNITION OF DAVID LOUIE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. SPEIER. Madam Speaker, I rise to honor the legendary journalist David Louie, who has over five decades some of the biggest stories in the Bay Area and the nation. A familiar and friendly face on San Francisco's ABC7/KGO TV for 50 years, Bay Area viewers will undoubtedly miss his excellent reporting. It has been my great pleasure to run into David at countless events and to be interviewed by him dozens of times during my time in Congress and the California Legislature.

Journalism has been in David's blood since he was a child. He first appeared on camera at age five when one of his neighbors in Ohio who produced a weekly public affairs show invited him to the studio. He was also a newspaper delivery boy and wrote for his high school paper. In 1972, he became KGO's Asian American reporter.

David has a remarkable ability to quickly break down and condense any story, no mat-

ter what topic you throw at him. He has covered the emergence of Silicon Valley as a technology and innovation hub. He was part of the first local TV crew to go to China covering the normalization of US-China relations. He went to the Philippines during the People Power Revolution in 1986 that sent Ferdinand Marcos into exile. He was the first reporter to interview U.S. Secretary of Transportation Norman Mineta after 9/11. He covered the Patty Hearst kidnapping and the Loma Prieta earthquake.

Among the recognitions and awards David has received for his outstanding work are four Emmy Awards and two lifetime achievement awards from the Asian American Journalists Association (AAJA) and from the City and County of San Francisco. He was inducted into the National Academy of Television Arts and Sciences (NATAS) Gold Circle in 2019, and the Medill School of Journalism Hall of Fame in 1997. David served as the national president of AAJA, the national chairman of the NATAS, and on the board of the Radio Television Digital News Association (RTNDA). This year, he was awarded the Northwestern Alumni Medal.

David earned his bachelor's in journalism from Northwestern University, where he began in the Medill Cherubs, a summer institute for high school students interested in journalism careers.

David is also a foodie. Long before the food channels appeared on the air, David did a feature called, "Friday Feast." When he is not out in the field reporting, he is often in his kitchen experimenting with new recipes. He encourages his social media followers to send him risky recipes to try.

Madam Speaker, to say that David Louie is an institution in the Bay Area would not be an exaggeration. I ask my colleagues in the House of Representatives to join me in celebrating a man in pursuit of the truth and facts for more than half a century. He is a role model for other journalists: thorough, ethical and always curious. I wish him the best in his well-deserved retirement.

CELEBRATING WILLIAM F. THORNTON'S 80TH BIRTHDAY

HON. RALPH NORMAN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. NORMAN. Madam Speaker, I rise today to celebrate the life of Mr. William F. Thornton on his 80th birthday. Born on October 1, 1942 in Oakland, California to Mr. Frederick Lyle and Mrs. Evelyn Lenore Thornton, Mr. Thornton left home to live and work with his aunt and uncle at their dairy farm at the age of 13.

On November 2, 1966, Mr. Thornton enlisted in the Army at the age of 23. He served as a combat medic for 21 months in Vietnam and was later stationed in Germany, where he remained for the next 2 years.

Later, Mr. Thornton was stationed at Fort Sam Houston in San Antonio, Texas at their medical training center. He was then sent to Apalachicola, Florida to take part in weapons testing for helicopters.

In January 1967, Mr. Thornton was awarded the Silver Star, the Army's third highest award for valor. Mr. Thornton was cited for heroism

while serving as a medic. When his unit was hit by intense hostile fire and sustained several casualties, Mr. Thornton was called forward to administer first aid to two seriously wounded soldiers. He crawled forward while exposed to oppressive enemy fire and successfully administered medical treatment to his comrades.

Throughout his career, Mr. Thornton's courage saved the lives of countless soldiers and inspired his comrades.

In 1967, he was discharged and returned to live in Apalachicola, Florida where he worked as a seafood broker.

In 1988, he met his wife, Giannina Redaelli Thornton and married a year later. Together, they raised 3 children and relocated to Rock Hill, South Carolina in 2004. I congratulate Mr. William F. Thornton and his entire family on his 80th birthday celebration and I thank him for his years of dedicated service to this country and his community.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE COMMAND SERGEANT MAJOR WOLF AMACKER FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Command Sergeant Major Wolf Amacker for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Command Sgt. Maj. Amacker's career accomplishments only begins to adequately describe the importance of his military service. Having served in the 82nd Airborne Division from 1996 to 2006, Command Sgt. Maj. Amacker has held every leadership position in the airborne field artillery. In 2001, he rose from his role as commandant for the 18th Airborne Corps Noncommissioned Officer Academy to become the 21st command sergeant major for the 82nd Airborne Division. To assist with Operation Iraqi Freedom, he then deployed to Iraq and established the first Iraqi Training Center for the purpose of training Iraqi nationals. This successful initiative brought greater security to the conflict in the "Sunni Triangle." In total, Command Sgt. Maj. Amacker conducted 319 missions while he was a member of the 82nd Airborne. When retired from his position as command sergeant major in 2006, he continued to serve the division as the inspector general, chief of investigations prior to becoming the chief of operations for range control at the Fort Bragg Garrison in 2009. He has served as the installation range officer since 2015 where he upholds the important duty of training the division's paratroopers for any global conflicts they may be called to address.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla,

"the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Command Sgt. Maj. Amacker's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Command Sgt. Maj. Amacker for his committed service and leadership in the 82nd Airborne Division.

Madam Speaker, please join me today in honoring and congratulating Command Sergeant Major Wolf Amacker for his induction to the 82nd Airborne Division's Hall of Fame.

JEREMY LAUFER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Jeremy Laufer for receiving the Wheat Ridge Business Association's 2022 Rising Star Award.

The Rising Star Award is given to an individual who exemplifies exceptional leadership and who shows great promise in their continued commitment to our community. Jeremy has been an outstanding member of the Wheat Ridge Business Association, bringing his expertise and leadership to all that he does. While he is new to the Association, Mr. Laufer has jumped into his new role feet first. Starting out as a member of the Community Outreach Committee, he now chairs the Committee since joining the Board of Directors. His focus is on bridging the connections between the non-profit organization member, community partners, and the WRBA.

I thank Jeremy Laufer for his continued service to the great City of Wheat Ridge.

COMMENDING THE GARY FRONTIERS SERVICE CLUB AND HONOREES AT THE 1ST ANNUAL DR. MARTIN LUTHER KING JR. MEMORIAL BANQUET

HON. FRANK J. MRVAN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. MRVAN. Madam Speaker, as we celebrate the life of Dr. Martin Luther King Jr. and reflect on his legacy, we are reminded of the challenges that democracy poses to us, and the delicate nature of our civil liberties and human rights. Dr. King's peaceful protests for change remind us that we must continually work to secure and protect our freedom. In his courage to act, his humble yet strong leadership, and his ability to achieve, Dr. King embodied all that is good and true in the battle for justice and liberty.

The spirit of Dr. King lives on in the citizens of communities throughout our nation. It lives on in the people whose actions reflect the spirit of determination and perseverance that will help move our country into the future. I am honored to rise today to commend the individuals who will be recognized during the 1st Annual Dr. Martin Luther King Jr. Memorial Banquet on Sunday, October 2, 2022, at Chateau Banquets in Merrillville, Indiana.

Attorney Clorius Lay is serving as Event Chair for this celebration, following a two-year hiatus from the Dr. Martin Luther King Jr. Annual Memorial Breakfast, for which Attorney Lay had served as Chairman for fifteen years. The Gary Frontiers Service Club officers and members, as well as many other community members and leaders, assisted with this remarkable tribute to Dr. King each year at the Genesis Convention Center in Gary, Indiana, and I am truly grateful that the event will endure.

At this year's banquet, Pastor Reverend Charles L. Emery of Pilgrim Missionary Baptist Church, located in Gary, Indiana, will be honored with the Dr. Martin Luther King Jr. Drum Major Award for his lifetime of service to the people of his church and to the community. The Honorable Jerome Prince, Mayor of Gary, will present Pastor Emery with a "Key to the City" and will declare October 9, 2022, as Charles L. Emery Day in the city of Gary. President William Godwin and Vice President Tai Adkins of the Gary Common Council will also induct Pastor Emery into the Gary City Council as an honorary member. In addition, the guest speaker for the celebration is Reverend Dr. A.R. Boyd, Pastor of LeClaire Missionary Baptist Church of Chicago, Illinois.

Madam Speaker, I invite you and my other distinguished colleagues to join me in commending the honorees, as well as the Gary Frontiers Service Club officers: President Oliver Gilliam, Vice President Charles Jackson, Secretary Linnal Ford, Financial Secretary Melvin Ward, and Treasurer Floyd Donaldson, and all members of the service club for their initiative, determination, and dedication to serving the people of Northwest Indiana.

PERSONAL EXPLANATION

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. FOXX. Madam Speaker, I was unable to attend roll call vote No. 454 and No. 453 on September 22nd.

Had I been present, I would have voted NAY on Roll Call No. 454, and NAY on Roll Call No. 453.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE 1ST LIEUTENANT WAVERLY WRAY FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor 1st Lieutenant Waverly Wray for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at 1st Lt. Wray's career accomplishments only begins to adequately describe the importance of his military service. 1st Lt. Wray was a member of the 505th Infantry Regiment, which was assigned to the 82nd Airborne in 1943, where he served as a platoon leader and executive officer for Company D, 2nd Battalion from 1940 through 1944. He demonstrated exceptional leadership and courage in World War II in both Operation Overlord in Normandy and Operation Market Garden in the Netherlands. Under siege from two reinforced Nazi battalions at Sainte-Mere-Eglise which greatly weakened his battalion, 1st Lt. Wray moved to the front of his lines and successfully eliminated the source of heavy machine gun fire as well as killed a total of 15 enemy soldiers. Furthermore, he later conducted a surveillance mission on which he discovered enemy headquarters, killed all eight Nazi officers there, and further secured the safety and position of his own unit. Sadly, 1st Lt. Wray was killed later in World War II during Operation Market Garden in the Netherlands in 1944. His heroic actions in service to our nation earned him numerous decorations, including a Distinguished Service Cross and a Silver Star among other awards.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." 1st Lt. Wray's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking 1st Lt. Wray for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating 1st Lieutenant Waverly Wray for his induction to the 82nd Airborne Division's Hall of Fame.

HONORING NEZAHUALCOYOTL
XIUHTECUTLI FOR HISPANIC
HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Nezahualcoyotl Xiuhtecutli was born in Mexico City. He immigrated to the United States when he was 13 and lived in South Carolina during his early years in the states. He dropped out of school after two years of college to work for a living. He returned to school after four years of doing different kinds of jobs, including working as a stocker, a waiter, and working for a small bilingual newspaper in Columbia, South Carolina.

He moved to Charleston in 1997 and by working and studying at the same time, he was able to finish college in 2003. Part of that time was spent working with his parents who were then starting a small Mexican bakery in Charlotte. He decided to pursue graduate education in anthropology and moved to New Orleans to attend Tulane University in 2004. There, he earned a Ph.D. in 2022.

He then moved to Florida in 2011 and joined the staff of the Farmworker Association of Florida in 2016 as part of the research team. In that role, he has been advocating for

better working conditions for farmworkers in Central Florida and raising awareness about the short and long-term effects of heat-related illness.

In late 2020, he became the general coordinator of the association. In that role, he has worked to establish relationships with schools in Kissimmee to offer students the opportunity to participate in the organization's agroecology program.

Earlier this year, he met with U.S. Department of Health and Human Services Assistant Secretary for Health, Admiral Rachel Levine, and myself, to speak about the concerns of Central Florida farmworkers and other rural and low-income communities.

MARGIE SEYFER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Margie Seyfer for receiving the Wheat Ridge Business Association's 2022 Member of the Year Award.

