

(5) research on barriers to, and opportunities for, the adoption of privacy enhancing technologies, including studies on effective business models for privacy enhancing technologies; and

(6) international cooperative research, awards, challenges, and pilot projects on privacy enhancing technologies with key United States allies and partners.

(C) INTEGRATION INTO THE COMPUTER AND NETWORK SECURITY PROGRAM.—Subparagraph (D) of section 4(a)(1) of the Cyber Security Research and Development Act (15 U.S.C. 7403(a)(1)(D)) is amended to read as follows:

“(D) privacy enhancing technologies and confidentiality;”.

(D) COORDINATION WITH THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AND OTHER STAKEHOLDERS.—

(1) IN GENERAL.—The Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall coordinate with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Federal Trade Commission to accelerate the development and use of privacy enhancing technologies.

(2) OUTREACH.—The Director of the National Institute of Standards and Technology shall conduct outreach to—

(A) receive input from private, public, and academic stakeholders on the development and potential uses of privacy enhancing technologies, including the National Institutes of Health and the Centers for Disease Control and Prevention regarding specific applications in public health research; and

(B) develop ongoing public and private sector engagement to create and disseminate voluntary, consensus-based resources to increase the integration of privacy enhancing technologies in data collection, sharing, transfers, retention, and analytics by the public and private sectors.

(E) REPORT ON PRIVACY ENHANCING TECHNOLOGY RESEARCH.—Not later than 3 years after the date of enactment of this Act, the Director of the Office of Science and Technology Policy, acting through the Networking and Information Technology Research and Development Program, shall, in coordination with the Director of the National Science Foundation, the Director of the National Institute of Standards and Technology, and the Chair of the Federal Trade Commission, submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report containing—

(1) the progress of research on privacy enhancing technologies;

(2) the progress of the development of voluntary resources described under subsection (d)(2)(B); and

(3) any policy recommendations that could facilitate and improve communication and coordination between the private sector, the National Science Foundation, and relevant Federal agencies through the implementation of privacy enhancing technologies.

SA 6129. 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 mili-

tary 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—Next Generation Telecommunications Act

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the “Next Generation Telecommunications Act”.

SEC. 1082. DEFINITIONS.

In this subtitle:

(1) **ADVANCED WIRELESS COMMUNICATIONS TECHNOLOGIES.**—The term “advanced wireless communications technologies” means advanced technologies that contribute to or rely on 6G or future generation networks, such as artificial intelligence and machine learning, satellite and fixed wireless broadband, open network architecture, precision agriculture, advanced telemedicine and medical diagnostics, and remote learning technologies.

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Energy and Commerce of the House of Representatives; and

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

(3) **CONGRESSIONAL LEADERS.**—The term “congressional leaders” 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.

(4) **COUNCIL.**—The term “Council” means the Next Generation Telecommunications Council established under section 1083(a).

(5) **INDIAN TRIBE.**—The term “Indian Tribe” means any Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe.

(6) **TRIBAL GOVERNMENT.**—The term “Tribal government” means the governing body of an Indian Tribe.

SEC. 1083. 6G AND ADVANCED WIRELESS TECHNOLOGIES COUNCIL.

(A) **ESTABLISHMENT AND STATEMENT OF POLICY.**—

(1) **IN GENERAL.**—There is established a council, to be known as the “Next Generation Telecommunications Council”, to advise Congress on ways the Federal Government can support private sector 6G advancements and advanced wireless communications technologies in the United States.

(2) **STATEMENT OF POLICY.**—Nothing in this subtitle shall be construed as enabling the Council to—

(A) direct technical specifications or standards;

(B) interject United States-specific policies into global 6G technical specifications; or

(C) replace or compete with any industry-led efforts on the technical specifications of 6G.

(b) **MEMBERSHIP.**—

(1) **COMPOSITION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Council shall be composed of the following members:

(i) The Assistant Secretary of Commerce for Communications and Information.

