

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

SA 5745. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 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 5746. Mr. CORNYN (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

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

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

SEC. 58. GAO FEASIBILITY STUDY ON THE INCLUSION ON THE VIETNAM VETERANS MEMORIAL WALL OF THE NAMES OF THE LOST CREW MEMBERS OF THE U.S.S. FRANK E. EVANS KILLED ON JUNE 3, 1969.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study to determine the feasibility of including on the Vietnam Veterans Memorial Wall in the District of Columbia the names of the 74 crew members of the U.S.S. Frank E. Evans who were killed on June 3, 1969.

(b) **INCLUSIONS.**—The study conducted under subsection (a) shall include a determination by the Comptroller General of the United States on—

(1) the cost of including on the Vietnam Veterans Memorial Wall the names of the 74 crew members; and

(2) whether there is sufficient space on the Vietnam Veterans Memorial Wall for the inclusion of the names of the 74 crew members.

(c) **CONSULTATION REQUIRED.**—In conducting the study under subsection (a), the Comptroller General of the United States shall consult with—

(1) the heads of appropriate Federal agencies, including the Secretary of Defense and the Secretary of the Interior;

(2) members of the Frank E. Evans Association;

(3) survivors of the event on June 3, 1969; and

(4) family members of the crew members of the U.S.S. Frank E. Evans who were killed on June 3, 1969.

SA 5648. 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. ____ . EQUITY FOR READY RESERVE CORPS OF THE PUBLIC HEALTH SERVICE.

(a) **DUAL EMPLOYMENT.**—Section 5534 of title 5, United States Code, is amended—

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

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

(b) **UNIFORMED SERVICE LEAVE.**—

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

(A) in the section heading, by striking “**Military leave; Reserves and National Guardsmen**” and inserting “**Uniformed services leave**”; and

(B) by adding at the end the following:

“(e)(1) Subject to paragraph (2) of this subsection, an employee as defined by section 2105 of this title or an individual employed by the government of the District of Columbia is entitled to leave without loss in pay, time, or performance or efficiency rating for active duty or inactive-duty training (as defined in section 101 of title 37) as a member of the Ready Reserve Corps of the Public Health Service. Leave under this subsection accrues for an employee or individual at the rate of 15 days per fiscal year and, to the extent that it is not used in a fiscal year, accumulates for use in the succeeding fiscal year until it totals 15 days at the beginning of a fiscal year.

“(2) In the case of an employee or individual employed on a part-time career employment basis (as defined in section 3401(2) of this title), the rate at which leave accrues under this subsection shall be a percentage of the rate prescribed under paragraph (1) which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of that employee or individual during that fiscal year.

“(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.”.

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

“6323. Uniformed services leave.”.

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

At the appropriate place, insert the following:

SEC. ____ . IMPROVED APPLICATION OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF ALL MEMBERS OF UNIFORMED SERVICES.

(a) **IN GENERAL.**—Paragraph (5) of section 4303 of title 38, United States Code, is amended to read as follows:

“(5) The term ‘Federal executive agency’—“(A) except as provided in subparagraph (B), includes—

“(i) the United States Postal Service;“(ii) the Postal Regulatory Commission;“(iii) any nonappropriated fund instrumentality of the United States;“(iv) any Executive agency (as defined in section 105 of title 5); and“(v) any military department (as defined in section 102 of title 5) with respect to the civilian employees of that department; and“(B) does not include—

“(i) an agency referred to in section 2302(a)(2)(C)(ii) of title 5;“(ii) the National Oceanic and Atmospheric Administration with respect to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration; or“(iii) the Public Health Service with respect to members of the Commissioned Corps of the Public Health Service serving on active duty, active duty for training, or inactive duty training.”.

(b) **TECHNICAL CORRECTION.**—Paragraph (16) of such section is amended by striking “commissioned corps of the Public Health Service” and inserting “Commissioned Corps of the Public Health Service”.

SA 5650. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) **IN GENERAL.**—Section 16131 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

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

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

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

(3) in subsection (c)(3)(B)(i), by inserting “or section 203 of the Public Health Service Act (42 U.S.C. 204(a)(4))” after “of this title”;

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

(5) in subsection (i)—

(A) by inserting “or the Secretary of Health and Human Services, as the case may be,” after “Secretary of Defense” each place it appears; and

(B) by inserting “or the Secretary of Health and Human Services, as the case may be,” after “Secretary concerned” both place it appears.

(b) **ELIGIBILITY.**—Section 16132(c) of title 10, United States Code, is amended by inserting “or the Secretary of Health and Human Services, as the case may be,” after “Secretary of Defense”.

(c) **AUTHORITY TO TRANSFER UNUSED EDUCATION BENEFITS TO FAMILY MEMBERS.**—Section 16132a of title 10, United States Code, is amended—

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

(2) in subsection (b)(1), by striking “member of the armed forces” and inserting “member of the reserve component of such member’s uniformed service”;

(3) in subsection (d), by inserting “and the Secretary of Health and Human Services” after “Secretary of Defense”;

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

(5) in subsection (g), by striking “armed forces” and inserting “uniformed services” both places it appears;

(6) in subsection (h)(5)(B)—

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

(B) by inserting “or a member of the Public Health Service Commissioned Corps, as the case may be” after “enlisted member”; and

(7) in subsection (j), by inserting “and the Secretary of Health and Human Services” after “Secretary of Defense”.

(d) **FAILURE TO PARTICIPATE SATISFACTORILY; PENALTIES.**—Section 16135(a) of title 10, United States Code, is amended—

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

(2) by striking “of an armed force” and inserting “of a uniformed service”;

(e) **ADMINISTRATION OF THE PROGRAM.**—Section 16136(a) of title 10, United States Code, is amended—

(1) by striking “and by the Secretary of Homeland Security” and inserting “by the Secretary of Homeland Security, and by the Secretary of Health and Human Services”; and

(2) by inserting “or the Secretary of Health and Human Services, as the case may be,” after “Secretary concerned”.

SA 5651. Ms. DUCKWORTH submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

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

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

(A) in paragraph (1), by inserting “of a reserve component of a uniformed service” after “Ready Reserve”; and

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

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

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

SEC. ____ . EXPANSION AND CLARIFICATION OF ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE FOR SERVICE ON ACTIVE DUTY IN THE UNIFORMED SERVICES.

(a) **EXPANSION AND CLARIFICATION.**—Section 3301(1) of title 38, United States Code, is amended by adding at the end the following new subparagraphs:

“(D) In the case of members of the regular components of the Commissioned Corps of the Public Health Service, the meaning given such term in section 101(21)(B).

“(E) In the case of members of the reserve component of the Commissioned Corps of the Public Health Service, service on active duty under a call or order to active duty under subparagraph (B), (C), or (D) of section 203(c)(2) of the Public Health Service Act (42 U.S.C. 204(c)(2)) or section 216 of such Act (42 U.S.C. 217).”.

(b) **ADDITIONAL CLARIFICATION.**—Section 3311 of such title is amended—

(1) in the section heading by striking “in the Armed Forces” and inserting “in the uniformed services”;

(2) in subsection (b), in paragraphs (1) through (11), by striking “Armed Forces” each place it appears and inserting “uniformed services”;

(3) in subsection (c), by striking “Armed Forces” each place it appears and inserting “uniformed services”;

(4) in subsection (d)(3)(A), by striking “Armed Forces” and inserting “uniformed services”; and

(5) in subsection (f)(4)(B)(ii), by striking “Armed Forces” and inserting “uniformed services”.

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

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

(d) **TECHNICAL CORRECTION.**—Section 101 of such title is amended, in paragraphs (21) through (23), by striking “Reserve Corps of the Public Health Service” each place it appears and inserting “Ready Reserve Corps of the Public Health Service”.

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

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

SEC. 1077. PUBLIC HEALTH SERVICE READY RESERVE CORPS.

(a) **ESTABLISHMENT.**—Section 10141 of title 10, United States Code, is amended—

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

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

(d) **STANDBY RESERVES.**—

(1) **TRANSFERS TO.**—Section 10146 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting “and the Secretary of Health and Human Services with respect to Public Health Service Ready

Reserve Corp” after “operating as a service in the Navy”; and

(B) in subsection (b), by inserting “or the Secretary of Health and Human Service, as the case may be,” after “prescribed by the Secretary concerned”.

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

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

(f) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(2) CONTINUOUS SCREENING PROVISIONS APPLICABLE TO ARMED FORCES.—Section 10149(a) of title 10, United States Code, is amended by inserting “of the armed forces” after “members of the Ready Reserve”.

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

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

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF EXEMPTIONS UNDER FARA.

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

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

At the appropriate place, insert the following:

SEC. _____. SECURING ENERGY INFRASTRUCTURE.

Section 5726 of division E of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 6 U.S.C. 189 note) is amended—

(1) in subsection (a)(2)—

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

“(A) an”;

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

(C) by adding at the end the following:

“(B) a manufacturer of critical digital components in industrial control systems.”;

(2) in subsection (b)—

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

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

(3) in subsection (d), by striking paragraph (2) and inserting the following:

“(2) UPDATED REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall update the report submitted under paragraph (1) and submit the updated report to the appropriate congressional committees.”; and

(4) in subsection (h)—

(A) in paragraph (1), by striking “\$10,000,000” and inserting “\$20,000,000”; and

(B) in paragraph (2), by striking “\$1,500,000” and inserting “\$3,000,000”.

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

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

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

Section 1143(e)(2) of title 10, United States Code, is amended to read as follows:

“(2) A member of the armed forces is eligible for a program under this subsection if—

“(A) the member—

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

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

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

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

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

SEC. 1276. PROHIBITION ON ALLOCATIONS OF SPECIAL DRAWING RIGHTS AT INTERNATIONAL MONETARY FUND FOR PERPETRATORS OF GENOCIDE AND STATE SPONSORS OF TERRORISM WITHOUT CONGRESSIONAL AUTHORIZATION.

Section 6(b) of the Special Drawing Rights Act (22 U.S.C. 286q(b)) is amended by adding at the end the following:

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

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

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

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

“(ii) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

“(iii) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

“(iv) any other provision of law.”.

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

At the appropriate place, insert the following:

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

(a) IN GENERAL.—Section 16(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78p(a)(1)) is amended by inserting “(including any such security of a foreign private issuer, as that term is defined in section 240.3b-4 of title 17, Code of Federal Regulations, or any successor regulation)” after “pursuant to section 12”.

(b) EFFECT ON REGULATION.—If any provision of section 240.3a12-3(b) of title 17, Code of Federal Regulations, or any successor regulation, is inconsistent with the amendment made by subsection (a), that provision of such section 240.3a12-3(b) (or such successor) shall have no force or effect.

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

SA 5659. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for

fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c the following new section:

“§ 127d. Support of special operations for irregular warfare

“(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to \$25,000,000 for each fiscal year to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing and authorized irregular warfare operations by United States special operations forces.

“(b) FUNDS.—(1) Funds for support under this section in a fiscal year shall be derived from amounts authorized to be appropriated for that fiscal year for the Department of Defense for operation and maintenance.

“(2) Funds may not be made available under paragraph (1) until 15 days after the submittal of the strategy required by section 1097 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1020).

“(c) PROCEDURES.—(1) The authority in this section shall be exercised in accordance with such procedures as the Secretary shall establish for purposes of this section.

“(2) The procedures required under paragraph (1) shall establish, at a minimum, the following:

“(A) Policy guidance for the execution of, and constraints within, activities under the authority in this section.

“(B) The processes through which activities under the authority in this section are to be developed, validated, and coordinated, as appropriate, with relevant entities of the United States Government.

“(C) The processes through which legal reviews and determinations are made to comply with the authority in this section and ensure that the exercise of such authority is consistent with the national security of the United States.

“(3) The Secretary shall notify the congressional defense committees of the procedures established pursuant to this section before any exercise of the authority in this section, and shall notify such committee of any material modification of the procedures.

“(d) NOTIFICATION.—(1) Not later than 15 days before exercising the authority in this section to make funds available to initiate support of an ongoing and authorized operation or changing the scope or funding level of any support under this section for such an operation by \$500,000 or an amount equal to 10 percent of such funding level (whichever is less), the Secretary shall notify the congressional defense committees of the use of such authority with respect to such operation. Any such notification shall be in writing.

“(2) A notification required by this subsection shall include the following:

“(A) The type of support to be provided to United States special operations forces, and a description of the ongoing and authorized operation to be supported.

“(B) A description of the foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating the ongoing and authorized operation that is to be the recipient of funds.

“(C) The type of support to be provided to the recipient of the funds, and a description of the end-use monitoring to be used in connection with the use of the funds.

“(D) The amount obligated under the authority to provide support.