The Member of the Year Award is given to an individual who exemplifies exceptional leadership and above all else, commitment to our community. Margie Seyfer has been an outstanding member of the Wheat Ridge Business Association, bringing her expertise and leadership to all that she does. In her tenure, she has worked in the capacity of membership, greeter's coordinator, speaker coordinator, and member welcome committee. Even after retirement, Ms. Seyfer has remained an active participant in our rich business community and has continued to remain an instrumental part of the Wheat Ridge Business Association.

I thank Margie Seyfer for her service to the great City of Wheat Ridge.

HONORING A CENTURY OF U.S.-
ISRAEL TIES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. WILSON of South Carolina. Madam Speaker, as the Ranking Member of the Foreign Affairs Middle East Subcommittee, it is a pleasure to recognize A Century of United States and Israel Ties.

One hundred years ago, Senator Henry Cabot Lodge (R-MA) and Representative Hamilton Fish (R-NY) pushed a joint resolution through Congress for the United States to officially acknowledge their support for a Jewish homeland. The House and Senate vote was unanimous, and in September 1922, President Warren G. Harding signed the Resolution.

Israel is a great friend, ally, and partner to the United States in our shared commitment to democracy, economic development, and regional security. The U.S.-Israel bond is unique, as it is the foundation of American leadership in the Middle East. In 1948, America was the first country to recognize Israel as a state and in 2018, America established an

embassy in Jerusalem. I was grateful to lead the House Delegation for the Embassy opening fulfilling the courageous promise of President Donald Trump.

A highlight of my service in Congress was when my wife Roxanne and I met with former Prime Minister Netanyahu in Jerusalem and Washington. Mr. Netanyahu significantly contributed to the strengthening of Israeli security, transitioning it into an economic force, respected internationally. I know firsthand of his extraordinary dedication to the people of Israel. The Israeli people have demonstrated resiliency, overcoming numerous challenges and enduring the threat of terrorism, while continuing to remain confident in the future of their country. They continue to lead the way in critical sectors of healthcare, information technology, and defense.

I grew up with an appreciation of the Jewish faith in Charleston, South Carolina, where at the time of the American Revolution was home of the largest Jewish population in the New World. The provincial constitution of South Carolina was the first constitution to recognize Judaism as a religion. The first Jewish elected official in America was to the South Carolina Provincial Assembly, and sadly it was home of the first Jewish American killed in the Revolution.

The people of Israel, and Prime Minister Yair Lapid, know they have a true ally in America. I continue to work toward the normalization of our Arab partners and Israel relations to achieve a more stable, peaceful, and prosperous Middle East in which all people and religions can coexist and prosper. I am grateful for the dedicated service of Ambassador to the U.S., Michael Herzog.

HONORING YESICA RAMIREZ FOR
HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Yesica Ramirez is the Apopka office area coordinator at the Farmworker Association of Florida. She and her family come from Michoacan, Mexico. Her first job in Apopka was as a plant nursery worker, where she worked for six years. Yesica also took several other jobs such as housekeeper and dishwasher.

During the years Yesica worked at the plant nursery, she had no clue about pesticides and wondered how she had gotten rashes on her arms and hands. She later became pregnant with her third child who was born with complications. Upon birth, the baby needed to get their skull cut to get the head molded. When community members were active, fed up, and had a hint of hope for immigration reform, Yesica joined one of FWA's marches in 2006. That was her introduction to FWA. As she became more involved with the organization, a lot of things became clearer, such as the rashes on her hands and arms, and her child's health complications. During her work at the plant nursery, Yesica made a mixture of Clorox and alcohol with no protective gear. She has been fighting for social justice as part of the FWA staff for 10 years.

Through her work with FWA, Yesica has been active in Florida's Ninth Congressional

District working on immigration and voting rights, including working with the Young American Dreamers and doing outreach in the district to make sure that farmworkers in the area know their rights and become members of the association. Recently, Yesica was part of a delegation that met with U.S. Department of Health and Human Services Assistant Secretary for Health, Admiral Rachel Levine, to voice the issues that concern and affect farmworkers in Central Florida.

REBEKAH RAUDABAUGH

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Rebekah Raudabaugh for receiving the Wheat Ridge Business Association's 2022 Council Partner Award.

The Council Partnership Award is given to a member of the community who the City Council believe exemplifies the best of Wheat Ridge. This year, the Wheat Ridge City Council chose Ms. Raudabaugh for her empathic service to our community. From the first time she met with City Council members, her commitment to bettering her community was clear and is seen through her earnest plight to earn the trust of the community.

I thank Rebekah Raudabaugh for her outstanding leadership, which helps make Wheat Ridge a wonderful place to live and work.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE COLONEL BENJAMIN H. VANDERVOORT FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Colonel Benjamin H. Vandervoort for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Col. Vandervoort's career accomplishments only begins to adequately describe the importance of his military service. Col. Vandervoort was a member of the 505th Parachute Infantry Regiment, which was assigned to the 82nd Airborne in 1943, from 1940 to 1945 and held many important ranks over the course of World War II. Specifically, he served as the regiment's operations officer during the United States' invasion of Sicily and Salerno and as the commander of the regiment's 2nd Battalion during the invasion of Normandy in 1944 and the Battle of the Bulge later that year. In the latter, he led his battalion into the fray in the cities of Sainte-Mere-Eglise, Nijmegen, and Bastogne. Perhaps

most impressively, he also orchestrated and performed an assault on the Waal bridge in the Netherlands during this conflict. On account of his courage, bravery, and spectacular leadership in this episode, he received Oak Leaf Clusters for his Distinguished Service Cross and two Oak Leaf Clusters for his Purple Heart. Although injuries from his time in the 2nd Battalion forced him to medically retire from the Army in 1946, he continued to work to bolster our national security in his capacity as a civilian by working for the CIA and U.S. Army staff.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Col. Vandervoort's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Col. Vandervoort for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Colonel Benjamin Vandervoort for his induction to the 82nd Airborne Division's Hall of Fame.

HONORING THE LIFE OF MR.
ANATOLY DWIGUN

HON. CHRIS JACOBS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. JACOBS of New York. Madam Speaker, I rise today to remember and honor the life of Anatoly Dwigun, who passed away on February 24, 2022, at the age of 76.

Mr. Dwigun was born in Germany on October 28, 1945. His two parents and three siblings immigrated to the United States in 1955 when he was ten years old. A true exemplar of American patriotism, Mr. Dwigun joined the U.S. Army in 1968, just shortly after earning his American citizenship. His remarkable service in Vietnam as a helicopter mechanic and door gunner led to him receiving several honors: including the Defense Service Medal, Vietnam Service Medal, Vietnam Campaign Medal, Army Commendation Medal, and the New York State Conspicuous Services Cross Award. In a demonstration of humility, Mr. Dwigun declined to accept the Purple Heart; in his own words, stating he was not "as worthy of that honor, as those who lost their lives". Following Vietnam, Mr. Dwigun proudly worked as an engineer and spent considerable time enjoying the outdoors. He was precise and caring in all his actions, best exemplified by his superb vehicle-maintenance abilities and immaculate yard work.

Mr. Dwigun's humility was constantly reflected during his marriage to his loving wife, Janice. The two shared countless happy memories not only with each other, but also their children, grandchildren, and great-grandchildren. Many of his most cherished times were during family gatherings and shared meals. To summarize, Mr. Dwigun's memory lives on through his family and his country.

Madam Speaker, please join me celebrating Mr. Dwigun's life and in honoring his life's work and all his achievements.

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. LANGEVIN. Madam Speaker, had I been present, I would have voted YEA on Roll Call No. 451.

CLANCY'S IRISH PUB

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Clancy's Irish Pub for receiving the Wheat Ridge Business Association's 2022 Cultural Commission Award.

Clancy's Irish Pub is being recognized by the Wheat Ridge Business Association's Cultural Commission as the longest running Irish Pub in the State of Colorado and as a vital cultural hub for members of our community. Clancy's hosts annual Celtic and Sonic Bluegrass Festivals, weekly Irish music performance, Celtic and bluegrass jam sessions, and karaoke. Clancy's also opens their doors to community events like Hops with a Cop, Pints and Policy, and Ridgefest Deconstructed. Their steadfastness toward engaging the community of Wheat Ridge in Irish culture and providing a space to celebrate and learn about it is why the Cultural Commission chose Clancy's.

I thank Clancy's Irish Pub for the rich culture they bring to our community.

HONORING JOHN JACKSON
KENNEDY

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. CHU. Madam Speaker, I rise today to honor the life of John J. Kennedy, who passed away on July 21, 2022, at the age of 61. John was a respected leader and councilmember in the Pasadena community whose legacy will be felt indefinitely.

John J. Kennedy was born and raised in Pasadena, California to his parents Thomas and Leola Kennedy as the eighth of ten siblings. John was always a natural leader, drawn to serving and representing those around him from an early age. He was student body president at Pasadena's Blair High School and went on to serve as student senator at the University of Southern California, where he received a dual bachelor's degree in Economics and International Relations. After earning his juris doctor degree from Howard University School of Law, John became the youngest person to be elected president to the Pasadena National Association for the Advancement of Colored People (NAACP) in 1987. His decades-long work with the NAACP as both president and a member represented his powerful commitment to creating opportunities for everyone in Pasadena.

In 1987, John also founded John J. Kennedy & Associates, a management consulting

firm that assisted in public relations, dispute resolution, grant writing, program development, and more. And from 1995 to 1998, John even served as Deputy Chief of Police for the Richmond, Virginia Police Department. After returning to California, John worked for Southern California Edison from 2004 to 2011 as Director of Special Projects, and from 2011 to 2013, he was the Senior Vice President for the Los Angeles Urban League, where he helped to fundraise and connect all levels of government with important policy issues affecting the local area.

John was a well-regarded leader among his constituents, peers, and elected representatives from every level of government. Prior to his election to the city council, John worked for the City of Pasadena in several capacities, including in the Finance, City Attorney, Police, and Public Works Departments. With a clear and unyielding passion for giving back to the city that raised him, John was elected to the Pasadena City Council in 2013 to represent District 3, which he served tirelessly until his death. In his nearly three terms on the city council, John served as Vice Mayor, Chair of the Public Safety Committee, served on the Finance Committee, and was one of three city representatives to represent Pasadena on the Burbank-Glendale-Pasadena Airport Authority.

John's powerful commitment to helping those around him defined his many accomplishments as an elected official. Particularly during the COVID-19 pandemic, John stepped up to assist those who needed it most. In fact, during the peak of the pandemic John secured 60,000 face masks for the City of Pasadena, ensuring that city staff and residents would not experience any potential shortage. He also fought hard to establish local grants that were crucial in helping many small businesses keep their doors open. And John even continued his annual tradition of providing families with thousands of Thanksgiving turkeys and Christmas hams at a time of crisis and need.

Despite the immense challenges of the pandemic, John was able to spearhead the creation of the Pasadena Police Oversight Commission, one of the most important accomplishments the City of Pasadena has achieved. This was an effort John had championed for six years that started with no support. And yet despite countless objections and hurdles along the way, John persevered, advocated, built coalitions, and ultimately succeeded in gaining the votes necessary to establish the commission.

John was also a longtime advocate for increasing affordable housing throughout Pasadena. In 2020, John pushed the City of Pasadena to set an ambitious goal of building 1,000 units in 1,000 days. And because of his leadership, the city broke ground on a new housing project called Pasadena Studios, which will consist of 180 all-affordable units. Outside of affordable housing efforts, John was also an ardent supporter of several other projects to improve some of Pasadena's landmark facilities and institutions, including advocating for \$20 million for Robinson Park, fighting relentlessly for \$11 million towards the Playhouse Village Park, and supporting Measure J which transferred approximately \$8 million a year to the Pasadena Unified School District.