(ii) The Chair of the Federal Communications Commission.

(iii) A Commissioner of the Federal Communications Commission from a political party other than the political party of the Chair of the Federal Communications Commission.

(iv) Three members appointed by the majority leader of the Senate, in consultation with the Chair of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 2 of whom shall not be.

(v) Three members appointed by the minority leader of the Senate, in consultation with the Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate, 1 of whom shall be a member of the Senate and 2 of whom shall not be.

(vi) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chair of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(vii) Three members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Energy and Commerce of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(B) **REQUIREMENTS FOR CERTAIN MEMBERS.**—

(i) **IN GENERAL.**—The members of the Council who are not members of Congress and who are appointed under clauses (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for technical expertise, knowledge, or experience in—

(I) telecommunications, spectrum policy, and technical standards organizations;

(II) cloud services and artificial intelligence and machine learning; or

(III) cybersecurity, protection of information systems, and security innovations.

(ii) **LIMITATION ON APPOINTMENTS.**—

(I) **IN GENERAL.**—An official who appoints members of the Council may not appoint an individual as a member of the Council if such individual possesses any personal or financial interest that would interfere with the objective discharge of any duties of the Council.

(II) **WIRELESS EXPERTISE OR RELEVANT EXPERIENCE.**—One of the members of the Council appointed under each of clauses (iv) through (vii) of subparagraph (A) shall have wireless expertise or relevant experience related to the goal of the Council under subsection (a)(1) and may have financial or personal interests related to that expertise or experience, so long as such interests do not interfere with the objective discharge of any duties of the Council.

(2) **CO-CHAIRS.**—

(A) **IN GENERAL.**—The Council shall have 2 co-chairs selected from among the members of the Council, of which—

(i) one co-chair of the Council shall be a member of the Democratic Party; and

(ii) one co-chair shall be a member of the Republican Party.

(B) **REQUIREMENT.**—The individuals who serve as the co-chairs of the Council shall be jointly agreed upon by the President and the congressional leaders.

(c) **APPOINTMENT; INITIAL MEETING.**—

(1) **APPOINTMENT.**—Members of the Council shall be appointed not later than 90 days after the date of enactment of this Act.

(2) **INITIAL MEETING.**—The Council shall hold its initial meeting on or before the date that is 60 days after the date on which all members have been appointed to the Council under paragraph (1).

(d) **MEETINGS; QUORUM; VACANCIES.**—

(1) **IN GENERAL.**—After its initial meeting, the Council shall meet upon the call of the co-chairs of the Council.

(2) **QUORUM.**—Nine members of the Council shall constitute a quorum for purposes of conducting business, except that 2 members of the Council shall constitute a quorum for purposes of receiving testimony.

(3) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(4) QUORUM WITH VACANCIES.—If vacancies in the Council occur on any day after 45 days after the date on which all members of the Council have been appointed under paragraph (1), a majority of sitting members of the Council shall constitute a quorum.

(e) ACTIONS OF COUNCIL.—

(1) IN GENERAL.—The Council shall act by resolution agreed to by a majority of the members of the Council voting and present.

(2) PANELS.—The Council may establish panels composed of less than the full membership of the Council for purposes of carrying out the duties of the Council under this section. The actions of any such panel shall be subject to the review and control of the Council. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Council unless approved by the majority of the Council.

(3) DELEGATION.—Any member or staff of the Council may, if authorized by the majority of the Council, take any action which the Council is authorized to take pursuant to this section.

(f) DUTIES.—

(1) IN GENERAL.—The duties of the Council are to review and advise Congress on—

(A) advancements in 6G and other advanced wireless communications technologies;

(B) Federal Government and State, local, and Tribal government support for all generations of wireless communications technologies, including 6G;

(C) Federal Government support for the private sector to encourage 6G advancements and other advanced wireless communications technologies;

(D) the role of the Federal Government in supporting private sector leadership in the standardization and development of 6G and other advanced wireless communications technologies;

(E) the need for the Federal Government to accelerate access to Federal lands for deployment of 6G and other advanced wireless communications technologies; and

(F) the role of the Federal Government and State, local, and Tribal governments in supporting the private sector development and deployment of 6G and other advanced wireless communications technologies.