“(E) The determination of the Secretary that the provision of support does not constitute any of the following:

“(i) A specific authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)) for the introduction of United States armed forces into hostilities or situations wherein hostilities are clearly indicated by circumstances.

“(ii) A covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(e)).

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

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

“(e) LIMITATION ON DELEGATION.—The authority of the Secretary to make funds available under this section for support of a military operation may not be delegated.

“(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to constitute a specific statutory authorization for any of the following:

“(1) The conduct of a covert action, as such term is defined in section 503(e) of the National Security Act of 1947.

“(2) The introduction of United States armed forces, within the meaning of section 5(b) of the War Powers Resolution, into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.

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

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

“(g) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight within the Office of the Secretary of Defense of support to irregular warfare activities authorized by this section.

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

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

“(3) Each report required by this subsection shall include the following:

“(A) A summary of the ongoing irregular warfare operations, and associated authorized campaign plans, being conducted by United States special operations forces that were supported or facilitated by foreign forces, irregular forces, groups, or individuals for which support was provided under this section during the period covered by such report.

“(B) A description of the support or facilitation provided by such foreign forces, irregular forces, groups, or individuals to United

States special operations forces during such period.

“(C) The type of recipients that were provided support under this section during such period, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

“(D) A detailed description of the support provided to the recipients under this section during such period.

“(E) The total amount obligated for support under this section during such period, including budget details.

“(F) The intended duration of support provided under this section during such period.

“(G) An assessment of value of the support provided under this section during such period, including a summary of significant activities undertaken by foreign forces, irregular forces, groups, or individuals to support irregular warfare operations by United States special operations forces.

“(H) The total amount obligated for support under this section in prior fiscal years.

“(i) IRREGULAR WARFARE DEFINED.—In this section, the term ‘irregular warfare’ means activities in support of predetermined United States policy and military objectives conducted by, with, and through regular forces, irregular forces, groups, and individuals participating in competition between state and non-state actors short of traditional armed conflict.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127c the following new item:

“127d. Support of special operations for irregular warfare.”

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

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

SEC. _____. DISCLOSURES OF FOREIGN GIFTS.

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

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

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

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

“(d) SPECIAL RULES RELATING TO CHINA-AFFILIATED ORGANIZATIONS.—

“(1) ENHANCED DISCLOSURES OF GIFTS AND CONTRACTS.—

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

“(B) CONTENTS OF REPORT.—Each report under subparagraph (A) shall include—

“(i) the information described in subsections (b) and (c) (as applicable);

“(ii) the full legal name of the individual or organization that made the gift or entered into the contract to which the disclosure pertains; and

“(iii) instructions for accessing the information made available under paragraph (3).

“(2) DISCLOSURE OF JOINT ACTIVITIES.—On an annual basis, any institution that receives funds under a Federal grant program shall file a disclosure report with the Secretary that identifies any activities conducted pursuant to a contract or other agreement between the institution and a China-affiliated organization, including any joint research or academic exchanges.

“(3) PUBLIC AVAILABILITY OF AGREEMENTS.—Each institution shall make available, on a publicly accessible website of the institution, the full text of any contract, agreement, or memorandum of understanding between the institution and a China-affiliated organization (regardless of whether the contract, agreement, or memorandum remains in effect).”; and

(4) in subsection (i), as so redesignated—

(A) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

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

“(1) the term ‘China-affiliated organization’ means any entity that receives support directly or indirectly from the Government of the People’s Republic of China, including—

“(A) a cultural, language, or educational institute or program;

“(B) a think tank that has received more than \$100,000 in one calendar year or more than 10 percent of the total funding for such think tank for that year, whichever is less, from the Chinese Communist Party or individuals affiliated with the Chinese Communist Party;

“(C) a person who is a current member of the Chinese Communist Party or otherwise active in collaborating with the Chinese Government as an employee or advisor;

“(D) a Chinese state-owned enterprise or partially or wholly owned subsidiary of a Chinese state-owned enterprise; and

“(E) a company, think tank, nonprofit, or other similar entity, which has on its board of directors or with equity ownership or voting control in excess of 5 percent any members of the Chinese Communist Party or executives of a Chinese state-owned enterprise, including the president, vice president, or any other officer who performs a policy making function or any other person who performs similar policy making functions for such enterprise, including an executive officer of a subsidiary of such enterprise who performs such policy making functions.”.

SA 5661. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1276. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.

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

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

(2) by adding at the end the following new subclause:

“(III) to provide documented support to a defense or intelligence agency of the applicable country; or”.

(b) PROHIBITION ON USE OF FUNDS.—

(1) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2023 or any subsequent fiscal year for the Department of Defense for research, development, test, and evaluation may be provided to an entity that maintains a contract between the entity and an academic institution of the People’s Republic of China or the Russian Federation identified on the list developed section 1286(c)(8)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 4001 note) by reason of being described in clause (ii) or (iii) of such section.

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

SA 5662. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. PEACE AND TOLERANCE IN PALESTINIAN EDUCATION.

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

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

(2) Textbooks used by the Palestinian Authority in the West Bank and Gaza include graphics portraying violence against Israeli soldiers, positive portrayals of individuals who have committed attacks against citizens of Israel, and references to Palestinian efforts to target the “Zionists”.

(3) Palestinian Authority textbooks are used at schools sponsored by the United Nations Relief and Works Agency for Palestine Refugees in the Near East because the schools use the textbooks of the host government.

(4) On April 26, 2018, the Government Accountability Office published a report that found the following:

(A) Textbooks in schools in areas controlled by the Palestinian Authority feature inaccurate and misleading maps of the region and include militaristic, adversarial imagery and content that incites hatred.

(B) The Department of State raised with Palestinian officials the objectionable content in the textbooks, including a specific math problem using the number of Palestinian casualties in the First and Second Intifadas.

(C) In its review of such textbooks, the United Nations Relief and Works Agency for Palestine Refugees in the Near East identified content not aligned with United Nations values. The majority of content so identified presents problematic issues relating to neutrality or bias, including issues relating to maps and references to Jerusalem as the capital of Palestine.

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

(c) REPORTS.—

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

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

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

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

(A) A determination as to whether the curriculum reviewed contains content that encourages violence or intolerance toward other countries or ethnic groups, and a detailed explanation of the reasons for reaching such determination.

(B) An assessment of the steps the Palestinian Authority is taking to reform curriculum containing such content at schools so as to conform with standards of peace and tolerance in the Declaration of Principles on Tolerance adopted by member countries of the United Nations Educational, Scientific, and Cultural Organization on November 16, 1995.

(C) A determination as to whether United States foreign assistance is used, directly or indirectly, to fund the dissemination of such curriculum by the Palestinian Authority.

(D) A detailed report on the manner in which United States assistance is being used to address curriculum that encourages violence or intolerance toward other countries or ethnic groups.

(E) A detailed report on United States diplomatic efforts, during the 5-year period preceding the date on which the report is submitted, to encourage peace and tolerance in Palestinian education.

(F) If any diplomatic effort referred to in subparagraph (E) was terminated by the Secretary of State, the reasons for such termination.

(3) PUBLIC AVAILABILITY.—The Secretary shall make each report required by paragraph (1) available to the public on a publicly accessible internet website of the Department of State.

SA 5663. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FOREIGN STATE COMPUTER INTRUSIONS.

(a) IN GENERAL.—Chapter 97 of title 28, United States Code, is amended by inserting after section 1605B the following:

“§ 1605C. Computer intrusions by a foreign state

“A foreign state shall not be immune from the jurisdiction of the courts of the United States or of the States in any case not otherwise covered by this chapter in which money damages are sought against a foreign state by a national of the United States for personal injury, harm to reputation, or damage to or loss of property resulting from any of the following activities, whether occurring in the United States or a foreign state:

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

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 97 of title 28, United States Code, is amended by inserting after the item relating to section 1605B the following:

“1605C. Computer intrusions by a foreign state.”.

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

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

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

SEC. 1239. REPORT ON ISLAMIC REVOLUTIONARY GUARD CORPS-AFFILIATED OPERATIVES ABROAD.

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

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

(2) the ways in which the Department of State and the Department of Defense are working with partner countries to inform

such countries of the threat posed by such operatives in third-party countries.

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

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

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

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

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

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

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

(1) by striking paragraph (5);

(2) by redesignating paragraphs (4), (6), (8), (9), (10), and (11) as paragraphs (3), (5), (6), (7), (8), and (9), respectively;

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

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

“(4) QUALIFIED BIDDER.—The term ‘qualified bidder’ means an individual or entity that—

“(A) submits to the Secretary an offer to purchase petroleum products withdrawn from the Reserve and offered for sale pursuant to section 161; and

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

(5) by striking the section designation and heading and all that follows through “(2) The term” and inserting the following:

“SEC. 152. DEFINITIONS.

“In this part and part C:

“(1) DOMESTIC ENTITY.—The term ‘domestic entity’ means a commercial entity that, as determined by the Secretary—

“(A) is headquartered in the United States; and

“(B) purchases or sells petroleum products in the United States.

“(2) IMPORTER.—The term”.

(b) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended—

(1) in subsection (a), by striking “the provisions of”; and

(2) in subsection (d)—

(A) by striking “(d)(1) Drawdown” and inserting the following:

“(b) PREREQUISITE PRESIDENTIAL FINDING.—

“(1) IN GENERAL.—A drawdown”; and

(B) in paragraph (2)—

(i) by striking “(2) For purposes” and inserting the following:

“(2) FACTORS FOR DEEMED EXISTENCE.—For purposes”; and

(ii) by indenting subparagraphs (A) through (C) appropriately;

(3) in subsection (e)—

(A) by striking paragraph (2) and inserting the following:

“(3) CANCELLATIONS.—The Secretary may cancel, in whole or in part, any offer to sell petroleum products as part of any drawdown and sale under this section.”; and

(B) by striking “(e)(1) The Secretary” and all that follows through the end of paragraph (1) and inserting the following:

“(c) PROCEDURE FOR SALES.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall sell petroleum products withdrawn from the Strategic Petroleum Reserve—

“(A) at public sale;

“(B) after providing public notice of each sale;

“(C) for such period as the Secretary considers to be appropriate; and

“(D) without regard to Federal, State, or local regulations relating to sales of petroleum products.

“(2) PRICING.—The Secretary shall—

“(A) establish the price for each sale of petroleum products withdrawn from the Reserve; and

“(B) sell the petroleum products to the qualified bidder offering the highest bid, subject to the condition that pricing preference shall be given to qualified bidders that are domestic entities, in accordance with subsection (d).”;

(4) by inserting after subsection (c) (as so redesignated) the following:

“(d) PRICING PREFERENCE FOR DOMESTIC ENTITIES.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, in each sale under this section of petroleum products withdrawn from the Reserve, the Secretary shall provide to qualified bidders that are domestic entities a pricing preference in accordance with paragraph (2).

“(2) MECHANISM FOR ADJUSTMENT.—To provide pricing preference required by paragraph (1) in conducting a sale under this section the Secretary shall, in accordance with subsection (c)—

“(A) accept bids from all qualified bidders; but

“(B) in evaluating the accepted bids to identify the highest bidder, add to the bid price offered by each qualified bidder that is a domestic entity—

“(i) for a domestic entity that is a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), an amount equal to the product obtained by multiplying—

“(I) the amount of the bid price offered by that domestic entity; and

“(II) 15 percent; and

“(ii) for a domestic entity that is not a small business concern described in clause (i), an amount equal to the product obtained by multiplying—

“(I) the amount of the bid price offered by that domestic entity; and

“(II) 10 percent.

“(3) EFFECT OF SUBSECTION.—Nothing in this subsection—

“(A) requires the Secretary to sell petroleum products withdrawn from the Reserve to a domestic entity if the highest bid received from a qualified bidder that is a domestic entity, as adjusted pursuant to paragraph (2), is lower than a bid received from a qualified bidder that is not a domestic entity; or

“(B) modifies, supercedes, or otherwise affects the application of, or any requirement under, subsection (h).”;

(5) in subsection (g)—

(A) by striking the subsection designation and all that follows through “Such a” in the third sentence of paragraph (1) and inserting the following:

“(e) EVALUATION; TEST DRAWDOWNS.—

“(1) EVALUATION.—The Secretary shall conduct a continuing evaluation of the drawdown and sales procedures under this section, including the application of the pricing preference for domestic entities under subsection (d).

