

(A) the estimated end cost and appropriated funds by fiscal year, by hull, without the authority provided in subsection (a);

(B) the estimated end cost and appropriated funds by fiscal year, by hull, with the authority provided in subsection (a);

(C) the estimated cost savings or increase by fiscal year, by hull, with the authority provided in subsection (a);

(D) the discrete actions that will accomplish such cost savings or avoidance; and

(E) the contractual actions that will ensure the estimated cost savings are realized.

(3) There is a reasonable expectation that throughout the contemplated contract period the Secretary of the Navy will request funding for the contract at the level required to avoid contract cancellation.

(4) There is a stable design for the property to be acquired and the technical risks associated with such property are not excessive.

(5) The estimates of both the cost of the contract and the anticipated cost avoidance through the use of a contract authorized under subsection (a) are realistic.

(6) The use of such a contract will promote the national security of the United States.

(7) During the fiscal year in which such contract is to be awarded, sufficient funds will be available to perform the contract in such fiscal year.

(c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The Secretary of the Navy may enter into one or more contracts for advance procurement associated with a vessel or vessels for which authorization to enter into a contract is provided under subsection (a), and for systems and subsystems associated with such vessels in economic order quantities when cost savings are achievable.

(d) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year is subject to the availability of appropriations for that purpose for such fiscal year.

(e) **DEFINITIONS.**—In this section—

(1) the term “covered ship” means a San Antonio-class or America-class ship; and

(2) the term “milestone decision authority” has the meaning given the term in section 2366a(d) of title 10, United States Code.

**SA 6042.** Mr. TOOMEY (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. RESPONSIBILITY OF SECRETARY OF DEFENSE FOR INVESTIGATIONS UNDER SECTION 232 OF THE TRADE EXPANSION ACT OF 1962.**

(a) **IN GENERAL.**—Section 232(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1862(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “the Secretary of Commerce (hereafter in the section referred to as the ‘Secretary’)” and inserting “the Secretary of Defense”; and

(B) in subparagraph (B)—

(i) by striking “The Secretary” and inserting “The Secretary of Defense”; and

(ii) by striking “the Secretary of Defense” and inserting “the Secretary of Commerce”;

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “the Secretary” and inserting “the Secretary of Defense”; and

(ii) in clause (i), by striking “the Secretary of Defense” and inserting “the Secretary of Commerce”; and

(B) by amending subparagraph (B) to read as follows:

“(B) Upon the request of the Secretary of Defense, the Secretary of Commerce shall provide to the Secretary of Defense an assessment of the quantity of imports of any article that is the subject of an investigation conducted under this subsection and the circumstances under which the article is imported.”;

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) in the first sentence, by striking “the Secretary shall submit” and all that follows through “recommendations of the Secretary” and inserting “the Secretary of Defense and the Secretary of Commerce shall jointly submit to the President and Congress a report on the findings of the investigation and, based on such findings, the recommendations of the Secretary of Commerce”; and

(ii) in the second sentence—

(I) by striking “Secretary finds” and inserting “Secretaries find”; and

(II) by striking “Secretary shall” and inserting “Secretaries shall”; and

(B) in subparagraph (B), by striking “by the Secretary”; and

(4) in paragraph (4), by striking “Secretary” and inserting “Secretary of Defense”.

(b) **CONFORMING AMENDMENTS.**—Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) in subsection (c)(1)(A)—

(A) by striking “in which the Secretary” and inserting “that”; and

(B) in clause (i), by striking “of the Secretary”;

(2) in the first subsection (d), by striking “the Secretary and the President” each place it appears and inserting “the Secretary of Defense, the Secretary of Commerce, and the President”;

(3) by redesignating the second subsection (d) as subsection (e); and

(4) in paragraph (1) of subsection (e), as redesignated by paragraph (2), by striking “the Secretary” and inserting “the Secretary of Defense”.

**SA 6043.** Mrs. FISCHER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

**SEC. . . . MODIFICATION OF PILOT PROGRAM ON ENHANCED PERSONNEL MANAGEMENT SYSTEM FOR CYBERSECURITY AND LEGAL PROFESSIONALS IN THE DEPARTMENT OF DEFENSE.**

(a) **IN GENERAL.**—Section 1110 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1631; 10 U.S.C. 1580 note prec.) is amended—

(1) in the section heading, by striking “**CYBERSECURITY AND LEGAL PROFESSIONALS**” and inserting “**COVERED EMPLOYEES**”;

(2) in subsection (a), by striking “cybersecurity and legal professionals” and inserting “covered employees”;

(3) in subsection (b)—

(A) in the subsection heading, by striking “**CYBERSECURITY AND LEGAL PROFESSIONALS**” and inserting “**COVERED EMPLOYEES**”; and

(B) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) **IN GENERAL.**—The covered employees described in this subsection are civilian employees in the Department of Defense permanently assigned to a combatant command established under section 161 of this title, whose primary duties involve—

“(A) oversight or development of operational plans, nuclear activities, or space assets; and

“(B) a requirement to maintain a top secret security clearance.”;

(4) in subsection (c), by striking “cybersecurity and legal professionals” and inserting “covered employees”;

(5) in subsection (d)(1), by striking “cybersecurity or legal professional” and inserting “covered employee”;

(6) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “cybersecurity or legal professionals” and inserting “covered employees”;

(7) in subsection (f)—

(A) in paragraph (1), by striking “cybersecurity or legal professionals” and inserting “covered employees”;

(B) in paragraph (3), by striking “cybersecurity or legal professionals” and inserting “covered employees”; and

(C) in paragraph (4)—

(i) by striking “cybersecurity or legal professionals” and inserting “covered employees”; and

(ii) by striking “cybersecurity and legal professionals” and inserting “employees”;

(8) in subsection (g)—

(A) in paragraph (1), by striking “cybersecurity or legal professional” and inserting “covered employee”; and

(B) in paragraph (2)—

(i) by striking “cybersecurity or legal professional” and inserting “covered employee”; and

(ii) by striking “as a cybersecurity or legal professional.” and inserting a period;

(9) in subsection (i), by striking “individuals serving in with the Department of Defense as cybersecurity and legal professionals” and inserting “covered employees”;

(10) by striking subsections (j) and (k) and inserting the following new subsections (j) and (k):

“(j) **POLICY.**—The Secretary of Defense shall administer the pilot program under policies prescribed by the Secretary for purposes of the pilot program.

“(k) **TERMINATION.**—The authority of the Secretary of Defense to appoint individuals for service with the Department of Defense as covered employees under the pilot program shall expire on December 31, 2029.”;

(11) by striking subsections (l) and (m) and redesignating subsection (n) and subsection (l).

(b) **CLERICAL AMENDMENT.**—The table of contents in section 2(b) of such Act (Public Law 115–91; 131 Stat. 1283) is amended by striking the item relating to section 1110 and inserting the following new item:

“Sec. 1110. Pilot program on enhanced personnel management system for covered employees in the Department of Defense.”.

**SA 6044.** Mrs. FISCHER submitted an amendment intended to be proposed to