(2) SOLICITATION OF STAKEHOLDER COMMENT.—In carrying out the review required under paragraph (1), the Council shall, under a reasonable timeframe—

(A) facilitate and solicit the ability of commercial and public interest stakeholders to provide input and information to the Council on the agenda, reports, and related work of the Council; and

(B) disclose actionable information about the plans of the Council in time for appropriate participation by stakeholders described in subparagraph (A).

(g) STRATEGY.—

(1) IN GENERAL.—The Council shall develop and submit to Congress a report containing recommendations for how the Federal Government, and where applicable, State, local, and Tribal governments, can support—

(A) private sector development of 6G and advanced wireless communications technologies;

(B) the adoption of 6G and advanced wireless communications technologies by communities of color, underserved communities, individuals with disabilities, low-income communities, and rural and Tribal communities;

(C) the coordination of spectrum management functions within the Federal Govern-

ment to ensure timely decisions and needed actions for the development of 6G and advanced wireless communications technologies;

(D) private sector-led research and development into, and standards for, 6G and advanced wireless communications technologies, including collaboration with federally funded research and development centers, universities, the private sector, and trusted United States allies;

(E) private sector development of 6G and other end uses, including through test beds and pilot programs; and

(F) the promotion of international cooperation and standardization with respect to 6G and advanced wireless communications technologies to promote economies of scale in the deployment of such technologies.

(2) CONSIDERATIONS.—In developing the strategy under this subsection, the Council shall consider the following:

(A) Access to adequate spectrum resources to support 6G and advanced wireless communications technologies.

(B) The Federal Government's function as regulator of Federal and non-Federal electromagnetic spectrum and the need for a stable, predictable, and well-functioning Federal spectrum management and decision-making process led by the National Telecommunications and Information Administration, including an assessment of the Federal Government's—

(i) technical engineering capabilities;

(ii) transparent processes for the resolution of non-routine policy disputes;

(iii) interagency cooperation; and

(iv) communication with Federal and non-Federal license holders, including taking into consideration relevant expert reports from Federal advisory councils and other academic organizations.

(C) Supply chain resiliency and security, including vendor diversity, for 6G and advanced wireless communications technologies.

(D) Network security for 6G and advanced wireless communications technologies.

(E) The role of cloud computing in the development of 6G and advanced wireless communications technologies.

(F) The workforce needs that must be met in order to build, maintain, and utilize 6G and advanced wireless communications technologies and networks, along with strategies to conduct the necessary workforce training, which consideration may include consulting the report submitted to Congress by the telecommunications interagency working group established under section 344 of the Communications Act of 1934 (47 U.S.C. 344).

(G) The need for greater collaboration between the Federal Government and the communications industry to make certain that 6G and advanced wireless communications networks remain secure and resilient.

(H) Facilitation of infrastructure siting, easements, and licenses for the deployment of 6G, including those involving Federal, State, local, and Tribal infrastructure.

(I) Other factors relevant to the successful private sector development and deployment of 6G and advanced wireless communications technologies, such as artificial intelligence and machine learning, satellite and fixed wireless broadband, and open radio access network technologies.

(3) LEGISLATIVE RECOMMENDATIONS.—The Council shall not include in the report submitted under paragraph (1) any legislative recommendation to Congress related to the work of the Council unless the recommendation has the support of a majority of the members of the Council, established by a formal vote on the recommendation the results of which are disclosed in the report.