“(2) TEST DRAWDOWNS.—In conducting an evaluation under paragraph (1), the Secretary may carry out a test drawdown and sale or exchange of petroleum products from the Reserve, subject to the condition that such a”;

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

(C) by indenting paragraph (6) appropriately;

(6) in subsection (h)(1)—

(A) by striking the undesignated matter following subparagraph (D);

(B) by striking “(h)(1) If” and inserting the following:

“(f) PRESIDENTIAL FINDING ON SHORTAGES.—

“(1) IN GENERAL.—Subject to paragraph (2) and subsection (d), the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve if”;

(C) in subparagraph (A), by striking “subsection (d)” and inserting “subsection (b)”;

(D) by indenting subparagraphs (A) and (B) appropriately; and

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

(7) by redesignating subsections (i) and (j) as subsections (g) and (h), respectively; and

(8) in paragraph (2) of subsection (h) (as so redesignated), in the paragraph heading, by striking “IN GENERAL” and inserting “STATE OF HAWAII”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234) is amended—

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

“(c) DRAWDOWN AND DISTRIBUTION.—

“(1) IN GENERAL.—The drawdown and distribution of petroleum products from the Strategic Petroleum Reserve is authorized only in accordance with section 161.

“(2) PROHIBITION.—A drawdown and distribution of petroleum products for purposes other than the objectives described in section 160(b) shall be prohibited.

“(3) REQUEST OF FUNDS.—

“(A) IN GENERAL.—In the annual budget submission of the Secretary, the Secretary shall request funds for acquisition, transportation, and injection of petroleum products for storage in the Reserve.

“(B) NO REQUEST.—If no request for funds is submitted under subparagraph (A) for a fiscal year, the Secretary shall provide a written explanation of the reasons why no request was submitted.”;

(B) in subsection (b), by striking “(b) The Secretary” and inserting the following:

“(b) AUTHORITY OF SECRETARY.—The Secretary”;

(C) by striking the section designation and heading and all that follows through “shall be created” in subsection (a) and inserting the following:

“SEC. 154. STRATEGIC PETROLEUM RESERVE.

“(a) ESTABLISHMENT.—A Strategic Petroleum Reserve for the storage of up to 1,000,000,000 barrels of petroleum products shall be established”.

(2) Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1)—

(I) by striking “following objectives:” and inserting “objectives of—”; and

(II) by striking “(b) The Secretary shall, to the greatest” and inserting the following:

“(b) OBJECTIVES FOR ACQUISITIONS.—The Secretary shall, to the maximum”;

(ii) by inserting after paragraph (1) the following:

“(2) support of domestic entities by providing pricing preference in accordance with section 161(d);”;

(iii) by indenting paragraphs (1), (3), (4), and (5) appropriately;

(B) in subsection (f)—

(i) by striking “the Reserve and may sell” and inserting the following: “the Reserve; and

“(2) subject to section 161(d), may sell”;

(ii) by striking “the Secretary may suspend” and inserting the following: “the Secretary—

“(1) may suspend”; and

(iii) by striking “(f) If the” and inserting the following:

“(d) IMMINENT SEVERE ENERGY SUPPLY INTERRUPTIONS.—If the”;

(C) in subsection (h)—

(i) in paragraph (2)—

(I) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting the clauses appropriately; and

(II) in the matter preceding clause (i) (as so redesignated), in the second sentence, by striking “The price paid by the Secretary—” and inserting the following:

“(B) PRICE.—The price paid by the Secretary for an acquisition pursuant to this subsection—”; and

(III) by striking “(2) Crude oil” and inserting the following:

“(2) PRICING FOR ACQUISITIONS.—

“(A) COMPETITIVE BID.—Crude oil”;

(i) in paragraph (1), by striking the second sentence and inserting the following:

“(B) TERMS AND CONDITIONS.—Subject to paragraph (2), the Secretary may establish such terms and conditions for an acquisition pursuant to this subsection as the Secretary determines to be necessary.”;

(iii) by striking “(h)(1) If” and inserting the following:

“(e) DECLINES IN DOMESTIC OIL PRODUCTION.—

“(1) DIRECTED ACQUISITIONS.—

“(A) IN GENERAL.—If”;

(D) by striking the section designation and heading and all that follows through “(a) The Secretary” and inserting the following:

“SEC. 160. PETROLEUM PRODUCTS FOR STORAGE IN THE RESERVE.

“(a) AUTHORITY OF SECRETARY.—The Secretary”.

(3) Section 167 of the Energy Policy and Conservation Act (42 U.S.C. 6247) is amended—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking “subsection (g) of such section” and inserting “subsection (e) of that section”;

(II) by striking “section 160(f)” and inserting “section 160(d)”;

(ii) by redesignating paragraphs (2) and (3) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(iii) in the undesignated matter following subparagraph (B) (as so redesignated), by striking “Funds” and inserting the following:

“(2) AVAILABILITY.—Funds”; and

(iv) by striking “(b) Amounts” and inserting the following:

“(b) OBLIGATION OF AMOUNTS.—

“(1) IN GENERAL.—Amounts”; and

(B) in subsection (d), in the matter preceding paragraph (1)—

(i) by striking “subsection (g) of such section” and inserting “subsection (e) of that section”;

(ii) by striking “section 160(f)” and inserting “section 160(d)”.

(4) Section 168(a) of the Energy Policy and Conservation Act (42 U.S.C. 6247a(a)) is amended, in the first sentence, by striking “product owned” and inserting “products owned”.

(5) The table of contents of the Energy Policy and Conservation Act (42 U.S.C. 6201 note; Public Law 94-163) is amended by striking the items relating to the second part D of title I (relating to expiration) and the second section 181 (relating to expiration).

SA 5666. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1262. REPORTS ON REVOCATIONS OF DESIGNATIONS OF ORGANIZATIONS AS FOREIGN TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—Not later than 30 days after the date on which a designation of an organization as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) is revoked, the Secretary of State and the Director of National Intelligence shall each submit to Congress a report that assesses whether the organization has, during the 2-year period immediately preceding such revocation, directly engaged in any form of terrorism or assisted perpetrators of terrorist activities in any way.

(b) FORM.—The reports required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

SA 5667. 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. REPORT ON EFFORTS TO ENSURE LENDING BY INTERNATIONAL FINANCIAL INSTITUTIONS IS ON FAVORABLE TERMS COMPARED TO LENDING BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report on steps being taken by the United States Government to work with the International Bank for Reconstruction and Development and the International Development

Association (collectively referred to as the "World Bank"), the International Monetary Fund, and other international financial institutions to create lending conditions that are favorable, as compared to the lending conditions offered by the Government of the People's Republic of China, for countries that are eligible for loans from the International Development Association, the International Bank for Reconstruction and Development, or both.

(b) 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 Commerce, Science, and Transportation, the Committee on Finance, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

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

(2) INTERNATIONAL FINANCIAL INSTITUTION.—The term "international financial institution" has the meaning given that term in section 1701(c) of the International Financial Institutions Act (22 U.S.C. 262r(c)).

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

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

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

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

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

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

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

SA 5669. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr.

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

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

SEC. 875. REPORT ON INVOLVEMENT OF CONTRACTORS IN CERTAIN POLITICAL MOVEMENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on whether any contractor of the Department of Defense participates in or supports any organized effort or organization that, based on a belief that Israel is oppressing Palestinians, promotes a boycott of, removal of investments from, or economic sanctions against Israel or any person or entity in Israel.

SA 5670. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

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

(b) USE OF FUNDS.—Of the amounts additional authorized to be appropriated under subsection (a), \$5,000,000 shall be available for the Skillbridge program for employers to train service members transitioning to civilian life for supply chain and transportation related employment.

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

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

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

SEC. 564. EXPANSION OF SKILLBRIDGE PROGRAM.

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

(b) USE OF FUNDS.—Of the amounts additional authorized to be appropriated under subsection (a), \$5,000,000 shall be available for the Skillbridge program under section 1143(e) of title 10, United States Code, to provide training to members of the Armed Forces to become law enforcement officers.

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

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

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

SEC. . . . RESTRICTIONS ON CONFUCIUS INSTITUTES.

(a) DEFINITION.—In this section, the term "Confucius Institute" means a cultural institute directly or indirectly funded by the Government of the People's Republic of China.

(b) RESTRICTIONS ON CONFUCIUS INSTITUTES.—An institution of higher education or other postsecondary educational institution (referred to in this section as an "institution") shall not be eligible to receive Federal funds from the Department of Education (except funds under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or other Department of Education funds that are provided directly to students) unless the institution ensures that any contract or agreement between the institution and a Confucius Institute includes clear provisions that—

(1) protect academic freedom at the institution;

(2) prohibit the application of any foreign law on any campus of the institution; and

(3) grant full managerial authority of the Confucius Institute to the institution, including full control over what is being taught, the activities carried out, the research grants that are made, and who is employed at the Confucius Institute.

SA 5673. Mr. COONS (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended—

(1) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

(2) by inserting after subsection (e) the following:

“(f) **AUTHORITY TO AWARD FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.**—

“(1) **IN GENERAL.**—The Secretary may, acting through the Director, award financial assistance for the construction of test beds and specialized facilities by Manufacturing USA institutes established or supported under subsection (e) as the Secretary considers appropriate to carry out the purposes of the Program.

“(2) **REQUIREMENTS.**—The Secretary shall exercise authority under paragraph (1) in a manner and with requirements consistent with paragraphs (3) through (6) and paragraph (8) of subsection (e).

“(3) **PRIORITY.**—The Secretary shall establish preferences in selection criteria for proposals for financial assistance under this subsection from Manufacturing USA institutes that integrate as active members one or more covered entities as described in section 10262 of the Research and Development, Competition, and Innovation Act (Public Law 117-167).”.

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

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

SEC. ____ . FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended—

(1) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

(2) by inserting after subsection (e) the following:

“(f) **AUTHORITY TO AWARD FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.**—

“(1) **IN GENERAL.**—The Secretary may, acting through the Director, award financial assistance for the construction of test beds and specialized facilities by Manufacturing USA institutes established or supported under subsection (e) as the Secretary considers appropriate to carry out the purposes of the Program.

“(2) **REQUIREMENTS.**—The Secretary shall exercise authority under paragraph (1) in a

manner and with requirements consistent with paragraphs (3) through (6) and paragraph (8) of subsection (e).

“(3) **PRIORITY.**—The Secretary shall establish preferences in selection criteria for proposals for financial assistance under this subsection from Manufacturing USA institutes that integrate as active members one or more covered entities as described in section 10262 of the Research and Development, Competition, and Innovation Act (Public Law 117-167).”.

SA 5675. Mr. COONS (for himself and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.

Section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended—

(1) by redesignating subsections (f) through (l) as subsections (g) through (m), respectively; and

(2) by inserting after subsection (e) the following:

“(f) **AUTHORITY TO AWARD FINANCIAL ASSISTANCE FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED FACILITIES.**—

“(1) **IN GENERAL.**—The Secretary may, acting through the Director, award financial assistance for the construction of test beds and specialized facilities by Manufacturing USA institutes established or supported under subsection (e) as the Secretary considers appropriate to carry out the purposes of the Program.

“(2) **REQUIREMENTS.**—The Secretary shall exercise authority under paragraph (1) in a manner and with requirements consistent with paragraphs (3) through (6) and paragraph (8) of subsection (e).

“(3) **PRIORITY.**—The Secretary shall establish preferences in selection criteria for proposals for financial assistance under this subsection from Manufacturing USA institutes that integrate as active members one or more covered entities as described in section 10262 of the Research and Development, Competition, and Innovation Act (Public Law 117-167).”.

SA 5676. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

(1) each military installation under the jurisdiction of such Secretary that has confirmed the information contained in all impact aid source check forms received from local educational agencies as of the date of the report; and

(2) each military installation that has not confirmed the information contained in such forms as of such date.

SA 5677. Mr. LANKFORD submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. ____ . IMPROVING PILOT PROGRAM ON ACCEPTANCE BY THE DEPARTMENT OF VETERANS AFFAIRS OF DONATED FACILITIES AND RELATED IMPROVEMENTS.

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

(1) in subsection (b)(1)(A), by inserting “or for which funds are available from the Construction, Minor Projects, or Construction, Major Projects appropriations accounts”;

(2) in subsection (e)(1)—

(A) in subparagraph (A)—

(i) by striking “The Secretary” and inserting “Except as otherwise provided in this paragraph, the Secretary”; and

(ii) by inserting “or funds already generally available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts” after “that are in addition to the funds appropriated for the facility”;

(B) in subparagraph (B), by striking “subparagraph (A)” and inserting “this paragraph”;

(C) by redesignating subparagraph (B) as subparagraph (F); and

(D) by inserting after subparagraph (A) the following new subparagraphs:

“(B) **UNOBLIGATED AMOUNTS.**—The Secretary may provide additional funds to help an entity described in subsection (a)(2) finance, design, or construct a facility in connection with real property and improvements to be donated under the pilot program and proposed to be accepted by the Secretary under subsection (b)(1)(B) if—

“(i) the Secretary determines that doing so is in the best interest of the Department and consistent with the mission of the Department; and

“(ii) funding provided under this subparagraph—

“(I) is in addition to amounts that have been appropriated for the facility before the date on which the Secretary and the entity enter into a formal agreement under subsection (c) for the construction and donation of the real property and improvements; and

“(II) is derived only from amounts that—

“(aa) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—

“(AA) are not associated with a specific project; or

“(BB) are amounts that are associated with a specific project, but are unobligated because they are the result of bid savings; and

“(bb) were appropriated to such an account before the date described in subclause (I).