John always recognized that Pasadena's success was built by the hard work and sacrifice of our predecessors, many of whom

were African Americans, Chinese Americans, Mexican Americans, Japanese Americans, and countless others from different backgrounds. Because he wanted to ensure that future residents of Pasadena were aware of its history, he fought hard to establish a monument that recognized this fact. And after months of hard work, along with the support of community members and organizations, the City of Pasadena erected a monument dedicated to minority residents and their incredible contributions to this city. This monument will serve to honor not only the unquantifiable contributions of these communities but will memorialize the honorable efforts of John himself.

John's love for Pasadena and Pasadenans guided his public service as he strove every day to make it better for everyone. It is certain that he did just that. It was an honor to work with him and call him a friend. I ask my colleagues to join me in commemorating the life of this extraordinary individual.

HONORING NESTOR RODRIGUEZ FOR HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Nestor Rodriguez was born in 1970 in Manhattan, New York. After his birth, his family relocated to Puerto Rico where he lived until the age of 18.

In 1988, he joined the U.S. Army and served as an infantryman until May of 1992. He then moved to Miami to pursue his education. He joined the Florida Army National Guard and served as an active guard reserve from 1992 to 2012. During this time, he participated in many hurricane and disaster relief efforts including for Hurricane Andrew in 1992. In 1999, he and his family relocated to Orlando where he finished his active-duty career with the Florida National Guard.

Then, he was deployed to Iraq from 2003 to 2004 where he served as an infantry squad leader in support of Operation Iraqi Freedom and Operation Enduring Freedom. Upon his return from Iraq, he continued to pursue his education while still serving the State of Florida Army National Guard and raising three children with his wife Elizabeth. In 2005, his unit was assigned to do hurricane relief duties during Hurricane Charlie, which hit Osceola and Orange Counties hard.

In July of 2012, Mr. Rodriguez began a new chapter in his life by becoming an Orlando VA employee where he started his career as a clerk, then a program support assistant, then a provider outreach coordinator. Currently, he is the veteran outreach coordinator and minority veteran program coordinator. In 2013, he graduated with a bachelor's degree in business administration with a minor in management from Columbia College of Missouri's Orlando campus. In 2015, he graduated with a master's degree in pastoral psychology from Professional Christian University in Kissimmee.

To date, he is still serving the veteran community by providing resources to the veteran population.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE LIEUTENANT GENERAL RAYMOND MASON FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor Lieutenant General Raymond Mason for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Lt. Gen. Mason's career accomplishments only begins to adequately describe the importance of his military service. Serving in the 82nd Airborne Division for 15 years from 1983 through 1998, Lt. Gen. Mason commanded both Company E, 407th Supply and Services Battalion and the 407th Support Battalion. He also held numerous positions in the division where he provided important logistical support that greatly advanced operational possibilities for combat commanders. Specifically, he served as the division support command operation officer for Operation Urgent Fury in Grenada and both the assistant chief of staff and deputy chief of staff for the U.S. Forces Command and the Army. In addition to his accomplishments with the 82nd Airborne Division, he provided dutiful leadership and service in other units and positions until his retirement in 2014. Even in retirement, Lt. Gen. Mason has continued to serve our military as the director of the Army Emergency Relief Fund, a nonprofit organization that provides support to the Army.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Lt. Gen. Mason's selfless service could not be more deserving of such recognition. I know I speak for all in our community and nation in thanking Lt. Gen. Mason for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating Lieutenant General Mason for his induction into the 82nd Airborne Division's Hall of Fame.

HONORING GEAR UP WEEK

HON. VERONICA ESCOBAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. ESCOBAR. Madam Speaker, I am honored to recognize the week of September 26-30, 2022, as National GEAR UP Week at Ysleta Independent School District in El Paso, Texas.

Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) is a federally-funded grant program designed to prepare first-generation and low-income students

to be college-ready and have the resources to successfully complete their post-secondary education.

In El Paso, the GEAR UP-Proyecto to M.A.S. (Motivating Aspiring Scholars) is a partnership between the Ysleta Independent School District and the University of Texas at El Paso. The program currently serves 3,400 students through tutoring, mentoring, financial education, and college visits to ensure readiness and awareness of higher education opportunities.

As a former educator myself, I know that programs like GEAR UP are essential to communities like mine where over 80% of our population is Latino. Many of our students come from families where they will be the first in their family to go to college. I am so proud of the tremendous impact GEAR UP makes in the lives of young El Pasoans through its tools made available to our communities.

I am grateful to the educators and families who work tirelessly to support our youth, I applaud all the students who have immersed themselves in this program and express my best wishes and hopes for their success.

RECOGNIZING THE WORK OF THE BOYS AND GIRLS CLUB OF THE SUNCOAST

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the Board of Directors of the Boys and Girls Club of the Suncoast. Their tireless work is being recognized this week when they will be named the Highest Performing Board Team of the Year. Board Chair Jeff Tanzer, Vice Chair Kyle Barr, Vice Chair Rolfe Duggar, Esq., Vice Chair Christie Sullivan, Esq., Vice Chair Beth Homer, Esq., Treasurer Danielle Cartier Wendt, CPA, Secretary Elizabeth Constantine, Esq., Immediate Past Chair Angela Wright, and Past Chair Doug Lewis have all excelled to make our local Boys and Girls Club worthy of this designation.

The mission of the Boys and Girls Club of the Suncoast is to provide high quality, out of school time Club experiences that proven to ensure our young people are on track to graduate from high school with a plan, demonstrate good character and citizenship, and live a healthy lifestyle. With over 21,000 kids and teens served and a 96 percent graduation rate among High School Seniors that are club members, the Club supports the next generation of community members that can make a positive impact. I have been proud to support their tremendous efforts during my time in Congress and look forward to their continued success.

IN RECOGNITION OF MICHAEL A. JOHNSON

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BISHOP of Georgia. Madam Speaker, I rise today to recognize a man who has served

as a distinguished community leader from a young age and has continued to enrich future generations as a Boy Scouts of America (BSA) Scoutmaster for the past 37 years, Michael A. Johnson. Recently, Michael was awarded the Book of Golden Deeds Award by the Exchange Club of Albany in May 2022 for his exemplary record of community service and improvement, volunteering, and improving the lives of young people. His retirement as Scoutmaster for St. Teresa's Catholic Church Troop 3 will be celebrated on October 9, 2022 at three o'clock p.m. at the church's school cafeteria in Albany, Georgia.

Born into an Air Force family by the union of Michael and Marcia Johnson, Michael moved to Southwest Georgia when his father was transferred to Albany in 1971. He began his Scouting journey as a young boy in the Cub Scouts and in 1971 joined as a Boy Scout in St. Teresa's Catholic Church Troup 3 where he would earn several awards and distinctions. Additionally, Michael attended high school in Albany and went on to earn a degree in Architecture from Auburn University.

After achieving the rank of Eagle Scout in 1977, Michael continued his servant leadership within the Scouting community by serving as a Troop 3 Assistant Scoutmaster from 1985 to 1990, and then as Scoutmaster in 1990, a position he still holds today. Throughout his life in Scouting, he has been revered as a steadfast mentor and positive influence on the hundreds of young people who have passed through his troop. It was important to Michael that all Scouts had the opportunity to experience trips to BSA's National Jamborees, summer camps, and other high adventures activities, and he personally made sure that funding was never an issue for them to attend. And notably, of the 194 Eagle Scouts from Troop 3, 145 achieved the rank under Michael's leadership, affirming his record of dedication to each of these young people as they completed service projects to improve their neighborhoods and the greater community.

Michael demonstrates impeccable community leadership in so many ways. He currently serves as a Leader in Boy Scouts of America's South Georgia Council, which is comprised of 28 counties in the region. As the Vice President of Properties for the South Georgia Council, he spearheaded the efforts to restore the Council's 2 Scout camps following damage sustained by three tornadoes and a hurricane in 2017 and 2018. He also leads by example by participating in many community service projects, such as Flint River Cleanups with Keep Albany-Dougherty Beautiful; food drives to support St. Clare's Neighbors in Need; Christmas tree recycling with the YMCA and the City of Albany; parking cars for Phoebe events; and supporting the Exchange Club's car shows. But his dedication goes beyond community service and mentoring youth and young professionals; Michael's strong faith in God led him to contribute greatly to the spiritual development of countless young men and women. As Scoutmaster, he initiated a program that dedicates at least one weekly meeting each month for Scouts to work toward religious awards appropriate for their age and denominations.

It is because of Michael's commitment to his Scouts and the betterment of his community that he has been recognized with numerous awards and distinctions. As a Cub Scout, he earned the Arrow of Light rank—the only Cub

Scout award that can be worn once a Scout enters Boy Scouts. While a Boy Scout, he achieved membership in the Immokalee Lodge, Order of the Arrow, and the Ad Altare Dei religious award, as well as earning the rank of Eagle Scout. As an adult, Michael received BSA's District Award of Merit; has been awarded the St. George Religious Emblem for his service to youth; was honored by the Blue Angels as one of their Hometown Heroes; the Silver Beaver; Outstanding Eagle recognition; and most recently, the Book of Golden Deeds Award, which is the most prestigious award presented by the Albany Exchange Club.

Former Congresswoman Shirley Chisolm once said that "Service is the rent that we pay for the space that we occupy here on this earth." Michael has paid his rent many times over and continues to give back to the community that raised him. As a member of the American Cancer Society, he was a Captain on the American Cancer Relay for Life Team, a member of the Albany Clean Community Commission and American Institute of Architects. He is also a member of the Knights of Columbus Lodge Number 3607 and attends St. Teresa's Catholic Church in Albany.

Michael has served countless people and accomplished many things throughout his life, but none of these could have been possible without his faith, the love and support of his wife of 36 years, Linda, and their four children—Patrick, Ivy, Hope, and Grant. Being a family rooted in community involvement, Linda Johnson was for many years an elementary school teacher and now serves as the Assistant Principal at St. Teresa's school, while both Patrick and Grant have earned the rank of Eagle Scout, following in their father's footsteps.

Madam Speaker, I ask my colleagues to join my wife, Vivian, and me, along with the more than 730,000 people of the Second Congressional District, in extending our sincerest appreciation and best wishes to Michael A. Johnson upon the occasion of his retirement from his over three decades of service to the community through Scouting, youth mentoring, and servant leadership, all of which has improved the lives of so many.

INTRODUCTION OF THE PRO- MOTING NATIONAL SERVICE AND REDUCING YOUTH UNEMPLOY- MENT ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. NORTON. Madam Speaker, I rise today to introduce the Promoting National Service and Reducing Youth Unemployment Act to address one of the greatest workforce tragedies—our unemployed young people—while filling the employment gap the public sector is facing as more workers choose the private sector. Youth unemployment is harming our young people and costing our country billions of dollars each year in lost productivity and tax revenue, among other costs. Although the total unemployment rate has reached a relative low (3.7 percent), the youth unemployment rate is nearly 7.9 percent. These young people have not had a fair chance to use the high school or college education we strongly urged them to obtain.

What is particularly disappointing, especially in today's low unemployment economy, is the high unemployment rate for young people who heeded our advice to graduate from high school and college. The unemployment rate is currently 7.9 percent for people 16 to 24 years old, which is 4.2 percentage points higher than the total unemployment rate, and hundreds of thousands of them now compete for unpaid internships wherever they can find them.

By significantly adding 500,000 new members to AmeriCorps, my bill would need no new administrative structure or bureaucracy but would allow unemployed youth to earn a stipend, obtain work experience and develop a good work history to help secure future employment. The bill would significantly expand job opportunities for young people who have done what they could to get a job, but, despite their best efforts, remain unemployed. AmeriCorps participants receive a living allowance and are also eligible for an education award equal to the value of a Pell grant, school-loan forbearance, health care benefits and childcare assistance. By expanding AmeriCorps, we would reduce the number of unemployed young people, provide them work skills and experience and help understaffed state and local governments provide services.