(4) NOTICE AND COMMENT.—The Council shall—

(A) publicly release for notice and comment—

(i) each draft the Council prepares of the report required under paragraph (1); and

(ii) the final report required under paragraph (1) prior to submission to Congress; and

(B) respond in detail, in the report required under paragraph (1), to any comments received under subparagraph (A) of this paragraph.

(h) LIMITATIONS.—

(1) IN GENERAL.—In performing the responsibilities of the Council under this subtitle, the Council shall not engage in activities, issue any advice, or submit recommendations on matters related to the development of technical and operational aspects of 6G if those matters have been defined or developed by the private sector for past generations of wireless communications networks, whether acting through standards-setting bodies or individually by entities that deploy and operate wireless communications networks, including—

(A) defining the features and capabilities of 6G or advanced wireless communications technologies;

(B) setting technological parameters, definitions, or standards for 6G or advanced wireless communications technologies; and

(C) establishing, rejecting, or otherwise limiting business or service models for 6G.

(2) STANDARDS-SETTING BODIES.—The standards-setting bodies referred to in paragraph (1) include—

(A) the International Organization for Standardization;

(B) the voluntary standards-setting bodies that develop protocols for wireless devices and other equipment, such as the 3rd Generation Partnership Project and the Institute of Electrical and Electronics Engineers;

(C) any standards-setting body accredited by the American National Standards Institute or the Alliance for Telecommunications Industry Solutions; and

(D) specification-development organizations working on technical specifications that may eventually become incorporated in wireless standards.

(i) POWERS OF COUNCIL.—

(1) IN GENERAL.—The Council or, on the authorization of the Council, any panel thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, take such testimony, request such information, and call upon such experts as the Council may determine necessary or beneficial to the development of the strategy required under subsection (g).

(2) CONTRACTING.—The Council, subject to a majority vote approval, may, to such extent and in such amounts as are provided in advance in appropriation Acts, enter into contracts to enable the Council to discharge its duties under this section.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Council may secure directly from any relevant executive department, agency, bureau, board, council, office, independent establishment, or instrumentality of the Federal Government information, suggestions, estimates, and statistics for the purposes of this section.

(B) REQUIREMENT TO SHARE INFORMATION.—Each such department, agency, bureau, board, council, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Council, upon request of the co-chairs of the Council.

(C) TREATMENT OF CLASSIFIED INFORMATION.—The Council shall—

(i) to the extent possible, avoid obtaining and using classified information in the course of its work; and

(ii) handle and protect all classified information provided to the Council under this section in accordance with applicable statutes and regulations.

(D) TREATMENT OF BUSINESS-SENSITIVE INFORMATION.—The Council shall—

(i) to the extent possible, avoid obtaining and using business-sensitive information, including trade secrets, and other competitively sensitive information; and

(ii) handle and protect all business-sensitive information provided to the Council under this section in accordance with applicable statutes, contracts, and regulations.

(E) PENALTIES FOR DISCLOSURE.—Any unauthorized disclosure of classified information or business-sensitive information by staff of the Council shall serve as grounds for dismissal from the Council.

(4) COOPERATION AMONG AGENCIES.—The Council shall receive the full and timely cooperation of any official, department, or agency of the Federal Government, including from the Department of State, the Department of Defense, and the Office of the United States Trade Representative, whose assistance is necessary, as jointly determined by the co-chairs of the Council, for the fulfillment of the duties of the Council, including the provision of full and current briefings and analyses.

(5) POSTAL SERVICES.—The Council may use the United States Postal Service in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(6) GIFTS.—No member or staff of the Council may receive a gift or benefit by reason of the service of such member or staff to the Council.

(j) STAFF OF COUNCIL.—

(1) IN GENERAL.—

(A) APPOINTMENT OF STAFF DIRECTOR AND OTHER PERSONNEL.—The co-chairs of the Council, in accordance with rules agreed upon by a majority of the Council, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Council to carry out its duties, 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 subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAILEES.—

(i) IN GENERAL.—Not more than 25 employees of the Federal Government may be detailed to the Council without reimbursement from the Council, and any such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(ii) MAJORITY APPROVAL.—The detail of an employee of the Federal Government to the Council under clause (i) shall be subject to approval by the majority of the Council.