“(C) ESCALATION CLAUSES.—

“(i) IN GENERAL.—The Secretary may include an escalation clause in a formal agreement under subsection (c) that authorizes an escalation of not more than an annual amount based on a rate established in the formal agreement and mutually agreed upon by the Secretary and an entity to account for inflation for an area if the Secretary determines, after consultation with the head of an appropriate Federal entity that is not part of the Department, that such escalation is necessary and in the best interest of the Department.

“(ii) USE OF EXISTING AMOUNTS.—The Secretary may obligate funds pursuant to clause (i) in connection with a formal agreement under subsection (c) using amounts that—

“(I) are unobligated balances available in the Construction, Minor Projects, or Construction, Major Projects appropriations accounts of the Department that—

“(aa) are not associated with a specific project; or

“(bb) are amounts that are associated with a specific project, but are unobligated because they are the result of bid savings; and

“(II) were appropriated to such an account before the date on which the Secretary and the entity entered into the formal agreement.

“(D) AVAILABILITY.—Unobligated amounts shall be available pursuant to subparagraphs (B) and (C) only to the extent and in such amounts as provided in advance in appropriations Acts subsequent to date of the enactment of the CHIP-IN Improvement Act of 2022, subject to subparagraph (E).

“(E) LIMITATION.—Unobligated amounts made available pursuant to subparagraphs (B) and (C) may not exceed 40 percent of the amount appropriated for the facility before the date on which the Secretary and the entity entered into a formal agreement under subsection (c).”; and

(3) in subsection (j)—

(A) by striking “RULE” and inserting “RULES”; and

(B) by striking “Nothing in” and inserting the following:

“(1) ENTERING ARRANGEMENTS AND AGREEMENTS.—Nothing in”; and

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

“(2) TREATMENT OF ASSISTANCE.—Nothing provided under this section shall be treated as Federal financial assistance as defined in section 200.40 of title 2, Code of Federal Regulations, as in effect on February 21, 2021.”.

(b) AMENDMENTS TO EXISTING AGREEMENTS.—Each agreement entered into under section (2)(c) of such Act before the date of the enactment of this Act that was in effect

on the date of the enactment of this Act may be amended to incorporate terms authorized by subparagraphs (B) and (C) of section 2(e)(1) of such Act, as added by subsection (a)(2)(D) of this section.

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

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

SEC. 575. SENSE OF CONGRESS ON TUITION ASSISTANCE FOR MEMBERS OF THE AIR NATIONAL GUARD AND RESERVE.

It is the sense of Congress that members of the Air National Guard and Reserve should have similar access to Federal tuition assistance as their Army National Guard and Reserve counterparts.

SA 5679. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 706. SENSE OF CONGRESS ON ACCESS TO MENTAL HEALTH SERVICES THROUGH TRICARE.

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

SA 5680. Mr. COONS (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ———. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

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

(1) in section 211 (34 U.S.C. 20301)—

(A) in paragraph (1)—

(i) by striking “3,300,000” and inserting “3,400,000”; and

(ii) by striking “, and drug abuse is associated with a significant portion of these”; and

(B) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

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

“(3) a key to a child victim healing from abuse is access to supportive and healthy families and communities;”; and

(D) in paragraph (9)(B), as so redesignated, by inserting “, and operations of centers” before the period at the end;

(2) in section 212 (34 U.S.C. 20302)—

(A) in paragraph (5), by inserting “coordinated team” before “response”; and

(B) in paragraph (8), by inserting “organizational capacity” before “support”; and

(3) in section 213 (34 U.S.C. 20303)—

(A) in subsection (a)—

(i) in the heading, by inserting “AND MAINTENANCE” after “ESTABLISHMENT”; and

(ii) in the matter preceding paragraph (1)—

(I) by striking “, in coordination with the Director of the Office of Victims of Crime,”; and

(II) by inserting “and maintain” after “establish”; and

(iii) in paragraph (3)—

(I) by striking “and victim advocates” and inserting “victim advocates, multidisciplinary team leadership, and children’s advocacy center staff”; and

(II) by striking “and” at the end;

(iv) by redesignating paragraph (4) as paragraph (5); and

(v) by inserting after paragraph (3) the following:

“(4) provide technical assistance, training, coordination, and organizational capacity support for State chapters; and”; and

(vi) in paragraph (5), as so redesignated, by striking “and oversight to” and inserting “organizational capacity support, and oversight of”; and

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by inserting “and maintain” after “establish”; and

(II) in the matter following subparagraph (B), by striking “and technical assistance to aid communities in establishing” and inserting “training and technical assistance to aid communities in establishing and maintaining”; and

(ii) in paragraph (2)—

(I) in subparagraph (A)—

(aa) in clause (ii), by inserting “Center” after “Advocacy”; and

(bb) in clause (iii), by striking “of, assessment of, and intervention in” and inserting “and intervention in child”; and

(II) in subparagraph (B), by striking “centers and interested communities” and inserting “centers, interested communities, and chapters”; and

(C) in subsection (c)—

(i) in paragraph (2)—

(I) in subparagraph (B), by striking “evaluation, intervention, evidence gathering, and counseling” and inserting “investigation and intervention in child abuse”; and

(II) in subparagraph (E), by striking “judicial handling of child abuse and neglect” and inserting “multidisciplinary response to child abuse”; and

(ii) in paragraph (3)(A)(i), by striking “so that communities can establish multidisciplinary programs that respond to child abuse” and inserting “and chapters so that communities can establish and maintain multidisciplinary programs that respond to child abuse and chapters can establish and

maintain children's advocacy centers in their State";

(iii) in paragraph (4)(B)—

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

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

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

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

(v) in paragraph (6), by inserting “under this Act” after “recipients”;

(4) in section 214 (34 U.S.C. 20304)—

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

“(a) IN GENERAL.—The Administrator shall make grants to—

“(1) establish and maintain a network of care for child abuse victims where investigation, prosecutions, and interventions are continually occurring and coordinating activities within local children's advocacy centers and multidisciplinary teams;

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

“(3) promote the effective delivery of the evidence-based, trauma-informed Children's Advocacy Center Model and the multidisciplinary response to child abuse; and

“(4) develop and disseminate practice standards for care and best practices in programmatic evaluation, and support State chapter organizational capacity and local children's advocacy center organizational capacity and operations in order to meet such practice standards and best practices.”;

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

(C) in subsection (c)(2)—

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

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

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

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

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

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

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

“(I) Designation of a multidisciplinary team coordinator.

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

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

“(L) Such other criteria as the Administrator shall establish by regulation.”; and

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

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

(5) in section 214A (34 U.S.C. 20305)—

(A) in subsection (a)—

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

(ii) in paragraph (2)(B), by inserting “Center” after “Advocacy”; and

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

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

(6) by striking 214B (34 U.S.C. 20306) and inserting the following:

“SEC. 214B. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out sections 213, 214, and 214A, \$40,000,000 for each of fiscal years 2023 through 2029.”.

SA 5681. 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 appropriate place, insert the following:

TITLE —DRIVING FOR OPPORTUNITY

SEC. ____ 01. SHORT TITLE.

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

SEC. ____ 02. FINDINGS.

Congress finds the following:

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

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

(3) In many small cities, towns, and rural areas that do not have public transportation and ridesharing alternatives, driving is often the only realistic means of transportation.

(4) Even in cities with public transportation and ridesharing options, individuals vulnerable to infection during the COVID-19 pandemic and those complying with public health guidance regarding social distancing are increasingly reliant on driving as their primary means of transportation for essential travel.

(5) In the United States, millions of Americans have had their driver's licenses suspended for unpaid court fines and fees.

(6) A person whose driver's license is suspended or revoked for unpaid fines and fees will often find it more difficult to earn a living and therefore pay the debt owed to the government.

(7) The barrier to employment posed by driver's license suspensions and revocations for unpaid fines and fees is especially prob-

lematic during the COVID-19 pandemic, when the unemployment rate is the highest it has been since the Great Depression.

(8) Drunk and dangerous driving are some of the leading causes of death and serious bodily injury in the United States, and promoting safety on the roads is a legitimate, necessary, and core governmental function. Suspending a license for unsafe driving conduct presents different considerations than suspending a license for unpaid fines and fees. Suspending a license for unsafe driving is an appropriate tool to protect public safety. Policymakers also may consider alternatives to suspension of a license for unsafe driving such as ignition interlock device programs.

(9) According to the National Highway Traffic Safety Administration, every year on average, over 34,000 people are killed and 2,400,000 more people are injured in motor vehicle crashes. Some of the major causes of these crashes include speeding, impaired driving, and distracted driving. Nearly half of passenger vehicle occupants killed in crashes are unrestrained. The societal harm caused by motor vehicle crashes has been valued at \$836,000,000,000 annually. The enactment of, enforcement of, and education regarding traffic laws are key to addressing unsafe behavior and promoting public safety.

(10) However, most driver's license suspensions are not based on the need to protect public safety.

(11) In the State of Florida, 1,100,000 residents received a suspension notice for unpaid fines and fees in 2017 alone.

(12) Between 2010 and 2017, all but 3 States increased the amount of fines and fees for civil and criminal violations.

(13) In the United States, 40 percent of all driver's license suspensions are issued for conduct that was unrelated to driving.

(14) In 2015, the State of Washington calculated that State troopers spent 70,848 hours dealing with license suspensions for non-driving offenses.

(15) The American Association of Motor Vehicle Administrators estimated that arresting a person for driving with a suspended license can take 9 hours of an officer's time, including waiting for a tow truck, transporting an individual to jail, filling out paperwork, making a court appearance, and other administrative duties and accordingly Washington State Patrol Chief John Batiste called non-driving suspensions a “drain on the system as a whole”.

(16) The Colorado Department of Motor Vehicles determined that suspending driver's licenses for offenses unrelated to driving consumed 8,566 hours per year of staff time in the Department.

(17) Many States impose a significant fee for reinstating a suspended driver's license, such as Alabama, where the fee is \$275.

(18) Driving on a suspended license is one of the most common criminal charges in jurisdictions across the country.

(19) Seventy-five percent of those with suspended licenses report continuing to drive.

(20) It is more likely that those people are also driving without insurance due to the costs and restrictions associated with obtaining auto insurance on a suspended license, thereby placing a greater financial burden on other drivers when a driver with a suspended license causes an accident.

(21) The American Association of Motor Vehicle Administrators has concluded the following: “Drivers who have been suspended for social non-conformance-related offenses are often trapped within the system. Some cannot afford to pay the original fines, and may lose their ability to legally get to and from work as a result of the suspension. Many make the decision to drive while suspended. The suspension results in increased

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

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

SEC. 03. GRANTS FOR DRIVER'S LICENSES REINSTATEMENT PROGRAMS.

Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) is amended—

(1) in section 501(a) (34 U.S.C. 10152(a)), by adding at the end the following:

"(3) GRANTS FOR DRIVER'S LICENSE REINSTATEMENT PROGRAMS.—

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

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

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

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

"(II) the refusal to renew the registration of a motor vehicle based on the owner's failure to pay a civil or criminal fine or fee; and

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

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

"(i) to maximize the number of individuals with suspended or revoked driver's licenses

or motor vehicle registrations eligible to have driving privileges reinstated or regained;

"(ii) to provide assistance to individuals living in areas where public transportation options are limited; and

"(iii) to ease the burden on States where the State or local law described in subparagraph (B)(ii) was in effect during the 3-year period ending on the date on which a State applies for a grant under this paragraph in accordance with section 502.

"(D) AMOUNT.—Each grant awarded under this paragraph shall be not greater than 5 percent of the amount allocated to the State in accordance with the formula established under section 505.

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

"(i) the population served by the program;

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

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

(2) in section 508—

(A) by striking "There" and inserting "(a) IN GENERAL.—There"; and

(B) by adding at the end the following:

"(b) DRIVER'S LICENSE REINSTATEMENT PROGRAMS.—There is authorized to be appropriated to carry out section 501(a)(3) \$10,000,000 for each of fiscal years 2022 through 2026."

SEC. 04. GAO STUDY.