My bill would also establish that the minimum wage for any AmeriCorps State & National member would be 200 percent of the federal poverty line, and would not allow for a decrease in that amount, as is allowed under current law. AmeriCorps members serve their country and gain skills, but we should increase the minimum wage for everybody, including national service members.

For some time, it has been clear that policies to address the most stubborn forms of unemployment need to be targeted in order to be effective. Without significant targeting, many young people will continue to face their first years as adults without jobs and with no way to acquire necessary work experience. They deserve a better start in life as adults.

I ask my colleagues to support this urgently needed, targeted assistance for our unemployed youth.

HONORING ARMY VETERAN ALBERT EMILE VAN LUCHENE ON HIS CENTENARIAN BIRTHDAY

HON. MATTHEW M. ROSENDALE, SR.

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. ROSENDALE. Madam Speaker, I rise today to recognize Army veteran Albert Emile Van Luchene on his 100th birthday, and honor his service in the United States Armed Forces.

Mr. Van Luchene was born in Huntley, Montana on October 3, 1922, to farmers who immigrated from Belgium to Montana in 1911. At eighteen years old during World War II, Mr. Van Luchene enlisted in the Army and experienced combat as a Communications Sergeant during the Battle of the Bulge in the Ardennes region of Belgium from December, 1944 to January, 1945. Mr. Van Luchene's valor and heroism during this time would see him later receiving the Croix de Guerre avec Etoile de Bronze medals from the French government, the European-African-Middle Eastern Theatre Service medal, the American Cam-

paign medal, the American Service medal, the Bronze Star, the American Defense Service medal, the Good Conduct medal, and the American Combat Infantry medal from the U.S. government. Most recently he was also awarded the Quilt of Valor Award.

Today, on behalf of Montana's At-Large Congressional District, I thank Mr. Van Luchene for his service to our Nation, and I warmly wish him a happy 100th birthday.

HONORING THE BILLY DE FRANK CENTER

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. LOFGREN. Madam Speaker, I rise today to commemorate the 40th anniversary of the Billy DeFrank Center. The Center has been an incubator and catalyst for emerging groups and organizations working to meet the needs of the LGBTQ+ community.

The Billy DeFrank Center opened its doors on March 1, 1981, in a two-room storefront. They turned opposition into opportunity by using funds from a failed campaign to repeal ordinances extending housing and employment protections to the gay community to finance their Center.

The Center named itself after William Price, a popular African American drag queen, Billy DeFrank. A mural on the outside of the building honors his commitment to the community and his inclusive spirit.

The Billy DeFrank Center housed several important groups, including High Tech Gays, a major force for change in the 80's and 90's. They successfully sued the Federal Government's Defense Industrial Security Clearance Office (DISCO) for discriminatory practices in issuing High Security Clearances to the LGBTQ+ community.

Sister Spirit Bookstore, a cultural hub for queer women, moved to Billy DeFrank Center's new and larger site in 1986.

Currently, the Center collaborates with various service providers and Silicon Valley Pride to build, unify, and strengthen the LGBTQ+ community in the South Bay.

Throughout the past 40 years, the Billy DeFrank Center has been a beacon of hope, a place to be who you are within your chosen family, to share information to address the diversity of needs in the LGBTQ+ community. Please join me in celebrating this significant milestone.

IN MEMORY OF BOBBY FLYNN

HON. ANDY BARR

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BARR. Madam Speaker, I rise to honor the life of a great American, Mr. Robert Douglas Flynn. Known to everyone as Bobby, he passed away September 22, 2022.

Bobby Flynn was born July 25, 1927, in Lexington, Kentucky. He attended Lafayette High School where he excelled in athletics, especially track and basketball. Bobby joined the United States Army and later served in the

Merchant Marines. On August 3, 1946 he married Ella Ritchey. He attended the University of Dayton on a basketball scholarship. Bobby became the first white man to play on an all-black semi-pro baseball team, the Lexington Hustlers. He was drafted by the Brooklyn Dodgers.

Bobby and Ella had 3 children, Doug, Brad, and Melanie. Bobby owned a restaurant and then pursued a career in the insurance business, where he worked for 30 years. Bobby was elected and served in the Kentucky Senate from 1968 to 1972. He served on Lexington's city council from 1988 to 1996. His love for athletics never stopped, as he enjoyed and excelled at golf, bowling, and fishing for many years. He served as a referee for football and basketball. He was the manager of press row at Rupp Arena for many years. Bobby was also involved at Keeneland, the Lexington Legends, and KHSAA games. Due to his long-time support of Lexington sports, the annual Bluegrass Sports Award is named after him. His last years were spent at Sayre Christian Village, where he received a Lifetime Achievement Award for service to the community.

Most importantly, Bobby Flynn was a devoted man of faith and a member of Grace Baptist Church. His faith in God directed his life and he modeled his faith in the way that he lived. He was always willing to help others, even at personal sacrifice.

It is my honor to recognize the life of Mr. Bobby Flynn; an outstanding citizen, a patriot, and a man of integrity who loved and served God through his service to the community of Lexington. America is great because of people like Bobby Flynn and I am forever grateful.

RECOGNIZING MALNUTRITION AWARENESS WEEK

HON. JOHN KATKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. KATKO. Madam Speaker, I rise today to recognize Malnutrition Awareness Week.

According to the Department of Agriculture, 33.8 million Americans struggle with food insecurity, and in my district in Central New York, nearly one in seven children are food-insecure. We have to do more to keep food on the table for American families and address the root causes of malnutrition. That's why in Congress, I have been proud to support crucial federal nutrition programs like SNAP, which millions of Americans rely on, and have been a consistent advocate for the Meals on Wheels program.

Madam Speaker, I ask that my colleagues in the House join me in recognizing Malnutrition Awareness Week and I urge continued work on efforts to combat food insecurity in America.

HONORING 82ND AIRBORNE HALL OF FAME INDUCTEE GENERAL CURTIS 'MIKE' SCAPARROTTI FOR HIS VALOROUS SERVICE AND SACRIFICE

HON. RICHARD HUDSON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. HUDSON. Madam Speaker, I rise today to honor General Curtis 'Mike' Scaparrotti for his induction into the 82nd Airborne Division's Hall of Fame on September 28, 2022.

The 82nd Airborne Division's Hall of Fame began in 2018 to honor the division's 101 years of legendary service and its members. It honors veteran paratroopers who are nominated for their service within the division, their commitment to the division's values, their contributions to their chosen field outside of their division, or any other valorous combat actions.

A brief look at Gen. Scaparrotti's career accomplishments only begins to adequately describe the importance of his military service. He began his service to the 82nd Airborne Division as a platoon leader, operations officer, and company commander in the 3rd Battalion of the 325th Infantry. From 1999 to 2001, he then served as commander of the 82nd Airborne's 2nd Brigade Combat Team. Perhaps most impressively, in 2008 he advanced to become the commanding general of the 82nd Airborne Division where he directed division headquarters' deployment to Eastern Afghanistan. He served in this position until 2010 and simultaneously served as commander for the Combined Joint Task Force—82 and Regional Command East. In addition to his accomplishments with the 82nd Airborne Division, he provided dutiful leadership and service in many other units and positions. A few of such contributions include his command in Operations Iraqi Freedom and Enduring Freedom in Afghanistan. In 2019, Gen. Scaparrotti retired from the military after serving as the commander of European Command.

In the words of the former commander of the 82nd Airborne Division, Gen. Erik Kurilla, "the All American Hall of Fame is about preserving our legacy and paying homage to our All American Legends." Gen. Scaparrotti's selfless service could not be more deserving of such recognition. I know I speak for all in our community and Nation in thanking Gen. Scaparrotti for his committed service and leadership in the 82nd Airborne Division and our nation's military more broadly.

Madam Speaker, please join me today in honoring and congratulating General Mike Scaparrotti for his induction to the 82nd Airborne Division's Hall of Fame.

TRIBUTE TO RETIRED SERGEANT HENRY SALAZAR

HON. JAY OBERNOLTE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. OBERNOLTE. Madam Speaker, I rise today to honor Sergeant Henry Salazar. Sergeant Salazar lives in Highland, California and served our country faithfully during the Vietnam War.

Sergeant Salazar began his army career on June 8, 1966, when he enrolled for basic training at Fort Leonard Wood, Missouri. After completing basic training, he was sent to Huntsville, Alabama for missile base training where he specialized in ammunition. Sergeant Salazar then traveled to Fort Benning, Georgia for paratrooper school after which he was assigned to the 101st Airborne Division. Sergeant Salazar was sent to Vietnam in November 1967 on Thanksgiving Day and was stationed at such notable locations as Bien Hoa Village, Phuc Vinh, and Nam Hai.

I am honored to recognize Sergeant Salazar's incredible career, and to welcome him home during his visit to Washington, DC as all Vietnam veterans should have been decades ago. Our veterans have earned our undying gratitude and their heroic service to our country will never be forgotten. I wish Sergeant Salazar a safe and memorable trip to our nation's capital and thank him again for his dedicated service.

RECOGNIZING THE 30TH ANNIVERSARY OF HABITAT FOR HUMANITY OF COLLIN COUNTY

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. TAYLOR. Madam Speaker, I rise today to recognize Habitat for Humanity of Collin County as they celebrate 30 years of invaluable housing assistance and commitment to fostering safe and healthy communities in Texas' Third District.

The Collin County affiliate of Habitat for Humanity was incorporated on August 26, 1992, with the goal of providing Collin County families in need with the opportunity to fulfill their dream of homeownership.

Since its inception, Habitat for Humanity of Collin County has worked alongside 228 families to build safe and affordable homes and has successfully completed more than 2,142 repair projects. In addition to the organization's efforts to provide direct housing assistance, Collin County Habitat for Humanity has expanded its services through the opening of two ReStore locations which serve as discount home improvement and donation centers. These ReStores offer reusable and low-cost building materials to the public and use all profits earned to fund the construction of new homes.

The support of the community coupled with the work of countless volunteers is what has enabled Habitat for Humanity of Collin County to successfully provide these vital housing services. Each day, this organization exemplifies what can be achieved when members of a community work together for the common good.

Now as we recognize Habitat for Humanity of Collin County on this milestone occasion, I ask my colleagues in the House of Representatives to join me in honoring their thirty years of dedicated service to Collin County.

PETER DEWOLF

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Peter DeWolf for receiving the Wheat Ridge Business Association's 2022 Member of the Year Award.

The Member of the Year Award is given to an individual who exemplifies exceptional leadership and above all else, commitment to our community. Peter DeWolf has been an outstanding member of the Wheat Ridge Business Association, bringing his expertise and leadership to all that he does. Mr. DeWolf has attended more events and meetings than any other non-board member. Mr. DeWolf brings his cheerful spirit and positive perspective to every meeting he attends and often generously donates his delicious toffee to member meetings. Mr. DeWolf embodies the best of Wheat Ridge and is a treasured member of our community.

I thank Mr. DeWolf for his service to the great City of the Wheat Ridge.

RECOGNIZING SECRETARY-TREASURER MARY SHULTZ AND HER HUSBAND DAVE FOR THEIR SERVICE TO THE GARLAND-TOMPKINS AMERICAN LEGION POST 399

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BERGMAN. Madam Speaker, it is my honor to recognize Secretary-Treasurer Mary Shultz and her husband Dave for their years of service to the Garland-Tompkins American Legion Post 399. Through their exceptional leadership, steadfast devotion, and willingness to serve, the Shultz family has become an indispensable part of Michigan's First District.