(C) ASSISTANCE FROM FEDERAL AGENCIES.—

(i) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the functions of the Commission.

(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance described in clause (i), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other

support services subject to a majority approval of the Council and as may be authorized by law.

(D) APPLICATION OF ETHICS RULES.—For purposes of the Ethics in Government Act of 1978 (5 U.S.C. App.) and the STOCK Act (Public Law 112-105; 126 Stat. 291), the staff director and other personnel appointed pursuant to this subsection, including experts and consultants employed under paragraph (2), shall be deemed employees of Congress and subject to applicable House and Senate ethics rules.

(2) CONSULTANT SERVICES.—

(A) IN GENERAL.—The Council may procure the services of experts and, if determined necessary by a majority of the members of the Council, and subject to the evaluation under subsection (r)(1)(B), procure the services of expert 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 such title.

(B) PENALTIES FOR DISCLOSURE.—

(i) DISMISSAL.—Any unauthorized disclosure of business-sensitive information by a consultant shall serve as grounds for dismissal from the Council.

(ii) PROSECUTION.—It is the sense of Congress that any unauthorized disclosure of business-sensitive information by a consultant should be prosecuted to the fullest extent of the law.

(K) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), each member of the Council may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Council under this section.

(B) LIMITATION.—Members of the Council who are officers or employees of the Federal Government or Members of Congress shall receive no additional pay by reason of their service on the Council.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code.

(3) ACCESS AFTER TERMINATION OF COUNCIL.—Notwithstanding any other provision of law, after the termination of the Council under subsection (m)(4), only the following individuals shall have access to information related to the national security of the United States that is received, considered, or used by the Council:

(A) Any member of Congress, and the designated staff of any member of Congress.

(B) Such other officials of the executive branch as the President may designate.

(1) WORKING GROUP.—

(1) IN GENERAL.—There is established a working group, which shall—

(A) provide information, data, and input to the Council at regular intervals and on key issues under consideration by the Council; and

(B) observe all actions of the Council.

(2) COMPOSITION.—The working group described in paragraph (1) shall be composed of 8 experts—

(A) chosen from—

(i) the private sector experienced in deploying and operating wireless communica-

tions networks and that expect to deploy 6G; and

(ii) the private sector researching and developing advanced wireless communications technologies; and

(iii) additional impacted stakeholders involved in deploying and operating advanced wireless communications technologies, including consideration of those involved with the labor and workforce, States, Indian Tribes, and localities, and academic research; and

(B) who shall be jointly appointed by—

(i) the Chair of the Federal Communications Commission;

(ii) the Commissioner of the Federal Communications Commission appointed to the Council under subsection (b)(1)(A)(iii); and

(iii) the Assistant Secretary of Commerce for Communications and Information.

(3) INPUT.—

(A) IN GENERAL.—The Council shall provide the members of the working group described in paragraph (1) the opportunity to review and comment on the work of the Council, including—

(i) the agenda of the Council;

(ii) any briefing materials or other informational documents prepared by the staff of the Council for the members of the Council;

(iii) each draft of the final report being developed under subsection (n), prior to the publication of the draft for public comment under paragraph (2) of that subsection; and

(iv) the final report being developed under subsection (n), prior to the publication of the final report for public comment under paragraph (2) of that subsection.

(B) PUBLICATION.—The Council shall include in any public notice related to the final report required under subsection (n), and in the final report, a summary of the comments provided by the working group under subparagraph (A).

(m) CONSULTATION.—The Council shall consult with and seek advice from—

(1) the Technical Advisory Council of the Federal Communications Commission; and

(2) the Commerce Spectrum Management Advisory Committee of the National Telecommunications and Information Administration.