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

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

(A) the collection of fines and fees;

(B) the usage of law enforcement resources;

(C) economic mobility and unemployment;

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

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

(F) safety-critical traffic events (including in localities with automated enforcement programs);

(G) the rates of license suspensions and proportion of unlicensed drivers;

(H) racial and geographic disparities; and

(I) administrative costs (including costs associated with the collection of fines and fees and with the reinstatement of driver's licenses); and

(2) includes what is known about—

(A) existing alternatives to driver's license suspension as methods of enforcement and collection of unpaid fines and fees; and

(B) existing alternatives to traditional driver's license suspension for certain kinds of unsafe driving, including models that allow drivers to continue to drive legally while pursuing driver improvement opportunities.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on the Judiciary and the Committee on Environment and Public Works of the Senate and the Committee on the Judiciary and the Committee on Transportation and Infrastructure a report on the study required under subsection (a).

SEC. 05. REPEAL.

(a) IN GENERAL.—Section 159 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 159.

SA 5682. 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 title XII, add the following:

Subtitle G—Democracy in the 21st Century

SECTION 1281. SHORT TITLE.

This subtitle may be cited as the "Madeleine K. Albright Democracy in the 21st Century Act".

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Committee on Appropriations of the House of Representatives; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) CIVIL AND POLITICAL RIGHTS.—The term "civil and political rights" means the equal and inalienable rights of all members of the human family as provided for in the International Covenant on Civil and Political Rights, done in New York December 16, 1966.

(3) DEMOCRACY PROGRAMS.—For purposes of funds authorized to be appropriated by this subtitle, the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or appropriated under any Act making appropriations for the Department of State, foreign operations, and related programs, the term "democracy programs" means programs that, consistent with section 133(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152c(b)) and the International Covenant on Civil and Political Rights, done at New York December 16, 1966, support—

(A) good governance;

(B) credible and competitive elections;

(C) freedom of expression, association, assembly, and religion;

(D) human rights, labor rights, independent media, and the rule of law; and

(E) otherwise strengthen the capacity of democratic political parties, governments, nongovernmental organizations and institutions, and citizens to support the development of democratic states and institutions that are responsive and accountable to citizens.

(4) NED.—The term "NED" means the National Endowment for Democracy.

(5) RELEVANT FEDERAL DEPARTMENTS AND AGENCIES.—The term “relevant Federal departments and agencies” means—

- (A) the Department of State;
- (B) the United States Agency for International Development; and
- (C) other Federal agencies that the President determines are relevant for purposes of this subtitle.

(6) USAID.—The term “USAID” means the United States Agency for International Development.

SEC. 1283. PROGRAM PRIORITIZATION AND DEMOCRACY STRATEGY.

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

- (1) align and are coordinated with diplomatic and security strategies for a given country or region;
- (2) advance democracy worldwide, including during a country’s transition to democracy and the consolidation of democracy following such a transition, and address democratic backsliding in a country;
- (3) support democracy and democratic voices in closed and repressive societies, including those defending the exercise of civil and political rights;
- (4) counter the malign influence of the People’s Republic of China, the Russian Federation, and other authoritarian governments;
- (5) counter corruption and kleptocracy, including by enhancing transparent, accountable, and responsive governance;
- (6) promote and protect independent media, civil society activists, writers, artists, and intellectuals;
- (7) counter misinformation and disinformation, but especially in the digital domain;
- (8) counter authoritarian abuse of technology, and prevent manipulation—especially through digital means—of elections, electoral data, and critical electoral infrastructure;
- (9) combat digital authoritarianism, including the use of the internet and other digital technologies to restrict the exercise of civil and political rights;
- (10) promote internet freedom and the use of technology that furthers democracy and the exercise of civil and political rights;
- (11) counter transnational repression and the extra-territorial extension of repressive measures, as well as the increasing use of arbitrary detention;
- (12) respond rapidly to democratic openings or backsliding, and adapt to evolving dynamics on the ground;
- (13) promote civic education, voter education, and enhanced citizen participation in democratic processes;
- (14) protect the civil and political rights of religious and ethnic minorities;
- (15) seek to ensure the integrity of elections abroad; and
- (16) establish and promote democracy partnerships to maximize support to a country where a democratic opening is underway or the respective government is a genuine partner for democratic reform.

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

SEC. 1284. AUTHORITIES AND LIMITATION.

(a) BENEFICIARIES.—Funds that are made available by this subtitle for the National

Endowment for Democracy are made available pursuant to the authority of the National Endowment for Democracy Act (title V of Public Law 98-164), including all decisions regarding the selection of beneficiaries.

(b) RESTRICTIONS ON FOREIGN GOVERNMENT INTERFERENCE.—

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

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

(3) REPORTING REQUIREMENT.—The Secretary of State, in coordination with the USAID Administrator, shall submit a report to the appropriate congressional committees, not later than 180 days after the date of the enactment of this Act, and annually thereafter until September 30, 2026, detailing steps taken by the Department of State and USAID to comply with the requirements of this subsection.

(c) PROTECTING IMPLEMENTING PARTNERS.—

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

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

(d) INFORMATION SHARING.—The Secretary of State and the USAID Administrator shall regularly inform the NED President of democracy programs that are planned and supported by such agencies, and the NED President shall regularly inform such Secretary and Administrator of programs that are planned and supported by the NED, consistent with the requirements of section 505(b) of the National Endowment for Democracy Act (22 U.S.C. 4414(b)).

(e) DIGITAL SECURITY.—Democracy programs supported by funds authorized to be appropriated pursuant to section 1287 should include a component on digital security to enhance the security and safety of implementers and beneficiaries, including, as appropriate, assistance for civil society organizations to counter government surveillance, censorship, and repression by digital means.

(f) AUDITS.—Section 504(g) of the National Endowment for Democracy Act (22 U.S.C. 4413(g)) is amended by striking “United States Information Agency” and inserting

“Department of State Office of Inspector General”.

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

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the “Democracy in the 21st Century Fund” (in this subsection referred to as “the Fund”), to be administered by the Secretary of State, following consultation with the Administrator of the United States Agency for International Development and the appropriate congressional committees, consisting of amounts authorized to be appropriated by section 1287, to advance the comprehensive strategy under section 1283, including the programs of the Department of State, USAID, and the National Endowment for Democracy described in subsections (b), (c), (d), and (e).

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

- (1) strengthening and enhancing the Department of State and USAID’s ability to respond quickly and flexibly to democratic openings and backsliding;
- (2) assisting fledgling or struggling democracies deliver services and meet expectations for their populations, in consultation and coordination with the governments of such democracies, in order to further reforms and strategies identified by such governments through consultation with respective civil societies;
- (3) supporting, in cooperation with other international donors and in consultation with nongovernmental organizations, independent and public interest media worldwide to help such media resist the overlapping challenges of authoritarian encroachment, threats to their financial viability, and litigation and regulatory environments meant to undercut their ability to operate;
- (4) centering democratic values and the promotion of civil and political rights in current and emerging technologies, and countering efforts by authoritarian governments to surveil, censor, or otherwise repress populations by digital means, including through programs that—

- (A) counter disinformation;
- (B) establish an initiative to help countries around the world implement governing regulations for the procurement and use of technology consistent with civil and political rights;
- (C) provide “digital public goods” to reduce the appeal of authoritarian-leaning technologies to cash strapped countries;
- (D) provide education on digital literacy to key populations; and
- (E) support the ongoing prioritization of democratic values in technological development in the years to come;

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

- (A) preserving election integrity by assisting elections to meet coalition-defined standards of electoral integrity and deterring or combating external influence in elections abroad, including cyber intrusion, disinformation, and other threats; and
- (B) protecting supply chains from being tainted by the products of forced labor; and

(6) supporting human rights defenders, democracy advocates at risk, writers, artists, and others who were forced to flee repression in their home countries so that they can safely continue their activism in exile.

(c) **COMBATING CORRUPTION AND KLEPTOCRACY.**—The Secretary of State, in coordination with the USAID Administrator and in consultation with the appropriate congressional committees, shall establish a program to support efforts by foreign governments, civil society, and the private sector to combat corruption and kleptocracy abroad, including through efforts that—

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

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

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

(4) build effective, impartial judiciaries;

(5) address corruption in key sectors, whether at the level of delivery of services to citizens, important governmental processes such as procurement, or priority economic sectors;

(6) strengthen democratic norms and standards at the local, national, regional, and international levels;

(7) augment cooperation with the private sector and key industries to root out corruption that harms competitiveness, economic growth, and development and taints critical supply chains;

(8) strengthen cross-sectoral collaboration among nongovernmental organizations essential to combatting well-resourced transnational kleptocratic networks;

(9) address corrosive capital and the strategic use of corruption by authoritarian states to undermine democracy and good governance;

(10) provide essential skills and resources to civil society and media to counter corruption and address the weak governance and poor human rights conditions that cultivate corruption; and

(11) foster public demand for accountable and transparent government.

(d) **DEMOCRACY RESEARCH AND DEVELOPMENT.**—The Secretary of State, in consultation with the USAID Administrator and in consultation with the appropriate congressional committees, shall establish a program for democracy research and development that—

(1) supports research and development by the Department of State, USAID, and the NED on policies, programs, and technologies relating to democracy programs;

(2) drives innovation within those entities regarding the response to complex, multidimensional challenges to democracy, including combatting transnational kleptocracy, mitigating hyper-polarization, countering malign authoritarian influence, and leveraging emerging technology for democracy;

(3) incentivizes collaboration among government, nongovernmental organizations, and the private sector with the objective of identifying and mitigating threats to global democracy; and

(4) identifies lessons learned and best practices for democracy programs and diplomatic approaches to create feedback loops and shape future evidence-based programming and diplomacy.

(e) **FELLOWSHIPS FOR DEMOCRACY ADVOCATES AT RISK.**—The NED is authorized to expand the Reagan-Fascell Democracy Fellows Program to provide additional fellowships, including in partnership with other in-

stitutions and organizations, to support democracy advocates at risk.

(f) **LEVERAGING.**—Pursuant to sections 607 and 632 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2392), and after consultation with the appropriate congressional committees, the Secretary of State is authorized to establish mechanisms under the Fund to partner with other donors and private sector partners to carry out the purposes of this section.

(g) **FUNDING TRANSPARENCY.**—Concurrent with the submission of the report required by section 653(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2413(a)), the Secretary of State shall submit to the appropriate congressional committees a detailed accounting of any funds programmed pursuant to the authorities under subsection (f) during the prior fiscal year.

(h) **NOTIFICATION REQUIREMENTS.**—Not later than 15 days prior to the obligation of funds authorized to be appropriated for the Fund and the programs established under this section, the Secretary of State and the USAID Administrator, as appropriate, shall notify the appropriate congressional committees of the intended uses of such funds.

(i) **REPORTING REQUIREMENT.**—Not later than 60 days after the date of the enactment of this Act, and annually thereafter through fiscal year 2027, the Secretary of State, the USAID Administrator, and the NED President, as appropriate, shall submit reports to the appropriate congressional committees detailing the uses of funds made available to the Fund pursuant to this subtitle.

SEC. 1286. ROLES AND RESPONSIBILITIES.

Funds authorized to be appropriated pursuant to section 1287 should be made available as follows, consistent with the overall strategic direction and capabilities of the Department of State and the United States Agency for International Development:

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

(A) current human rights abuses and democracy deficiencies as documented in the annual Country Report on Human Rights Practices required by sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d), 2304(b)); and

(B) emerging opportunities and sudden crises.

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

(3) In cases where both the Department of State and USAID are able to respond to emerging opportunities and sudden crises, including in closed and repressive societies, the Secretary of State and the USAID Ad-

ministrator shall coordinate their respective programs, including at the country level, to ensure complementarity and prevent waste or redundancy.

SEC. 1287. AUTHORIZATION OF APPROPRIATIONS.

(a) PROGRAMS.—

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

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

(A) \$20,000,000 in each such fiscal year is authorized to be appropriated for the Defending Democracy Globally program under section 1285(b), of which not more than \$10,000,000 may be administered by the USAID Administrator.

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

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

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

(3) DEMOCRACY FUND.—

(A) **IN GENERAL.**—Of the funds authorized to be appropriated by paragraph (1), there is authorized to be appropriated \$340,700,000 for each of fiscal years 2023 through 2027 to carry out activities under part 1 and chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq., 22 U.S.C. 2346 et seq.) and paragraphs (3) and (5) of section 502(b) of the National Endowment for Democracy Act (22 U.S.C. 4411(b)), for the promotion of democracy globally, which shall be made available to the Bureau of Democracy, Human Rights, and Labor of the Department of State and the Bureau for Development, Democracy, and Innovation of the United States Agency for International Development.