After the Legion Hall burned down in 1992, Secretary-Treasurer Shultz volunteered to help in the financing and construction of the new hall. For the next 30 years, she served dutifully as the Post's Secretary-Treasurer—paying bills, tracking membership, and providing sound advice to the Post's Commanders. Her 'boots on the ground' work ethic has driven the Post's success and inspired a higher level of achievement from its members. During the Post's dinners and community outreach events, Secretary-Treasurer Shultz has worked closely with other senior leadership to ensure that every member and guest feels welcome. In all of her efforts, she has been supported by her husband Dave, who has also played a major role in the execution of the Post's tasks and projects. Serving as a sounding board to the Post's leadership, he has always provided the right advice for the occasion. This family team's collective contributions to the Post and community cannot be overstated.

Madam Speaker, on behalf of Michigan's First Congressional District, I ask you to join me in recognizing the service of Secretary-Treasurer Mary Shultz and Dave Shultz. Their actions and work have embodied the highest

level of patriotism and service to the citizens of their community.

**HONORING VANESSA CASTILLO
FOR HISPANIC HERITAGE MONTH**

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Vanessa Castillo has been a public servant for almost 24 years. The daughter of Puerto Rican parents, she was born and raised in Chicago where she began her studies and taught minority youth.

After moving to Florida in 1998, she began working for the Orange County government where she served for nine years in four departments while obtaining her Associate of Arts degree in 2001 from Valencia College. This led to a new career path serving as a clerk for the municipalities of Haines City, Lakeland-by-the-Sea, and Winter Haven, where Vanessa serves as that city's first Hispanic city clerk. While serving the citizens of Winter Haven, she received her Bachelor of Applied Science in Supervision and Management with a concentration in public administration from Polk State College.

A committed public servant, she is honored to serve citizens with integrity, transparency, fairness, honesty, and equality. She is always eager to help them understand the inner workings of government and see it in a positive light. Her greatest motivations are her parents. Her late mother, a native of Caguas, Puerto Rico, came to the U.S. in the 1970s and was a straight-A student who dreamed of becoming an accountant. Yet, she sacrificed her higher education to put her children first. Her father, also from Caguas, came to the U.S. in 1955 to seek better opportunities. A retired electrician, he dropped out of high school to help his family and later received his GED. Through their efforts, Vanessa became a strong and successful Hispanic woman who has never forgotten her roots.

**HONORING THE FIRST UNITED
METHODIST CHURCH IN ALEXANDRIA,
LOUISIANA**

HON. JULIA LETLOW

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Ms. LETLOW. Madam Speaker, today I want to honor the First United Methodist Church of Alexandria and its 175 years of service to its congregation and the community.

The First United Methodist Church of Alexandria has an incredibly rich history. In 1847, they were known as the Methodist Church Episcopal South, then recognized as the Methodist Church Episcopal South, where they incorporated the introduction of Methodism in Central Louisiana by the intrepid Methodist Circuit Riders.

Initially, the congregation would come together among various venues for services. The first church building is thought to have been on Front Street, among additional locations, until most of Alexandria was burned by

Union troops as they retreated down the Red River in 1864.

The church was rebuilt in 1907, with the new sanctuary located at 630 Jackson Street. In 1927, the construction of an education building followed. Both buildings stand proudly today, having served the Methodists of Alexandria and other congregations since 1968.

In 1968, the church relocated to its current location at 2727 Jackson Street in Alexandria's historic Garden District. The church has since been expanded and updated to better serve the Congregation and the growing needs of Alexandria and the CenLa region.

Among the church community are 69 pastors, many associate pastors, staffers, and lay leaders that have guided and supported the church as it serves the community through various organizations and initiatives such as sponsoring a Boy Scout Troop, an annual arts festival, Buddy Camp, and Fostering the Community Care Closet.

Today, I come before the House to honor the First United Methodist Church of Alexandria on its 175th anniversary and applaud the service they have shown to the people of Central Louisiana.

**HONOR FLIGHT OF SOUTHERN
OREGON**

HON. CLIFF BENTZ

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BENTZ. Madam Speaker, I rise to recognize the Korean and Vietnam War Veterans from Oregon's Second Congressional District who are visiting their memorials on the National Mall through the efforts of Honor Flight of Oregon. When I have the opportunity to meet these heroes, I am reminded of the enduring words of Douglas MacArthur, who said, "Duty, honor, country. Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be." The words he spoke then, Madam Speaker, still ring true today. Those who value liberty are indebted to these heroes, for each one of them chose to defend freedom through acts of service, incredible sacrifice, and bravery on behalf of our country. It is my privilege to include in the Record their names.

The Veterans on this Honor Flight from Oregon are as follows: John Cullett, Navy; Thomas Clarke, Marine Corps; Robert Cline, Air Force; Dominic LaRosa, Navy; Harry Nystrom, Navy; Richard Traugh, Army; Virgil Wilkes, Army; Agnes Aamot, Air Force; Edward Seto, Army; Charles Arguijo, Marine Corps; Steven Baker, Navy; John Banuat, Army; Ronald Bly, Marine Corps; Robert Danielson, Air Force; Charles Elmore, Army; Gary Goulart, Navy; Melvin Griffith, Navy; Karl Hoehne, Marine Corps; Larry Larangiera, Army; Richard Otto, Navy; Kenneth Pottmeyer, Army; James Pringle, Navy; Don Stark, Air Force; Clyde Thrift, Air Force; Terry Weakley, Army; Billy Wirsch, Navy; Warren Clark, Marine Corps; Charles Elmore, Army; Helene LaRosa, Air Force; Bryan Bailey, Navy; and Nicholas Rupe, National Guard. These heroes join over 240,000 Veterans who have been honored through the Honor Flight Network of volunteers nationwide since 2005.

Madam Speaker, Ronald Reagan affirmed that, "We owe this freedom of choice and ac-

tion to those men and women in uniform who have served this nation and its interests in time of need. In particular, we are forever indebted to those who have given their lives that we might be free." As a nation, we must never take for granted the liberties we enjoy today, recognizing that these freedoms have been hard-won by the honor, commitment, and sacrifice of our Veterans. Each Member in this chamber and citizen in these United States should be humbled by the courage of the brave Veterans who voluntarily underwent dangers and successes in order to preserve our country and way of life. Colleagues, please join me in thanking these Veterans and the volunteers of Honor Flight of Oregon for their remarkable service and devotion to our great country.

**RECOGNIZING COMMANDER DAN
DYER AND HIS FAMILY FOR
THEIR SERVICE TO THE GAR-
LAND-TOMPKINS AMERICAN LE-
GION POST 399**

HON. JACK BERGMAN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. BERGMAN. Madam Speaker, it is my honor to recognize Commander Dan Dyer and his family for their years of service to the Garland-Tompkins American Legion Post 399. Through their exceptional leadership, steadfast devotion, and willingness to serve, the Dyer family has become an indispensable part of Michigan's First District.

In 1966 at the age of 18, Commander Dyer was drafted into the United States Army. A member of the 1st Infantry Division, Bravo Company, he deployed to Southeast Asia where he served with honor and courage as a radio operator and combat soldier during the Vietnam War. Upon his return to the United States 13 months later, he was stationed at Fort Bragg and served as a Drill Sergeant.

With the support of his wife Cindy and his son Jeff, Commander Dyer has dutifully served the Garland-Tompkins American Legion for more than 20 years. After joining the Post in 2001, he later became Post Vice-Commander and then Post Commander in 2012. In these roles, he worked tirelessly to accomplish the many missions and tasks of the Post. However, he did not do this alone. Both his wife Cindy and his son Jeff have played integral roles in the Post's community outreach efforts—organizing dinners and fundraisers, writing cards to sick Veterans, assisting Post members with their home maintenance needs, along with much more. This family team's collective contributions to the Post and community cannot be overstated.

Madam Speaker, on behalf of Michigan's First Congressional District, I ask you to join me in recognizing the service of Commander Dan Dyer, Cindy Dyer, and Jeff Dyer. Their actions and work have embodied the highest level of patriotism and service to the citizens of their community.

WHEAT RIDGE POULTRY AND MEAT

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize Wheat Ridge Poultry and Meat for receiving the Wheat Ridge Business Association's 2022 Business of the Year Award.

The Wheat Ridge Business of the Year Award is given to businesses within our community who exemplify outstanding service, leadership, and participation in the community and aims to recognize them for their achievement. Eighty years after its original founding in 1942, Wheat Ridge Poultry and Meat remains a cornerstone of Wheat Ridge, Colorado. Driven by the goals of ending food waste and food insecurity, and providing locally sourced fresh products to our community, the operators, Jessica and Bob Babinski, have given back to Wheat Ridge through working with the City to open a food bank for lower income families and those in need of food options. Jessica has leveraged her marketing expertise to not only support her own business, but other businesses within the community too. Wheat Ridge Poultry and Meat has been recognized nationally, receiving visits from USDA Secretary Vilsack and Colorado Department of Agriculture Commissioner Kate Greenberg, as well as being a recipient of the Meat and Poultry Readiness Grant.

Wheat Ridge Poultry and Meat deserves all its accolades, and I cannot thank them enough for how they have given back to the community. Wheat Ridge is made better by businesses like Wheat Ridge Poultry and Meat.

RECOGNIZING FRISCO, TEXAS FIRE CHIEF MARK PILAND

HON. VAN TAYLOR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. TAYLOR. Madam Speaker, today, I rise to recognize Frisco Fire Chief Mark Piland on his distinguished thirty-five plus year career in Fire-Rescue upon his well-deserved retirement.

Mark Piland earned a Bachelor of Psychology from Old Dominion University prior to obtaining a Master of Public Health with a concentration in Epidemiology from Eastern Virginia Medical School. Chief Piland is also a graduate of The National Fire Academy's Executive Fire Officer Program, the Executive Leader Program at the Naval Postgraduate

School Center for Homeland Defense and Security, and The Senior Executives in State and Local Government at the Kennedy School at Harvard.

Prior to joining the Frisco Fire Department, Piland served as the Fire Chief for Volusia County Fire Services and as a Shift Commander in Operations for the Virginia Beach Fire Department. For 16 years Piland also served on Virginia Task Force 2, a FEMA Urban Search and Rescue Team as Task Force Leader, East Coast Task Force Leader Representative, and as an Incident Support Team Leader for the Federal Urban Search & Rescue Response System with deployments to the Pentagon during the attacks of 9/11, Hurricane Katrina, and the 2010 earthquake in Haiti.

Since joining the Frisco Fire Department in 2013, Chief Piland has helped to oversee the tremendous growth of the Fire Department in one of the fastest-growing cities in the nation. Under his steadfast leadership, the Department has continued to develop a number of community programs to enhance fire safety education as well as the opening of several new stations and a state-of-the-art Public Safety Training Center.

Chief Mark Piland has made a lasting impact through his many efforts to strengthen fire safety in the City of Frisco. Now upon his retirement, I ask my colleagues in the House of Representatives to join me in thanking Chief Piland for his dedicated career and wish him the best as he prepares to begin a new chapter of his life.

HONORING JOSE A. DIAZ-ROMAN FOR HISPANIC HERITAGE MONTH

HON. DARREN SOTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 28, 2022

Mr. SOTO. Madam Speaker, Jose A. Diaz-Roman is the stakeholder and community relations manager with onePULSE Foundation, the nonprofit organization established following the Pulse Nightclub tragedy of June 12, 2016 to honor and preserve the legacy of the 49 people killed, the ones who survived, and all of the lives affected by the tragedy.

Jose develops and implements stakeholder and community relations programs and is responsible for managing and cultivating relationships with the Pulse-affected and community-based organizations in Central Florida. He also identifies new individuals, organizations, and companies to align with the onePULSE Foundation's promise to "Not Let Hate Win."