(n) FINAL REPORT; TERMINATION.—

(1) FINAL REPORT.—Not later than 2 years after the date on which the Council is established, the Council shall submit to the congressional leaders and the appropriate congressional committees, and to any member of Congress upon request, a final report in compliance with the duties described in subsection (f) and containing the strategy described in subsection (g), so long as the report complies with the requirements of this section and has the support of not less than a majority of the members of the Council.

(2) DRAFTS.—The Council shall publish in the Federal Register—

(A) for public comment—

(i) each draft prepared by the Council of the report required under paragraph (1); and

(ii) the final report required under paragraph (1) prior to submission to Congress under that paragraph; and

(B) responses to any comments the Council receives under subparagraph (A) with respect to a draft or the final report.

(3) DISCLOSURE.—The Council shall—

(A) publish the final report required under paragraph (1) on the website of the National Telecommunications and Information Administration; and

(B) notice the publishing of the final report under subparagraph (A) in the Federal Register.

(4) TERMINATION.—

(A) IN GENERAL.—The Council, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on

the date on which the final report is submitted to the congressional leaders and the appropriate congressional committees under paragraph (1).

(B) CONCLUSION OF ACTIVITIES.—The Council may use the 120-day period referred to in subparagraph (A) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(C) ASSESSMENTS OF FINAL REPORT.—Not later than 60 days after submission of the final report under subsection (m)(1), the Secretary of Commerce shall submit to the congressional leaders and the appropriate congressional committees, and to any member of Congress upon request, an assessment of the final report that includes comments on the findings and recommendations contained in the final report.

(D) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) FEDERAL ADVISORY COMMITTEE ACT.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Council under this section.

(2) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”), shall not apply to the activities, records, and proceedings of the Council under this section.

(3) AUDITS AND ACCOUNTING.—Not later than 180 days after the date on which all members of the Council have been appointed under subsection (c)(1), and annually thereafter until the termination of the Council, the Council shall file with the appropriate congressional committees a detailed and complete accounting of—

(1) the spending by the Council of any appropriated funds;

(2) the staffing of the Council and their salaries, including any detailees assigned to the Council; and

(3) the work of the Council over the period covered by the report, including in particular efforts by the Council to conduct outreach to and solicit input from non-Federal entities on the work of the Council.

(4) MISCELLANEOUS MATTERS.—

(1) QUALIFICATIONS.—The co-chairs of the Council shall evaluate—

(A) the members and staff of the Council to ensure that all members and staff possess relevant subject matter expertise that will help advance the mission of the Council; and

(B) the members, staff, and consultants of the Council to avoid conflicts of interest, potential for espionage, and opportunities for self-dealing or corporate dealing.

(2) AUTHORITY.—The Council shall have no power to—

(A) prescribe regulations under section 553 of title 5, United States Code, or any other applicable law;

(B) issue guidance on how any Federal entity shall interpret or apply any existing law or regulation; or

(C) issue guidance on how any entity shall comply with any existing law or regulation.

(3) SAVINGS CLAUSES.—Nothing in this subtitle shall be interpreted or construed to—

(A) confer upon the Council any legislative, regulatory, or rulemaking authority with respect to any duties or responsibilities directly or indirectly assigned to the Council by this subtitle;

(B) alter, amend, adjust, or otherwise impact the jurisdiction of the Federal Communications Commission, the National Telecommunications and Information Administration, the Department of Commerce, and any other Federal agency with respect to any duties or responsibilities directly or indirectly assigned to the Council by this subtitle;

directly assigned to the Council by this subtitle;

(C) confer upon any Federal agency the authority, obligation, duty, or responsibility to take action on any recommendations issued by the Council; or

(D) authorize any Federal agency to take action on any recommendation issued by the Council without first engaging in any regulatory or rulemaking process required by law the Federal agency.