(B) **ADDITIONAL AMOUNTS.**—Funds authorized to be made available to the National Endowment for Democracy and its core institutes under this paragraph are in addition to amounts otherwise authorized to be appropriated by this subtitle for such purposes.

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

(c) **ADMINISTRATION OF DEPARTMENT OF STATE DEMOCRACY PROGRAMS.**—Of the funds authorized to be appropriated by this section that are made available for the Bureau of Democracy, Human Rights, and Labor of the Department of State, up to 15 percent may be made available for the administration of democracy programs by such Bureau in each of fiscal years 2023 through 2027, including for the hiring of additional personnel following consultation with the appropriate congressional committees. Such funds are in addition to funds otherwise made available for such purposes.

(d) **ADMINISTRATION OF USAID DEMOCRACY PROGRAMS.**—Of the funds authorized to be

appropriated by this section that are made available for USAID, up to 15 percent may be made available for the administration of democracy programs by the agency in each of fiscal years 2023 through 2027, including for the hiring of additional personnel following consultation with the appropriate congressional committees. Such funds are in addition to funds otherwise made available for such purposes.

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

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

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

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

It is the sense of the Senate that the Senate—

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

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

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

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

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

(a) **AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION.**—The Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1; 105 Stat. 3; 50 U.S.C. 1541 note) is hereby repealed.

(b) **AUTHORIZATION FOR USE OF MILITARY FORCE AGAINST IRAQ RESOLUTION OF 2002.**—The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107-243; 116 Stat. 1498; 50 U.S.C. 1541 note) is hereby repealed.

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

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

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

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

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

(c) **NOTIFICATION OF TREATY ACTION.**—

(1) **CONSULTATION.**—Prior to the notification described in paragraph (2), the President shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives in relation to any effort to suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty.

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

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

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

(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to authorize,

imply, or otherwise indicate that the President may suspend, terminate, denounce, or withdraw from any treaty to which the Senate has provided its advice and consent without the advice and consent of the Senate to such act or pursuant to an Act of Congress.

(g) **SEVERABILITY.**—If any provision of this section or the application of such provision is held by a Federal court to be unconstitutional, the remainder of this section and the application of the provisions of such to any person or circumstance shall not be affected thereby.

(h) **DEFINITIONS.**—In this section, the terms “withdrawal”, “denunciation”, “suspension”, and “termination” have the meaning given the terms in the Vienna Convention on the Law of Treaties, concluded at Vienna May 23, 1969.

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

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

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

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

“(G) Ship shafts and propulsion system components (including engines, reduction gears and propellers).”

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

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

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

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

“(A) Large medium-speed diesel engines.

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

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

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

SA 5687. Ms. Baldwin submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R.

7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) ANCHOR AND MOORING CHAIN REFERENCE CORRECTION.—Section 4864 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(F), by striking “shipboard”; and

(2) in subsection (b)(2), by striking “shipboard”.

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

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

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

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

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

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

“(A) Large medium-speed diesel engines.

“(B) Auxiliary equipment, including pumps, for all shipboard services.

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

“(D) Shipboard cranes.

“(E) Spreaders for shipboard cranes.”

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

“(k) IMPLEMENTATION OF AUXILIARY SHIP COMPONENT LIMITATION.—

“(1) LARGE MEDIUM-SPEED DIESEL ENGINE.—Subsection (a)(3)(A) applies only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 119-92) using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.

“(2) OTHER COMPONENTS FOR AUXILIARY SHIPS.—Subparagraphs (B) through (E) of subsection (a)(3) apply only with respect to contracts awarded by the Secretary of a military department for new construction of an auxiliary ship after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81)

using funds available for National Defense Sealift Fund programs or Shipbuilding and Conversion, Navy.”.

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

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

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

(a) PROHIBITION ON COLLECTION.—

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

“§ 1722C. Copayments: prohibition on collection 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.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item related to section 1722B the following new item:

“1722C. Copayments: prohibition on collection of copayments for first three mental health care outpatient visits of veterans.”

(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.

SA 5689. Mr. OSSOFF (for himself and Mr. CRAMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

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

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

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

(a) WAITLIST ACCOMMODATIONS.—The Secretary of Defense shall provide to members of the Armed Forces and their dependents who, when undergoing a permanent change of station, are placed on a waitlist for on-base housing for a period of more than 10 days following the date of arrival at the new location, temporary accommodations for the entire duration of such period appropriate for the total size and composition of the family of the member and at a rate not to exceed the basic allowance for housing calculated for such member under section 403 of title 37, United States Code.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) installation-specific data on the number of members of the Armed Forces and their dependents on military housing waitlists;

(2) an identification of the time spent by each such member and their dependents awaiting appropriate housing accommodations;

(3) an analysis of the factors that are creating the need for such waitlists; and

(4) an assessment of the causes of waitlist durations that exceed 10 days.

SA 5691. Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to 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. OUTREACH TO HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY SERVING INSTITUTIONS REGARDING NATIONAL SECURITY INNOVATION NETWORK (NSIN) PROGRAMS THAT PROMOTE ENTREPRENEURSHIP AND INNOVATION AT INSTITUTIONS OF HIGHER EDUCATION.

(a) **SHORT TITLE.**—This section may be referred to as the “HBCU National Security Innovation Act”.

(b) **PILOT PROGRAM.**—The Under Secretary of Defense for Research and Engineering, acting through the National Security Innovation Network (NSIN), may establish activities, including outreach and technical assistance, to better connect historically Black colleges and universities and minority serving institutions to the commercialization, innovation, and entrepreneurial activities of the Department of Defense.

(c) **BRIEFING.**—Not later than one year after the initiation of any pilot activities under subsection (b), the Secretary of Defense shall brief the congressional defense committees on the results of any activities conducted under the aforementioned pilot program, including—

- (1) the results of outreach efforts;
- (2) the success of expanding NSIN programs to historically Black colleges and universities and minority serving institutions;
- (3) the potential barriers to expansion; and
- (4) recommendations for how the Department of Defense can support such institutions to successfully participate in Department of Defense commercialization, innovation, and entrepreneurship programs.

SA 5692. Mr. CRUZ (for himself, Mr. CORNYN, 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 D of title XII, add the following:

SEC. 1254. REQUIREMENT TO PERMIT DIGNITARIES AND SERVICE MEMBERS FROM TAIWAN TO DISPLAY THE FLAG OF THE REPUBLIC OF CHINA.

(a) **IN GENERAL.**—The Secretary of State and the Secretary of Defense shall permit members of the armed forces and government representatives from the Republic of China (Taiwan) or the Taipei Economic and Cultural Representative Office (TECRO) to display, for the official purposes set forth in subsection (b), symbols of Republic of China sovereignty, including—

- (1) the flag of the Republic of China (Taiwan); and
 - (2) the corresponding emblems or insignia of military units.
- (b) **OFFICIAL PURPOSES.**—The official purposes referred to in subsection (a) are—
- (1) the wearing of official uniforms;
 - (2) conducting government hosted ceremonies or functions; and

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

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

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

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

(a) **SHORT TITLE.**—This section may be cited as the “Taiwan Articles to Reinforce and Maintain Sovereignty Act” or the “Taiwan ARMS Act”.

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

- (1) in section 3(b)(2), by inserting “the Government of Taiwan,” before “or the Government of New Zealand”;
- (2) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(1), 36(b)(2), 36(b)(6), 36(c)(2)(A), 36(c)(5), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting “Taiwan,” before “or New Zealand” each place it appears; and
- (3) in sections 21(h)(1)(A) and 21(h)(2), by inserting “Taiwan,” before “or Israel” each place it appears.

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

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

SEC. ____ . ADDITIONAL FUNDING FOR STEEL PERFORMANCE INITIATIVE.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by \$10,000,000, with the amount of the increase to be available for the Steel Performance Initiative.

SA 5695. Mr. CRUZ (for himself, Mr. YOUNG, and 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 XII, add the following:

SEC. 1239. CERTIFICATION REQUIREMENT FOR IMPOSING SANCTIONS WITH RESPECT TO MEMBERS OF QUADRILATERAL SECURITY DIALOGUE.

Section 231 of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525) is amended by adding at the end the following:

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

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

“(2) **MEMBER OF THE QUADRILATERAL SECURITY DIALOGUE DEFINED.**—In this subsection, the term ‘member of the Quadrilateral Security Dialogue’ means Australia, India, Japan, or the United States.”.

SA 5696. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

(a) **FINDINGS.**—Congress finds that, as a signatory to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (commonly referred to as the “Nuclear Non-Proliferation Treaty”), the People's Republic of China is obligated under Article VI of the treaty to pursue arms control negotiations in good faith.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State shall submit to Congress a report describing the implementation and observance of Article VI of the Nuclear Non-Proliferation Treaty by the People's Republic of China that includes a determination of whether the Government of the People's Republic of China has, during the year preceding submission of the report, “pursue[d] negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” in accordance with such Article VI.

(c) **IMPOSITION OF SANCTIONS.**—The President shall include on the SDN list any person that the President determines, on or after the date of the enactment of this Act—

- (1) is an entity in the defense industry of the People's Republic of China;

(2) is an individual who is corporate officer or principal shareholder of an entity described in paragraph (1);

(3) knowingly provides significant financial, material, technological, or other support to a person described in paragraph (1) or (2); or

(4) knowingly provides goods or services in support of any activity or transaction on behalf of or for the benefit of such a person.

(d) **EXCEPTION.**—The President may not include an entity in the defense industry of the People's Republic of China, an individual who is corporate officer or principal shareholder of such an entity, or a person that provides support or goods or services to such an entity or individual as described in paragraph (3) or (4) of subsection (c), on the SDN list pursuant to subsection (c) if, in the most recent report required by subsection (b), the President determines that the People's Republic of China has “pursue[d] negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament” pursuant to the obligations of the People's Republic of China under article VI of the Nuclear Non-Proliferation Treaty during the period covered by the report.

(e) **DEFINITIONS.**—In this section:

(1) **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.

(2) **SDN LIST.**—The term “SDN list” means the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

SA 5697. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. LIMITATION ON NUCLEAR COOPERATION WITH THE PEOPLE'S REPUBLIC OF CHINA.

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

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

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

(B) any company—

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

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

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

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

(B) individuals subject to undue influence by the individuals described in subparagraph (A).

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

(1) **AGREEMENT.**—Not later than 60 days after the date of enactment of this Act, the Secretary of State shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “National Academy”) to carry out the review and assessment described in paragraph (2) and submit the report described in paragraph (3).

(2) **REVIEW AND ASSESSMENT.**—

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

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

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

(B) **ELEMENTS.**—In conducting the review and assessment under subparagraph (A), the National Academy shall examine all cooperative activities relating to nuclear cooperation between the United States Government and the People's Republic of China during the 25-year period ending on the date of enactment of this Act, including—

(i) all trips relating to nuclear cooperation taken by officials of the Department of State to the People's Republic of China;

(ii) all exchanges of goods, services, data, or information between officials of the United States Government and an entity described in subparagraph (A) or (B) of subsection (a)(1); and

(C) all instances in which officials of the United States Government hosted officials from, or significantly tied to, an entity described in subparagraph (A) or (B) of subsection (a)(1).

(3) **DEADLINE AND REPORT.**—Not later than 1 year after the date on which the Secretary and the National Academy enter into an agreement described in paragraph (1), the National Academy shall—

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

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

(i) the Secretary; and

(ii) the appropriate congressional committees.

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

(c) **DEFINITIONS.**—In this section:

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

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

SA 5698. Mr. CRUZ (for himself, Mr. RISCH, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. HAGERTY) submitted

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

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

SEC. 1239. REPEAL OF WAIVER AND TERMINATION PROVISIONS OF PROTECTING EUROPE'S ENERGY SECURITY ACT OF 2019.

Section 7503 of the Protecting Europe's Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) is amended by striking subsections (f) and (h).

SA 5699. 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 UNDER SECTION 231 OF COUNTERING AMERICA'S ADVERSARIES THROUGH SANCTIONS ACT WITH RESPECT TO GOVERNMENT OF NICARAGUA.

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, acting through the Bureau of Intelligence and Research of the Department of State, and in coordination with the Director of National Intelligence, shall submit to Congress a report that includes an assessment, conducted after consideration of the report of the Defense Intelligence Agency entitled, “Russia: Defense Cooperation with Cuba, Nicaragua, and Venezuela” and dated February 4, 2019, of whether the Government of Nicaragua has engaged in transactions described in section 231(a) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(a)) during the 5-year period preceding submission of the report required by this subsection.