He also manages annual family days in Orlando and Puerto Rico to provide victims' families and Pulse survivors with time to gather together in an uplifting atmosphere and ultimately create bonds of support that are crucial

to their continued healing process. Jose also manages ongoing listening sessions with the Pulse-affected and task force members to gather input and feedback about plans for the National Pulse Memorial and Museum and the Orlando Health Survivors Walk.

Jose nurtures meaningful and sustainable relationships with key community groups and delivers the foundation's vision within the local community.

A volunteer for the American Red Cross, Jose also represents the onePULSE Foundation as a member of One Orlando Alliance, serving on the Community Engagement Committee and the Acts of Love and Kindness Committee.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 29, 2022 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 12

10 a.m.

Committee on Environment and Public Works

To hold hearings to examine putting the Bipartisan Infrastructure law to work, focusing on the private sector perspective.

SD-406

2:30 p.m.

Committee on Environment and Public Works

Subcommittee on Transportation and Infrastructure

To hold hearings to examine implementing the Infrastructure Investment and Jobs Act, focusing on opportunities for local jurisdictions to address transportation challenges.

SD-406

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S5115–S5507

Measures Introduced: Thirty-three bills and seven resolutions were introduced, as follows: S. 4969–5001, and S. Res. 801–807. **Pages S5225–26**

Measures Reported:

H.R. 521, to permit disabled law enforcement officers, customs and border protection officers, firefighters, air traffic controllers, nuclear materials couriers, members of the Capitol Police, members of the Supreme Court Police, employees of the Central Intelligence Agency performing intelligence activities abroad or having specialized security requirements, and diplomatic security special agents of the Department of State to receive retirement benefits in the same manner as if they had not been disabled. (S. Rept. No. 117–173)

H.R. 5001, to authorize the Secretary of the Interior to continue to implement endangered fish recovery programs for the Upper Colorado and San Juan River Basins. (S. Rept. No. 117–174)

H.R. 228, to designate the facility of the United States Postal Service located at 2141 Ferry Street in Anderson, California, as the “Norma Cornick Post Office Building”.

H.R. 1095, to designate the facility of the United States Postal Service located at 101 South Willowbrook Avenue in Compton, California, as the “PFC James Anderson, Jr., Post Office Building”.

H.R. 5615, to direct the Secretary of Homeland Security to submit a plan to make Federal assistance available to certain urban areas that previously received Urban Area Security Initiative funding to preserve homeland security capabilities, with an amendment in the nature of a substitute.

H.R. 5659, to designate the facility of the United States Postal Service located at 1961 North C Street in Oxnard, California, as the “John R. Hatcher III Post Office Building”.

S. 4668, to designate the facility of the United States Postal Service located at 400 North Main Street in Belen, New Mexico, as the “U.S. Senator Dennis Chavez Post Office”. **Page S5224**

Measures Passed:

Civil Rights Cold Case Investigations Support Act of 2022: Senate passed S. 3655, to amend the Civil Rights Cold Case Records Collection Act of 2018 to extend the termination date of the Civil Rights Cold Case Records Review Board. **Pages S5135–40**

Brazil Elections: Committee on Foreign Relations was discharged from further consideration of S. Res. 753, urging the Government of Brazil to ensure that the October 2022 elections are conducted in a free, fair, credible, transparent, and peaceful manner, and the resolution was then agreed to. **Pages S5140–41**

FIRE Act: Senate passed S. 3092, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S5141–44**

Padilla Amendment No. 5934, of a perfecting nature. **Pages S5142–44**

Technological Hazards Preparedness and Training Act: Senate passed S. 4166, to authorize preparedness programs to support communities containing technological hazards and emerging threats, after agreeing to the committee amendments. **Pages S5162–63**

Community Disaster Resilience Zones Act: Senate passed S. 3875, to require the President to develop and maintain products that show the risk of natural hazards across the United States, after withdrawing the committee amendment in the nature of a substitute, and agreeing to the following amendment proposed thereto: **Pages S5163–64**

Schumer (for Peters) Amendment No. 6026, in the nature of a substitute. **Page S5164**

Captain Rosemary Bryant Mariner Outpatient Clinic: Senate passed H.R. 7698, to designate the outpatient clinic of the Department of Veterans Affairs in Ventura, California, as the “Captain Rosemary Bryant Mariner Outpatient Clinic”. **Page S5164**

National Hydrogen and Fuel Cell Day: Committee on the Judiciary was discharged from further consideration of S. Res. 765, designating October 8, 2022, as “National Hydrogen and Fuel Cell Day”, and the resolution was then agreed to. **Page S5164**

National Childhood Cancer Awareness Month: Senate agreed to S. Res. 804, designating September 2022 as “National Childhood Cancer Awareness Month”. **Pages S5164–65**

Telehealth Awareness Week: Senate agreed to S. Res. 805, supporting the designation of the week of September 18 through September 24, 2022 as “Telehealth Awareness Week”. **Pages S5164–65**

Women’s National Basketball Association championship: Senate agreed to S. Res. 806, commending and congratulating the Las Vegas Aces basketball team on winning the 2022 Women’s National Basketball Association championship. **Pages S5164–65**

National Bison Day: Senate agreed to S. Res. 807, designating November 5, 2022, as “National Bison Day”. **Pages S5164–65**

Disaster Assistance for Rural Communities Act: Senate passed S. 1617, to modify the requirements for the Administrator of the Small Business Administration relating to declaring a disaster in a rural area, after agreeing to the committee amendment in the nature of a substitute. **Page S5165**

Small Business Cyber Training Act: Senate passed S. 1687, to amend section 21 of the Small Business Act to require cyber certification for small business development center counselors, after agreeing to the committee amendment in the nature of a substitute. **Pages S5165–66**

Small Business Broadband and Emerging Technology Enhancement Act: Senate passed S. 3906, to improve certain programs of the Small Business Administration to better assist small business customers in accessing broadband technology, after withdrawing the committee amendments, and agreeing to the following amendment proposed thereto:

Pages S5166–68

Schumer (for Cardin) Amendment No. 6027, in the nature of a substitute. **Page S5167**

One Stop Shop for Small Business Compliance Act: Committee on Small Business and Entrepreneurship was discharged from further consideration of H.R. 4877, to amend the Small Business Act to require the Small Business and Agriculture Regulatory Enforcement Ombudsman to create a centralized website for compliance guides, and the bill was then passed. **Page S5168**

SBA Cyber Awareness Act: Senate passed H.R. 3462, to require an annual report on the cybersecu-

rity of the Small Business Administration, after agreeing to the following amendment proposed thereto: **Page S5168**

Schumer (for Cardin/Rubio) Amendment No. 6028, in the nature of a substitute. **Page S5168**

SBIC Advisory Committee Act of 2022: Senate passed S. 2521, to require the Administrator of the Small Business Administration to establish an SBIC Advisory Committee, after withdrawing the committee amendment in the nature of a substitute, agreeing to committee-reported title amendment, and the following amendment proposed thereto:

Pages S5168–70

Schumer (for Cardin) Amendment No. 6029, in the nature of a substitute. **Pages S5169–70**

Measures Considered:

Affordable Insulin Now Act—Agreement: Senate began consideration of H.R. 6833, to amend title XXVII of the Public Health Service Act, the Internal Revenue Code of 1986, and the Employee Retirement Income Security Act of 1974 to establish requirements with respect to cost-sharing for certain insulin products, taking action on the following motions and amendments proposed thereto:

Pages S5115, S5126–35, S5144–48

Pending:

Schumer Amendment No. 5745, in the nature of a substitute. **Pages S5147–48**

Schumer Amendment No. 6030 (to Amendment No. 5745), to add an effective date. **Page S5148**

Schumer motion to commit the bill to the Committee on Appropriations, with instructions, Schumer Amendment No. 6031, to add an effective date. **Page S5148**

Schumer Amendment No. 6032 (to (the instructions) Amendment No. 6031), to modify the effective date. **Page S5148**

A motion was entered to close further debate on Schumer Amendment No. 5745 (listed above), and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, September 30, 2022. **Page S5148**

A motion was entered to close further debate on the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur upon disposition of Schumer Amendment No. 5745 (listed above). **Page S5148**

During consideration of this measure today, Senate also took the following action:

Senate agreed to the motion to proceed to consideration of the bill. **Page S5115**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10 a.m., on Thursday, September 29, 2022.

Pages S5506–07

Appointments:

National Advisory Committee on Institutional Quality and Integrity: The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 110–315, announced the re-appointment of the following individual to be a member of the National Advisory Committee on Institutional Quality and Integrity: Dr. Claude Pressnell of Tennessee.

Page S5165

Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture: The Chair, on behalf of the Majority Leader, pursuant to the provisions of Public Law 117–140, appointed the following individuals to serve as members of the Commission to Study the Potential Creation of a National Museum of Asian Pacific American History and Culture: Kevin Kim of New York and Joanne Kwong of New York.

Page S5165

Printing in the Record—Agreement: A unanimous-consent agreement was reached providing that the notice of adoption of substantive regulations and submission for Congressional approval from the Office of Congressional Workplace Rights be printed in the *Record*.

Pages S5148–62

Messages from the House:

Page S5222

Enrolled Bills Presented:

Page S5222

Executive Communications:

Pages S5222–24

Executive Reports of Committees:

Pages S5224–25

Notice of a Tie Vote Under S. Res. 27:

Page S5171

Additional Cosponsors:

Pages S5226–28

Statements on Introduced Bills/Resolutions:

Pages S5228–31

Additional Statements:

Pages S5220–22

Amendments Submitted:

Pages S5231–S5506

Notices of Intent:

Page S5506

Authorities for Committees to Meet:

Page S5506

Privileges of the Floor:

Page S5506

Adjournment: Senate convened at 10 a.m. and adjourned at 8:25 p.m., until 10 a.m. on Thursday, September 29, 2022. (For Senate's program, see the remarks of the Majority Leader in today's Record on pages S5506–07.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Radha Iyengar Plumb, of New York, to be a Deputy Under Secretary of Defense, and 8 nominations in the Army, Navy and Space Force.

FAA REAUTHORIZATION

Committee on Commerce: Subcommittee on Aviation Safety, Operations, and Innovation concluded a hearing to examine FAA reauthorization, focusing on integrating new entrants into the National Airspace System, after receiving testimony from Lisa Ellman, Commercial Drone Alliance, and Ed Bolen, National Business Aviation Association, both of Washington, D.C.; Gregory Davis, Eviation Aircraft, Arlington, Washington; Colonel Stephen Luxion (Ret.), FAA Center of Excellence for Unmanned Aircraft Systems, Mississippi State, Mississippi; and Stephane Fymat, Honeywell Aerospace Aerial Systems, Phoenix, Arizona.

BROWNFIELDS PROGRAM REAUTHORIZATION

Committee on Environment and Public Works: Committee concluded a hearing to examine stakeholder views on the Brownfields Program reauthorization, after receiving testimony from Michael Goldstein, The Goldstein Environmental Law Firm, Coral Gables, Florida; Brad Buschur, Groundwork Lawrence, Lawrence, Massachusetts; George Carico, Marshall University West Virginia Brownfields Assistance Center, Huntington; and Gerald Pouncey, Morris, Manning, and Martin, LLP, Atlanta, Georgia.

U.S. SANCTIONS ON RUSSIA

Committee on Foreign Relations: Committee concluded a hearing to examine keeping the pressure on Russia and its enablers, focusing on the reach of and next steps for U.S. sanctions, after receiving testimony from James C. O'Brien, Coordinator for Sanctions Policy, Department of State; and Elizabeth Rosenberg, Assistant Secretary of the Treasury for Terrorist Financing and Financial Crimes.