(S) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$10,000,000, to remain available until expended, to carry out this section.

(2) AVAILABILITY IN GENERAL.—Subject to paragraph (1), the Secretary of Commerce shall make available to the Council such amounts as the Council may require for purposes of the activities of the Council under this section.

(3) DURATION OF AVAILABILITY.—Amounts made available to the Council under paragraph (2) shall remain available until expended or until the date that the Council terminates under subsection (m)(4).

SA 6130. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1064. ADMINISTRATION OF RISK-BASED SURVEYS TO CERTAIN EDUCATIONAL INSTITUTIONS.

(a) DEVELOPMENT REQUIRED.—The Secretary of Defense, acting through the Voluntary Education Institutional Compliance Program of the Department of Defense, shall develop a risk-based survey for oversight of covered educational institutions.

(b) SCOPE.—

(1) IN GENERAL.—The scope of the risk-based survey developed under subsection (a) shall be determined by the Secretary.

(2) SPECIFIC ELEMENTS.—At a minimum, the scope determined under paragraph (1) shall include the following:

(A) Rapid increase or decrease in enrollment.

(B) Rapid increase in tuition and fees.

(C) Complaints tracked and published from students pursuing programs of education, based on severity or volume of the complaints.

(D) Student completion rates.

(E) Indicators of financial stability.

(F) Review of the advertising and recruiting practices of the educational institution, including those by third-party contractors of the educational institution.

(G) Matters for which the Federal Government or a State government brings an action in a court of competent jurisdiction against an educational institution, including matters in cases in which the Federal Government or the State comes to a settled agreement on such matters outside of the court.

(c) ACTION OR EVENT.—

(1) SUSPENSION.—If, pursuant to a risk-based survey under this section, the Secretary determines that an educational institution has experienced an action or event described in paragraph (2), the Secretary may

suspend the participation of the institution in Department of Defense programs for a period of two years, or such other period as the Secretary determines appropriate.

(2) ACTION OR EVENT DESCRIBED.—An action or event described in this paragraph is any of the following:

(A) The receipt by an educational institution of payments under the heightened cash monitoring level 2 payment method pursuant to section 487(c)(1)(B) of the Higher Education Act of 1965 (20 U.S.C. 1094).

(B) Punitive action taken by the Attorney General, the Federal Trade Commission, or any other Federal department or agency for misconduct or misleading marketing practices that would violate the standards defined by the Secretary of Veterans Affairs.

(C) Punitive action taken by a State against an educational institution.

(D) The loss, or risk of loss, by an educational institution of an accreditation from an accrediting agency or association, including notice of probation, suspension, an order to show cause relating to the educational institution's academic policies and practices or to its financial stability, or revocation of accreditation.

(E) The placement of an educational institution on provisional certification status by the Secretary of Education.

(d) DATABASE.—The Secretary shall establish a searchable database or use an existing system, as the Secretary considers appropriate, to serve as a central repository for information required for or collected during site visits for the risk-based survey developed under subsection (a), so as to improve future oversight of educational institutions.

(e) COVERED EDUCATIONAL INSTITUTION.—In this section, the term “covered educational institution” means an educational institution selected by the Secretary based on quantitative, publicly available metrics indicating risk designed to separate low-risk and high-risk institutions, to focus on high-risk institutions.

SA 6131. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 753. CERTIFICATION AND REPORT ON TOXIC EXPOSURES EXPERIENCED BY MEMBERS OF THE ARMED FORCES.

(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 Defense shall submit to Congress—

(1) a certification that members of the Armed Forces are not currently experiencing toxic exposures in connection with service in the Armed Forces; and

(2) a report on the toxic exposures experienced by members of the Armed Forces in connection with service in the Armed Forces during the one-year period preceding the date of the report.

(b) TOXIC EXPOSURE DEFINED.—In this section, the term “toxic exposure” has the meaning given such term in section 101(37) of title 38, United States Code.