(2) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) **IMPOSITION OF SANCTIONS.**—Notwithstanding 231(b) of the Countering America's Adversaries Through Sanctions Act (22 U.S.C. 9525(b)), the President shall impose 5 or more of the sanctions described in section 235 of that Act with respect to each transaction identified in the report required by subsection (a).

SA 5700. 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, insert the following:

SEC. _____. REPORT ON EFFORTS TO CAPTURE AND DETAIN UNITED STATES CITIZENS AS HOSTAGES.

(a) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on efforts by the Maduro regime of Venezuela to detain United States citizens and lawful permanent residents.

(b) **ELEMENTS.**—The report required by subsection (a) shall include, regarding the arrest, capture, detainment, and imprisonment of United States citizens and lawful permanent residents—

(1) the names, positions, and institutional affiliation of Venezuelan individuals, or those acting on their behalf, who have engaged in such activities;

(2) a description of any role played by transnational criminal organizations, and an identification of such organizations; and

(3) where relevant, an assessment of whether and how United States citizens and lawful permanent residents have been lured to Venezuela.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but shall include a classified annex, which shall include a list of the total number of United States citizens and lawful permanent residents detained or imprisoned in Venezuela as of the date on which the report is submitted.

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

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

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

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

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

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

(b) **DETERMINATION REQUIRED.**—

(1) **IN GENERAL.**—Not later than 30 days after the President makes the designation required by paragraph (1) of subsection (a) and imposes the sanctions required by para-

graph (2) of that subsection, the President shall—

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

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

(2) **FOREIGN PERSONS SPECIFIED.**—The foreign persons specified in this paragraph are the following:

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

(B) Erasmo Traslavina Benavides (also known as Ismarido Murcia Lozada, Ismarido Murcia Lozada, and Jimmy Guerrero), born June 19, 1958, in Guacamayo, Santander, Colombia.

(C) Emiro del Carmen Roperio Suarez (also known as Ruben Zamora), born September 2, 1962, in Municipio de Nueva Granada, Norte de Santander, Colombia.

(D) Guillermo Enrique Torres Cueter (also known as Julian Conrado), born August 17, 1954, in Turbaco, Bolivar, Colombia.

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

(F) Piedad Esneda Córdoba Ruiz, born January 25, 1955, in Colombia.

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

(c) **LIMITATION ON REVOCATION.**—The President may not revoke the designation under subsection (a)(1), or sanctions imposed with respect to a foreign person under subsection (a)(2) or (b), until the date that is 10 years after the date of the designation or the imposition of such sanctions, as the case may be.

(d) **FARC DEFINED.**—In this section, the term “FARC” means the group known as the FARC, the Revolutionary Armed Forces of Colombia, Fuerzas Armadas Revolucionarias de Colombia, or any other alias.

SA 5702. Mr. CRUZ (for himself, Mr. HAGERTY, Mr. TILLIS, Mr. RUBIO, Mr. CASSIDY, Mr. CRAMER, Ms. ERNST, and Mr. COTTON) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1226. TERMINATION OF CERTAIN WAIVERS OF SANCTIONS WITH RESPECT TO NUCLEAR ACTIVITIES IN OR WITH IRAN.

(a) **IN GENERAL.**—Effective on the date of the enactment of this Act, any waiver of the application of sanctions provided for under sections 1244, 1245, 1246, and 1247 of the Iran Freedom and Counter-Proliferation Act of 2012 (22 U.S.C. 8803, 8804, 8805, and 8806) for or to enable an activity described in subsection (b) is terminated, and the President may not

issue a new such waiver for such an activity on or after such date of enactment.

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

(1) Modernization or redesign of the Arak reactor.

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

(3) Operations, training, or services related to the Bushehr Nuclear Power Plant, including fuel delivery and take-back.

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

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

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

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

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

SEC. 10 _____. DESIGNATION OF OSWALDO PAYÁ WAY.

(a) **FINDINGS.**—Congress finds that—

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

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

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

(4) on July 22, 2012, a violent car crash, widely believed to have been carried out by the Castro regime, took the lives of Oswaldo Payá and Harold Cepero, another dissident;

(5) the official investigation into the crash has been demonstrated to be compromised, and the Castro regime has offered no plausible evidence of the innocence of the Castro regime in the crash, leaving the circumstances of the death of Oswaldo Payá unknown;

(6) opposition by Oswaldo Payá to the Communist Party of Cuba began at a young age, when he refused to become a member of the Young Communist League as a primary school student, and continued through high school, when he publicly criticized the invasion of Czechoslovakia by the Soviet Union;

(7) the Communist Party of Cuba responded to the opposition by Oswaldo Payá to the invasion of Czechoslovakia by the Soviet Union by sending Oswaldo Payá to a labor camp for 3 years;

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

(9) by creating the Varela Project in 1998, Oswaldo Payá demonstrated his staunch commitment to peacefully advocating for freedom of speech and freedom of assembly for his fellow Cubans;

(10) in recognition of his determination for political reforms through peaceful protests, Oswaldo Payá was awarded the Sakharov Prize for Freedom of Thought by the European Parliament in 2002 and the W. Averell Harriman Democracy Award from the National Democratic Institute for International Affairs in 2003 and was nominated for the Nobel Peace Prize by former Czech President Václav Havel in 2005;

(11) on April 11, 2018, the Senate unanimously passed S. Res. 224, recognizing the sixth anniversary of the death of Oswaldo Payá Sardiñas, commemorating his legacy and commitment to democratic values and principles, and calling on the Cuban government to allow an impartial, third-party investigation into the circumstances surrounding his death; and

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

(b) DESIGNATION OF OSWALDO PAYÁ WAY.—

(1) DESIGNATION OF WAY.—

(A) IN GENERAL.—The area between the intersections of 16th Street, Northwest and Fuller Street, Northwest and 16th Street, Northwest and Euclid Street, Northwest in Washington, District of Columbia, shall be known and designated as "Oswaldo Payá Way".

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

(2) DESIGNATION OF ADDRESS.—

(A) DESIGNATION.—The address of 2630 16th Street, Northwest, Washington, District of Columbia, shall be redesignated as 2630 Oswaldo Payá Way.

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

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

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

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

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

SA 5704. Mr. CRUZ (for himself and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year

2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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 FUNDING FOR TESTING OF HYPERSONIC WEAPON SYSTEMS WITH B-1 BOMBER.

The amount authorized to be appropriated for fiscal year 2023 by section 201 for research, development, test, and evaluation is hereby increased by \$30,000,000, with the amount of the increase to be available for the testing of hypersonic weapon systems with the B-1 bomber.

SA 5705. 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 VII, add the following:

SEC. 728. IMPROVEMENTS TO PROCESSES TO REDUCE FINANCIAL HARM CAUSED TO CIVILIANS FOR CARE PROVIDED AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) CLARIFICATION OF FEE WAIVER PROCESS.—Subsection (b) of section 1079b of title 10, United States Code, is amended to read as follows:

"(b) WAIVER OF FEES.—Each commander (or director, as applicable) of a military medical treatment facility shall issue a waiver for a fee that would otherwise be charged under the procedures implemented under subsection (a) to a civilian provided medical care at the facility who is not a covered beneficiary if the provision of such care enhances the knowledge, skills, and abilities of health care providers, as determined by the respective commander or director."

(b) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d);

(2) by inserting after subsection (b) the following new subsection (c):

"(c) MODIFIED PAYMENT PLAN FOR CERTAIN CIVILIANS.—(1)(A) If a civilian specified in subsection (a) is covered by a covered payer at the time care under this section is provided, the civilian shall only be responsible to pay for any services that are not covered by the covered payer or any copays, coinsurance, deductibles, or nominal fees otherwise owed by the civilian.

"(B)(i) The Secretary of Defense may bill only the covered payer for care provided to a civilian described in subparagraph (A).

"(ii) Payment received by the Secretary from the covered payer of a civilian for care provided under this section to the civilian shall be considered payment in full for such care.

"(2) If a civilian specified in subsection (a) does not meet the criteria under paragraph (1), is underinsured, or has a remaining balance and is at risk of financial harm, the

Secretary of Defense shall reduce each fee that would otherwise be charged to the civilian under this section according to a sliding fee discount program.

"(3) If a civilian specified in subsection (a) does not meet the criteria under paragraph (1) or (2), the Secretary of Defense shall implement an additional catastrophic waiver to prevent financial harm.

"(4) The modified payment plan under this subsection may not be administered by a Federal agency other than the Department of Defense.";

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

"(e) DEFINITIONS.—In this section:

"(1) The term 'covered payer' means a third-party payer or other insurance, medical service, or health plan.

"(2) The terms 'third-party payer' and 'insurance, medical service, or health plan' have the meaning given those terms in section 1095(h) of this title."

(c) APPLICABILITY.—The amendments made by subsections (a) and (b) shall apply with respect to care provided on or after the date that is 180 days after the date of the enactment of this Act.

SA 5706. 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 XXVIII, add the following:

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

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

(b) USE OF AMOUNTS.—The Secretary may expend not more than \$150,000,000 to carry out the requirement under subsection (a).

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

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

SEC. 1077. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE PURCHASES OR LEASES NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE.

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

(1) in subparagraph (A)—

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

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

(C) by adding at the end the following:

“(iii) any transaction described in subparagraph (B)(vi) that is proposed, pending, or completed on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2023.”; and

(2) in subparagraph (B), by adding at the end the following:

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

“(I) that is located in the United States and within—

“(aa) 100 miles of a military installation (as defined in section 2801(c)(4) of title 10, United States Code); or

“(bb) 50 miles of—

“(AA) a military training route (as defined in section 183a(h) of title 10, United States Code);

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

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

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

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

“(aa) the Government of the Russian Federation;

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

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

“(dd) the Government of the Democratic People’s Republic of Korea.”.

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

(1) in clause (iii), by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and by moving such items, as so redesignated, 2 ems to the right;

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

(3) by striking “Subject to” and inserting the following:

“(i) IN GENERAL.—Subject to”; and

(4) by adding at the end the following:

“(ii) MANDATORY UNILATERAL INITIATION OF CERTAIN TRANSACTIONS.—The Committee shall initiate a review under subparagraph (A) of a covered transaction described in subsection (a)(4)(B)(vi).”.

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

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

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

(3) by adding at the end the following:

“(VI) with respect to covered transactions described in subsection (a)(4)(B)(vi), to the members of the Senate from the State in which the military installation, military training route, special use airspace, controlled firing area, or military operations area is located, and the member of the House of Representatives from the Congressional District in which such installation, route, airspace, or area is located.”.

(d) LIMITATION ON APPROVAL OF ENERGY PROJECTS RELATED TO REVIEWS CONDUCTED BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

(1) REVIEW BY SECRETARY OF DEFENSE.—Section 183a of title 10, United States Code, is amended—

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

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

“(f) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—(1) If, during the period during which the Department of Defense is reviewing an application for an energy project filed with the Secretary of Transportation under section 44718 of title 49, the purchase, lease, or concession of real property on which the project is planned to be located is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), the Secretary of Defense—

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

“(B) shall notify the Secretary of Transportation of the delay.

“(2) If the Committee on Foreign Investment in the United States determines that the purchase, lease, or concession of real property on which an energy project described in paragraph (1) is planned to be located threatens to impair the national security of the United States and refers the purchase, lease, or concession to the President for further action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)), the Secretary of Defense shall—

“(A) find under subsection (e)(1) that the project would result in an unacceptable risk to the national security of the United States; and

“(B) transmit that finding to the Secretary of Transportation for inclusion in the report required under section 44718(b)(2) of title 49.”.

(2) REVIEW BY SECRETARY OF TRANSPORTATION.—Section 44718 of title 49, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

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

“(h) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—The Secretary of Transportation may not issue a determination pursuant to this section with respect to a proposed structure to be located on real property the purchase, lease, or concession of which is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) until—

“(1) the Committee concludes action under such section 721 with respect to the purchase, lease, or concession; and

“(2) the Secretary of Defense—

“(A) issues a finding under section 183a(e) of title 10; or

“(B) advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming.”.

SA 5708. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle D of title I, insert the following:

SEC. ____ DIVESTMENT OF A-10 THUNDERBOLT II AIRCRAFT.

In fiscal year 2023, the Secretary of the Air Force shall divest 42 A-10 Thunderbolt II aircraft.

SA 5709. Mr. CRUZ (for himself, Mr. RUBIO, Mr. RISCH, Mr. HOEVEN, Mr. JOHNSON, 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 VII, add the following:

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

Section 736 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1800) is amended—

(1) by amending the section heading to read as follows: “LIMITATIONS ON PUNISHMENT SOLELY ON BASIS OF FAILURE TO OBEY ORDER TO RECEIVE COVID-19 VACCINE”;

(2) in subsection (a)—

(A) by striking “a lawful” and inserting “an”; and

(B) by striking “shall be” and all that follows through the period at the end and inserting “shall be an honorable discharge”;

(3) by redesignating subsection (b) as subsection (f);

(4) by inserting after subsection (a) the following new subsections:

“(b) PROHIBITION ON ADVERSE ACTION.—The Secretary of Defense may not take any adverse action against a covered member based solely on the refusal of such member to receive a vaccine for COVID-19.