BUSINESS MEETING

Committee on Homeland Security and Governmental Affairs: Committee ordered favorably reported the following business items:

S. 4930, to prohibit Federal procurement from companies operating in the Russian Federation, with an amendment in the nature of a substitute;

S. 4828, to provide consistent leadership, purpose, and administrative support for the primary governmentwide executive councils, with an amendment in the nature of a substitute;

S. 4894, to provide for the perpetuation, administration, and funding of Federal Executive Boards;

S. 4893, to amend the Lobbying Disclosure Act of 1995 to require certain disclosures by registrants regarding exemptions under the Foreign Agents Registration Act of 1938, as amended;

S. 4908, to improve the visibility, accountability, and oversight of agency software asset management practices, with an amendment in the nature of a substitute;

S. 4913, to establish the duties of the Director of the Cybersecurity and Infrastructure Security Agency regarding open source software security;

S. 4882, to amend the Federal Fire Prevention and Control Act of 1974 to authorize appropriations for the United States Fire Administration and firefighter assistance grant programs, with an amendment;

S. 4528, to establish a Government-wide approach to improving digital identity, with an amendment in the nature of a substitute;

S. 4816, to require the Archivist of the United States to submit to Congress a comprehensive plan for reducing the backlog of requests for records from the National Personnel Records Center, with an amendment;

S. 4328, to modify the fire management assistance cost share, with an amendment;

S. 4399, to require the purchase of domestically made flags of the United States of America for use by the Federal Government;

S. 4902, to address the preference for United States industry with respect to patent rights in inventions made with Department of Homeland Security research assistance;

S. 4919, to require an interagency strategy for creating a unified posture on counter-unmanned aircraft systems (C-UAS) capabilities and protections at international borders of the United States, with an amendment in the nature of a substitute;

S. 3531, to require the Federal Government to produce a national climate adaptation and resilience strategy, with an amendment in the nature of a substitute;

S. 4668, to designate the facility of the United States Postal Service located at 400 North Main Street in Belen, New Mexico, as the "U.S. Senator Dennis Chavez Post Office";

H.R. 7777, to amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency to establish an industrial control systems cybersecurity training initiative, with an amendment in the nature of a substitute;

H.R. 6824, to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to hold an annual cybersecurity competition relating to offensive and defensive cybersecurity disciplines, with an amendment in the nature of a substitute;

H.R. 7211, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, review a final rule of the Federal Emergency Management Agency;

H.R. 3544, to require the Administrator of General Services to transfer certain surplus computers and technology equipment to nonprofit computer refurbishers for repair, distribution, and return, with an amendment in the nature of a substitute;

H.R. 4209, to support remediation of illicit cross-border tunnels;

H.R. 228, to designate the facility of the United States Postal Service located at 2141 Ferry Street in Anderson, California, as the "Norma Cornick Post Office Building";

H.R. 1095, to designate the facility of the United States Postal Service located at 101 South Willowbrook Avenue in Compton, California, as the "PFC James Anderson, Jr., Post Office Building";

H.R. 5659, to designate the facility of the United States Postal Service located at 1961 North C Street in Oxnard, California, as the "John R. Hatcher III Post Office Building"; and

The nominations of Vijay Shanker, to be an Associate Judge of the District of Columbia Court of Appeals, and Laura E. Crane, Leslie A. Meek, Veronica M. Sanchez, Errol Rajesh Arthur, Kendra Davis Briggs, and Carl Ezekiel Ross, each to be an Associate Judge of the Superior Court of the District of Columbia.

WAR CRIMES AND CRIMES AGAINST HUMANITY ACCOUNTABILITY

Committee on the Judiciary: Committee concluded a hearing to examine accountability for war crimes and crimes against humanity from Nuremberg to Ukraine, after receiving testimony from Eli M. Rosenbaum, Director of Human Rights Enforcement Strategy and Policy, Human Rights and Special Prosecutions Section and Counselor for War Crimes Accountability, Department of Justice; and Andre R. Watson, Assistant Director, Homeland Security Investigations, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to receive a briefing on certain intelligence matters from officials of the intelligence community.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 36 public bills, H.R. 8990–9025; and 5 resolutions, H. Res. 1397–1401, were introduced. **Pages H8220–21**

Additional Cosponsors: **Pages H8222–23**

Reports Filed: Reports were filed today as follows:

H. Res. 1247, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023–2028 five-year program for offshore oil and gas leasing, adversely, with an amendment (H. Rept. 117–497);

H. Res. 1248, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act, adversely, with an amendment (H. Rept. 117–498);

H. Res. 1251, of inquiry directing the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely, with an amendment (H. Rept. 117–499);

H. Res. 1252, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest, adversely, with an amendment (H. Rept. 117–500);

H. Res. 1253, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the actions of the Department of the Interior's Departmental Ethics Office, adversely, with an amendment (H. Rept. 117–501);

H.R. 1638, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, and for other purposes, with an amendment (H. Rept. 117–502);

H.R. 6364, to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses, and for other purposes (H. Rept. 117–503);

H.R. 5703, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize the President to provide professional counseling services to victims of emergencies declared under such Act, and for other purposes (H. Rept. 117–504);

H.R. 3482, to establish the National Center for the Advancement of Aviation, with an amendment (H. Rept. 117–505);

H.R. 7321, to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations, and for other purposes, with an amendment (H. Rept. 117–506);

H. Res. 1396, providing for consideration of the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources; providing for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits; providing for consideration of the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, and for other purposes; and for other purposes (H. Rept. 117–507);

H.R. 6965, to promote travel and tourism in the United States, and for other purposes, with an amendment (H. Rept. 117–508, Part 1);

H.R. 4081, to require the disclosure of a camera or recording capability in certain internet-connected devices (H. Rept. 117–509);

H. Res. 1264, of inquiry requesting the President to transmit to the House of Representatives certain documents relating to misinformation and the preservation of free speech; adversely (H. Rept. 117–510);

H. Res. 1261, of inquiry requesting the President to provide certain documents to the House of Representatives relating to communications and directives with the Federal Trade Commission; adversely (H. Rept. 117–511);

H. Res. 1271, of inquiry requesting the President transmit to the House of Representatives certain documents relating to activities of the National Telecommunications and Information Administration relating to broadband service, adversely (H. Rept. 117–512);

H.R. 5141, to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers, with an amendment (H. Rept. 117–513);

H.R. 8163, to amend the Public Health Service Act with respect to trauma care, with an amendment (H. Rept. 117–514);

H. Res. 1298, of inquiry directing the Secretary of the Treasury to transmit certain documents to the

House of Representatives relating to the role of the Department of the Treasury in the Paycheck Protection Program of the Small Business Administration, with amendments (H. Rept. 117–515);

H. Res. 1244, of inquiry requesting the President and directing the Secretary of Health and Human Services to transmit, respectively, certain documents to the House of Representatives relating to any COVID–19 vaccine, adversely (H. Rept. 117–516);

H.R. 6889, to mend the Federal Credit Union Act to modify the frequency of board of directors meetings, and for other purposes, with amendments (H. Rept. 117–517);

H. Res. 1269, of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to the impact of the OECD Pillar One agreement on the United States Treasury, adversely (H. Rept. 117–518);

H. Res. 1262, of inquiry directing the Secretary of Health and Human Services to provide to the House of Representatives certain documents in the Secretary's possession regarding the reinterpretation of sections 36B (c)(2)(C)(i)(II) and S000A(e)(1)(B) of the Internal Revenue Code of 1986, commonly known as the “fix to the family glitch”, adversely (H. Rept. 117–519);

H. Res. 1285, requesting the President to transmit certain information to the House of Representatives relating to a waiver of intellectual property commitments under the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, adversely (H. Rept. 117–520);

H. Res. 1288, of inquiry directing the Secretary of Labor to provide to the House of Representatives certain documents in the Secretary's possession relating to Unemployment Insurance fraud during the COVID–19 pandemic, adversely (H. Rept. 117–521);

H. Res. 1246, of inquiry directing the Secretary of the Treasury to provide certain documents in the Secretary's possession to the House of Representatives relating to recovery rebates under section 6428B of the Internal Revenue Code of 1986, adversely (H. Rept. 117–522); and

H. Res. 1283, of inquiry directing the Secretary of the Treasury to provide to the House of Representatives a copy of the Internal Revenue Service Small Business/Self Employed Division Decision Memorandum regarding the decision to destroy approximately 30,000,000 paper information returns around the time of March 2021, and any other memorandum related to the decision to destroy those information returns, adversely (H. Rept. 117–523).

Pages H8219–20

Speaker: Read a letter from the Speaker wherein she appointed Representative Casten to act as Speaker pro tempore for today.

Page H8121

Recess: The House recessed at 12:59 p.m. and reconvened at 2 p.m.

Page H8127

Merger Filing Fee Modernization Act, Mental Health Matters Act, and Protection and Advocacy for Voting Access Program Inclusion Act—

Rule for Consideration: The House agreed to H. Res. 1396, providing for consideration of the bill (H.R. 3843) to promote antitrust enforcement and protect competition through adjusting premerger filing fees, and increasing antitrust enforcement resources; providing for consideration of the bill (H.R. 7780) to support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits; and providing for consideration of the bill (S. 3969) to amend the Help America Vote Act of 2002 to explicitly authorize distribution of grant funds to the voting accessibility protection and advocacy system of the Commonwealth of the Northern Mariana Islands and the system serving the American Indian consortium, by a yeas-and-nays vote of 217 yeas to 212 nays, Roll No. 456, after the previous question was ordered by a yeas-and-nays vote of 220 yeas to 208 nays, Roll No. 455.

Pages H8170–79

Suspensions: The House agreed to suspend the rules and pass the following measures:

Designating the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the “Sergeant Gerald T. ‘Jerry’ Donnellan Post Office”: H.R. 6267, to designate the facility of the United States Postal Service located at 15 Chestnut Street in Suffern, New York, as the “Sergeant Gerald T. ‘Jerry’ Donnellan Post Office”;

Pages H8148–49

Designating the facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the “Ronald A. Robinson Post Office”: H.R. 6080, to designate the facility of the United States Postal Service located at 5420 Kavanaugh Boulevard in Little Rock, Arkansas, as the “Ronald A. Robinson Post Office”;

Pages H8149–50

Banking Transparency for Sanctioned Persons Act: H.R. 2710, amended, to increase transparency with respect to financial services benefitting state sponsors of terrorism, human rights abusers, and corrupt officials;

Pages H8158–59

Amending the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the

Recreation Area for local businesses: H.R. 6364, amended, to amend the Delaware Water Gap National Recreation Area Improvement Act to extend the exception to the closure of certain roads within the Recreation Area for local businesses;

Pages H8159–60

National Center for the Advancement of Aviation Act: H.R. 3482, amended, to establish the National Center for the Advancement of Aviation, by a $\frac{2}{3}$ ye-a-and-nay vote of 369 yeas to 56 nays, Roll No. 457;

Pages H8164–67, H8179

Amending title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance: H.R. 5918, amended, to amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance;

Pages H8184–85

Agreed to amend the title so as to read: “To amend title 38, United States Code, to ensure that the Secretary of Veterans Affairs repays members of the Armed Forces for certain contributions made by such members towards Post-9/11 Educational Assistance, and for other purposes.”; and

Page H8185

Reduce and Eliminate Mental Health Outpatient Veteran Copays Act: H.R. 7589, amended, to amend title 38, United States Code, to prohibit the imposition or collection of copayments for certain mental health outpatient care visits of veterans.

Pages H8185–86

Suspensions—Proceedings Postponed: The House debated the following measures under suspension of the rules. Further proceedings were postponed.

SBIR and STTR Extension Act of 2022: S. 4900, to reauthorize the SBIR and STTR programs and pilot programs;

Pages H8128–36

Amending chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government: H.R. 8956, to amend chapter 36 of title 44, United States Code, to improve the cybersecurity of the Federal Government;

Pages H8136–40

Chai Sutthammanont Remembrance Act of 2022: H.R. 8466, amended, to require the head of each agency to establish a plan relating to the safety of Federal employees and contractors physically present at certain worksites during a nationwide public health emergency declared for an infectious disease;

Pages H8140–43

End Human Trafficking in Government Contracts Act of 2022: S. 3470, to provide for the im-

plementation of certain trafficking in contracting provisions;

Pages H8143–44

Artificial Intelligence Training for the Acquisition Workforce Act: S. 2551, to require the Director of the Office of Management and Budget to establish or otherwise provide an artificial intelligence training program for the acquisition workforce;

Pages H8144–45

Chance to Compete Act of 2022: H.R. 6967, amended, to implement merit-based reforms to the civil service hiring system that replace degree-based hiring with skills- and competency-based hiring;

Pages H8145–48

Improving Trauma Systems and Emergency Care Act: H.R. 8163, amended, to amend the Public Health Service Act with respect to trauma care;

Pages H8150–52

Maximizing Outcomes through Better Investments in Lifesaving Equipment for (MOBILE) Health Care Act: S. 958, to amend the Public Health Service Act to expand the allowable use criteria for new access points grants for community health centers;

Pages H8152–53

Informing Consumers about Smart Devices Act: H.R. 4081, amended, to require the disclosure of a camera or recording capability in certain internet-connected devices;

Pages H8153–54

Visit America Act: H.R. 6965, amended, to promote travel and tourism in the United States;

Pages H8155–57

Credit Union Board Modernization Act: H.R. 6889, amended, to amend the Federal Credit Union Act to modify the frequency of board of directors meetings;

Pages H8157–58

Gilt Edge Mine Conveyance Act: H.R. 1638, amended, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota;

Pages H8160–62

Safe Aircraft Maintenance Standards Act: H.R. 7321, amended, to amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations;

Pages H8162–64

Small Project Efficient and Effective Disaster Recovery Act: Concur in the Senate amendments to H.R. 5641, to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to increase the threshold for eligibility for assistance under sections 403, 406, 407, and 502 of such Act;

Pages H8167–68

Preventing PFAS Runoff at Airports Act: S. 3662, amended, to temporarily increase the cost

share authority for aqueous film forming foam input-based testing equipment; **Pages H8168–70**

Care Access Resources for Veterans Act: H.R. 3304, amended, to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons; **Pages H8180–81**

Food Security for All Veterans Act: H.R. 8888, amended, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Office of Food Security; **Pages H8181–84**

Expanding Home Loans for Guard and Reservists Act: H.R. 8875, amended, to amend title 38, United States Code, to expand eligibility of members of the National Guard for housing loans guaranteed by the Secretary of Veterans Affairs; **Page H8184**

Solid Start Act of 2022: S. 1198, to amend title 38, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs; **Pages H8186–90**

Strengthening Whistleblower Protections at the Department of Veterans Affairs Act: H.R. 8510, amended, to amend title 38, United States Code, to make certain improvements to the Office of Accountability and Whistleblower Protection of the Department of Veterans Affairs; **Pages H8190–92**

Supporting Families of the Fallen Act: S. 2794, to amend title 38, United States Code, to increase automatic maximum coverage under the Servicemembers' Group Life Insurance program and the Veterans' Group Life Insurance program; **Pages H8192–93**

John Lewis Civil Rights Fellowship Act of 2022: H.R. 8681, amended, to establish the John Lewis Civil Rights Fellowship to fund international internships and research placements for early- to mid-career professionals to study nonviolent movements to establish and protect civil rights around the world; **Pages H8193–95**

Global Food Security Reauthorization Act of 2022: H.R. 8446, amended, to modify and extend the Global Food Security Act of 2016; **Pages H8195–98**

Millennium Challenge Corporation Eligibility Expansion Act: H.R. 8463, to modify the requirements under the Millennium Challenge Act of 2003 for candidate countries; and **Pages H8198–H8200**

Combating the Persecution of Christians in China Act: H.R. 4821, amended, to hold accountable senior officials of the Government of the People's Republic of China who are responsible for,

complicit in, or have directly persecuted Christians in China. **Pages H8200–03**

Senate Referral: S. 4885 was held at the desk. **Page H8136**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on pages H8121–22.

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H8177–78, H8178, and H8179.

Adjournment: The House met at 12 p.m. and adjourned at 10:09 p.m.

Committee Meetings

No hearings were held.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 29, 2022

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine outbound investment, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: to hold hearings to examine securing U.S. leadership in emerging compute technologies, 10 a.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine S. 4729, to amend the Agricultural Credit Act of 1978 to waive the cost share requirement under the emergency forest restoration program for land damaged by the Hermit's Peak/Calf Canyon Fire, S. 4833, to improve the health and resiliency of giant sequoias, S. 4835, to provide for the removal of small-diameter trees in fire hazard areas, S. 4837, to amend the Omnibus Public Land Management Act of 2009 to establish within the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, S. 4877, to amend Public Law 91–378 to authorize activities relating to Civilian Conservation Centers, S. 4884, to require the Secretary of the Interior, in coordination with the Secretary of Agriculture, to establish a joint natural infrastructure science program, S. 4891, to amend the Federal Land Policy and Management Act of 1976 to authorize certain construction activities on public lands, S. 4904, to address the forest health crisis on the National Forest System and public lands, S. 4935, to require the Secretary of the Interior and the Secretary of Agriculture to implement measures to better prepare for and more quickly respond to wildfires on certain public land and in certain National Forests, S. 4942, to amend the Southwest Forest Health and Wildfire Prevention Act of 2004

to require the establishment of an additional Institute under that Act, S. 4944, to provide for the operation and establishment of, and procurement of supplies for, firewood banks, and S. 4945, to require the Secretary of Agriculture to establish a pilot program for the establishment and use of a pre-fire suppression stand density index, 10 a.m., SD-366.

Committee on Environment and Public Works: Subcommittee on Chemical Safety, Waste Management, Environmental Justice, and Regulatory Oversight, with the Subcommittee on Fisheries, Wildlife, and Water, to hold a joint hearing to examine S. 3571, to promote remediation of abandoned hardrock mines, 10 a.m., SD-406.

Full Committee, business meeting to consider the nominations of L. Michelle Moore, of Georgia, Robert P. Klein, of Tennessee, William J. Renick, of Mississippi, Adam Wade White, of Kentucky, and Joe H. Ritch, of Alabama, each to be a Member of the Board of Directors of the Tennessee Valley Authority, and 5 GSA resolutions, 12 noon, S-216, Capitol.

Committee on Foreign Relations: to receive a closed briefing on the Russian Invasion of Ukraine, 2 p.m., SVC-217.

Committee on Health, Education, Labor, and Pensions: business meeting to consider the nominations of Karla Ann Gilbride, of Maryland, to be General Counsel of the Equal Employment Opportunity Commission, Jessica Looman, of Minnesota, to be Administrator of the Wage and Hour Division, Department of Labor, Moshe Z. Marvit, of Pennsylvania, to be a Member of the Federal Mine Safety and Health Review Commission, and other pending calendar business, Time to be announced, Room to be announced.

Committee on Homeland Security and Governmental Affairs: to hold hearings to examine the nominations of Robert Harley Shriver III, of Virginia, to be Deputy Director of the Office of Personnel Management, and Richard L. Revesz, of New York, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 10:30 a.m., SD-342.

Committee on the Judiciary: business meeting to consider the nominations of Cindy K. Chung, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, Tamika R. Montgomery-Reeves, of Delaware, to be United States Circuit Judge for the Third Circuit, and Kelley Brisbon Hodge, John Frank Murphy, Mia Roberts Perez, Kai N. Scott, each to be a United States District Judge for the Eastern District of Pennsylvania, and Chrissie C. Latimore, to be United States Marshal for the District of South Carolina, Department of Justice, 9 a.m., SH-216.

Full Committee, to hold an oversight hearing to examine the Federal Bureau of Prisons, 10 a.m., SH-216.

House

Committee on Agriculture, Subcommittee on Nutrition, Oversight, and Department Operations, hearing entitled “A 2022 Review of the Farm Bill: Title XII—Department Operations and Outreach”, 9:30 a.m., 1300 Longworth and Zoom.

Committee on Foreign Affairs, Full Committee, hearing entitled “Haiti at the Crossroads: Civil Society Responses for a Haitian-led Solution”, 10 a.m., 2172 Rayburn and Webex.

Committee on the Judiciary, Subcommittee on Antitrust, Commercial, and Administrative Law, hearing entitled “Oversight of the Bankruptcy Code, Part 2: Ensuring a Fresh Start for Consumers”, 1 p.m., 2141 Rayburn and Zoom.

Committee on Natural Resources, Full Committee, continue markup on H. Res. 1247, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the 2023–2028 five-year program for offshore oil and gas leasing; H. Res. 1248, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the compliance with the obligations of the Mineral Leasing Act; H. Res. 1251, of inquiry directing the Secretary of Agriculture to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest; H. Res. 1252, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the mineral withdrawal within the Superior National Forest; and H. Res. 1253, of inquiry directing the Secretary of the Interior to transmit certain documents to the House of Representatives relating to the actions of the Department of the Interior’s Departmental Ethics Office; and H.R. 4690, the “Sustaining America’s Fisheries for the Future Act of 2021”, 10 a.m., 1324 Longworth and Webex.

Committee on Oversight and Reform, Full Committee, hearing entitled “Examining the Harm to Patients from Abortion Restrictions and the Threat of a National Abortion Ban”, 10 a.m., 2154 Rayburn and Zoom.

Committee on Science, Space, and Technology, Subcommittee on Research and Technology, hearing entitled “Trustworthy AI: Managing the Risks of Artificial Intelligence”, 10:30 a.m., 2318 Rayburn and Zoom.

Committee on Transportation and Infrastructure, Full Committee, markup on General Services Administration’s Capital Investment and Leasing Program Resolution, 9:50 a.m., 2167 Rayburn and Zoom. Full Committee, hearing entitled “Investing in our Nation’s Transportation Infrastructure and Workers: Why it Matters”, 10 a.m., 2167 Rayburn and Zoom.

Committee on Veterans’ Affairs, Full Committee, hearing entitled “Veteran Suicide Prevention: Capitalizing on What Works and Increasing Innovative Approaches”, 10 a.m., HVC-210 and Zoom.

Permanent Select Committee on Intelligence, Full Committee, business meeting on Consideration of the Access Request from Representative Doug Lamborn, 10 a.m., HVC-304 Hearing Room.

Select Committee on the Climate Crisis, Full Committee, hearing entitled “A Big Climate Deal: Lowering Costs, Creating Jobs, and Reducing Pollution with the Inflation Reduction Act”, 1:30 p.m., 210 Cannon and Zoom.

Select Committee on the Modernization of Congress, Full Committee, markup on Committee recommendations on Constituent Engagement, Congressional Technology, Schedule, and Other, 10 a.m., 2175 Rayburn and Zoom.

Next Meeting of the SENATE

10 a.m., Thursday, September 29

Senate Chamber

Program for Thursday: After the transaction of any morning business, Senate will continue consideration of H.R. 6833, Affordable Insulin Now Act (the legislative vehicle for the Continuing Resolution).

Senators should expect a roll call vote on confirmation of the nomination of Arianna J. Freeman, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, upon reconsideration.

Additional roll call votes are expected.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, September 29

House Chamber

Program for Thursday: Consideration of H.R. 3843—Merger Filing Fee Modernization Act. Consideration of H.R. 7780—Mental Health Matters Act. Consideration of S. 3969—Protection and Advocacy for Voting Access Program Inclusion Act.

Extensions of Remarks, as inserted in this issue

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