“(c) REMEDIES AVAILABLE FOR A COVERED MEMBER DISCHARGED OR PUNISHED BASED ON COVID-19 STATUS.—At the election of a covered member and upon application through a process established by the Secretary of Defense, the Secretary shall—

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

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

“(B) the discharge status of the member would have been an ‘honorable discharge’ but for the refusal to obtain such vaccine;

“(2) reinstate the member at the grade held by the member immediately prior to the involuntary separation of the member;

“(3) expunge from the service record of the member any reference to any adverse action based solely on COVID-19 status, including involuntary separation; and

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

“(d) ATTEMPT TO AVOID DISCHARGE.—The Secretary of Defense shall—

“(1) make every effort to retain members of the Armed Forces who are not vaccinated against COVID-19;

“(2) create an exemption to the requirement that members of the Armed Forces be vaccinated against COVID-19 for such members with natural immunity; and

“(3) create and recognize an exemption to the requirement that members of the Armed Forces be vaccinated against COVID-19 based on an underlying health condition or the sincerely held religious beliefs of an individual member.

“(e) REPORT ON RELIGIOUS EXEMPTIONS TO COVID-19 VACCINE.—Not later than 90 days after the date of the enactment of the Allowing Military Exemptions, Recognizing Individual Concerns About New Shots Act of 2022, the Secretary of Defense shall submit to Congress a report on the number of religious exemptions submitted by members of Armed Forces for the requirement that such members be vaccinated against COVID-19, which shall include how many were approved and how many denied, disaggregated by religious denomination.”; and

(5) in subsection (f), as redesignated by paragraph (3)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2) the following new paragraph:

“(1) The term ‘adverse action’ includes discharge, punishment, retaliation, disparate treatment, a requirement to wear a mask, or a requirement to reside in substandard housing or endure substandard conditions.”; and

(C) in paragraph (3), as redesignated by subparagraph (A)—

(i) by striking “means a member” and inserting “means—

“(A) a member”;

(ii) in subparagraph (A), as designated by clause (i), by striking the period at the end and insert a semicolon; and

(iii) by adding at the end the following new subparagraphs:

“(B) an individual enrolled at a military service academy; or

“(C) an individual enrolled in the Junior Reserve Officers’ Training Corps (JROTC) or Senior Reserve Officers’ Training Corps (SROTC) program.”.

SA 5710. Ms. BALDWIN (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. REPORT ON FOREIGN OWNERSHIP OF AGRICULTURAL LAND NEAR INSTALLATIONS OF THE DEPARTMENT OF DEFENSE IN THE UNITED STATES.

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 that—

(1) contains a thorough review of ownership by foreign persons of agricultural land near installations of the Department of Defense in the United States; and

(2) assesses the threat such ownership poses to the national security of the United States.

SA 5711. Mr. ROUNDS (for himself, Mr. LUJÁN, Mr. THUNE, Mr. RUBIO, Mr. SULLIVAN, Mr. INHOFE, Mr. CRAMER, Mr. DAINES, Mr. CASSIDY, Mr. MORAN, Mr. KELLY, Mr. CORNYN, Ms. KLOBUCHAR, Ms. MURKOWSKI, Mr. PADILLA, Ms. SINEMA, Mr. OSSOFF, Ms. SMITH, Mr. GRAHAM, Mr. TILLIS, Mr. WARNOCK, Mr. HEINRICH, Mr. BENNET, Mr. HICKENLOOPER, Mr. BRAUN, Mr. BURR, Ms. CORTEZ MASTO, Mr. LANKFORD, Ms. ROSEN, Ms. WARREN, Mr. SCOTT of Florida, 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. ——. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.

(a) IN GENERAL.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following:

“CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED

“Sec.

“150401. Organization.

“150402. Purposes.

“150403. Membership.

“150404. Board of directors.

“150405. Officers.

“150406. Nondiscrimination.

“150407. Powers.

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

“150409. Restrictions.

“150410. Duty to maintain tax-exempt status.

“150411. Records and inspection.

“150412. Service of process.

“150413. Liability for acts of officers and agents.

“150414. Failure to comply with requirements.

“150415. Annual report.

“§ 150401 Organization

“The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (referred to in this chapter the ‘corporation’), is a federally chartered corporation.

“§ 150402. Purposes

“The purposes of the corporation are those stated in the articles of incorporation, constitution, and bylaws of the corporation, and include a commitment—

“(1) to uphold and defend the Constitution of the United States while respecting the sovereignty of the American Indian Nations;

“(2) to unite under one body all American Indian veterans who served in the Armed Forces of United States;

“(3) to be an advocate on behalf of all American Indian veterans without regard to whether they served during times of peace, conflict, or war;

“(4) to promote social welfare (including educational, economic, social, physical, and cultural values and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

“(5) to serve as an advocate for the needs of American Indian veterans and their families and survivors in their dealings with all Federal and State government agencies;

“(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between American Indian veterans and American society; and

“(7) to provide technical assistance to the Bureau of Indian Affairs regional areas that are not served by any veterans committee or organization or program by—

“(A) providing outreach service to Indian Tribes in need; and

“(B) training and educating Tribal Veterans Service Officers for Indian Tribes in need.

“§ 150403. Membership

“Subject to section 150406, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and bylaws of the corporation.

“§ 150404. Board of directors

“Subject to section 150406, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

“§ 150405. Officers

“Subject to section 150406, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

“§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

“§ 150407. Powers

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

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

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

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

“§ 150409. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not—

“(1) issue any shares of stock; or

“(2) declare or pay any dividends.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—

“(1) IN GENERAL.—The income or assets of the corporation may not—

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

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

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

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

“(d) NO FEDERAL ENDORSEMENT.—The corporation may not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of the activities of the corporation.

“§ 150410. Duty to maintain tax-exempt status

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

“§ 150411. Records and inspection

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

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

“(2) minutes of any proceeding of the corporation involving any of member of the corporation, the board of directors, or any committee having authority under the board of directors; and

“(3) at the principal office of the corporation, a record of the names and addresses of all members of the corporation having the right to vote.

“(b) INSPECTION.—

“(1) IN GENERAL.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such a member, for any proper purpose, at any reasonable time.

“(2) EFFECT.—Nothing in this section contravenes—

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

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

“§ 150412. Service of process

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

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

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

“§ 150413. Liability for acts of officers and agents

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

“§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the requirements of this chapter, including the requirement under section 150410 to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

“§ 150415. Annual report

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

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

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”.

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

SA 5712. 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 II, insert the following:

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

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

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

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

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

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

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

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

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

SA 5713. Mr. ROUNDS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. 16 ____ . ADDITIONAL AMOUNT FOR CYBER PARTNERSHIP ACTIVITIES.

(a) ADDITIONAL AMOUNT.—Of the amount authorized to be appropriated under this Act for United States Air Force, the amount available for cyber partnership activities (PE-0208059F) is hereby increased by \$500,000, with the amount of such increase to be used

to support additional travel and workload to achieve an initial intent of expanded Jordanian engagement.

(b) OFFSET.—Of the amount authorized to be appropriated under this Act for United States Navy, the amount available for the SHARKCAGE program (PE-0303140N) is hereby reduced by \$500,000.

SA 5714. 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. ____ . REMOVAL OF REMAINS OF FORMER NAVY LIEUTENANT ANDREW J. CHABROL FROM ARLINGTON NATIONAL CEMETERY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army, in consultation with the Secretary of Veterans Affairs, shall remove the remains of former Navy lieutenant Andrew J. Chabrol from Arlington National Cemetery.

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

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

SEC. 575. LEASE-TO-PURCHASE AGREEMENTS TO BE INCLUDED IN BONDED INDEBTEDNESS CALCULATION.

Section 7007(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(b)(3)) is amended by adding at the end the following:

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

SA 5716. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1214. RESTRICTION ON FEDERAL FUNDS IN GAZA.

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

(b) **RESTRICTION ON DIRECT EXPENDITURES OF FEDERAL FUNDS IN GAZA.**—No United States Government funds may be obligated or expended in the territory of Gaza until after the President certifies to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that such funds can be expended without benefitting any organization or persons that is—

(1) a member of Hamas, Palestinian Islamic Jihad, or any other organization designated by the Secretary of State as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); or

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

(c) **UNITED NATIONS ENTITIES.**—No United States Government funds may be obligated or expended in the territory of Gaza through any United Nations entity or office unless the President certifies to the congressional committees referred to in subsection (b) that such entity or office is not encouraging or teaching anti-Israel or anti-Semitic ideas or propaganda.

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

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

SEC. 1276. AFGHAN VETTING ACCOUNTABILITY.

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

(b) **FINDINGS.**—Congress makes the following findings:

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

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

(A) “[t]he United States welcomed more than 79,000 Afghan evacuees between July 2021 and January 2022, as part of [Operation Allies Refuge and Operation Allies Welcome]”;

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

(C) “[the Department of Homeland Security] encountered obstacles to screen, vet, and inspect all Afghan evacuees arriving as part of Operation Allies Refuge and Operation Allies Welcome”;

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

(E) “some information used to vet evacuees through U.S. Government databases, such as name, date of birth, identification number, and travel document data, was inaccurate, incomplete, or missing”;

(F) “[U.S. Customs and Border Protection] admitted or paroled evacuees who were not fully vetted into the United States”.

(3) The Office of the Inspector General of the Department of Homeland Security attributed the Department of Homeland Security’s challenges with respect to properly screening, vetting, and inspecting such evacuees to not having—

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

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

(C) standardized policies.

(4) As a result of such deficiencies, the Department of Homeland Security may have admitted or paroled individuals into the United States who pose a risk to the national security of the United States and to the safety of local communities.

(c) **IDENTIFICATION AND RECURRENT VETTING OF EVACUEES FROM AFGHANISTAN.**—Not later than 30 days after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall—

(1) identify all evacuees from Afghanistan who—

(A) were paroled into the United States during the period beginning on July 14, 2021, and ending on February 19, 2022, as part of Operation Allies Refuge or Operation Allies Welcome; and

(B) remain in the United States;

(2) for each such Afghan evacuee, conduct a full screening and vetting, including by consulting all law enforcement and international terrorist screening databases, based on the confirmed identity of the evacuee;

(3) prioritize the screening and vetting described in paragraph (2) for such evacuees who did not have documentation of their identity on arrival in the United States;

(4) establish recurrent and periodic vetting processes for all such evacuees, including in-person interviews, to the extent necessary;

(5) ensure that the vetting processes described in paragraph (4) are carried out for each such evacuee for the duration of the authorized period of parole of the evacuee; and

(6) submit evidence to the Director of National Intelligence, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, the Attorney General, and the head of each State and local law enforcement agency with jurisdiction over a place where an Afghan evacuee resides that the full screening and vetting described in paragraph (2) and the recurrent and periodic vetting processes described in paragraph (4) have been carried out.

(d) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security 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 includes—

(1) the findings and results of the re-screening and vetting required under subsection (c); and

(2) the number of Afghan evacuees who were determined to be inadmissible to the United States.

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

At the end of title XII, add the following:

Subtitle G—Protecting Taiwan for Invasion

SEC. 1281. SHORT TITLE.

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

CHAPTER 1—AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES

SEC. 1282. FINDINGS; SENSE OF CONGRESS.

(a) **FINDINGS.**—Congress finds the following:

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

(2) Section 2(b) of the Taiwan Relations Act (Public Law 96-8; 22 U.S.C. 3301(b)) states that it is the policy of the United States—

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

(B) “to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern”;

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

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

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

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

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

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

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

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

(2) the People’s Republic of China has dramatically increased the capability of its military forces since 1979;

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

(4) it is the policy of the United States to consider any effort to determine the future

of Taiwan by anything other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area, and of grave concern to the United States.

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

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

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

(2) the taking of territory under the effective jurisdiction of Taiwan by the military forces of the People's Republic of China; or

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

(b) WAR POWERS RESOLUTION REQUIREMENTS.—

(1) SPECIFIC STATUTORY AUTHORIZATION.—Consistent with section 8(a)(1) of the War Powers Resolution (50 U.S.C. 1547(a)(1)), Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution (50 U.S.C. 1544(b)).

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

(c) SENSE OF CONGRESS.—It is the sense of Congress that, at the earliest possible date after the date of the enactment of this Act, the President should release a public declaration that it is the policy of the United States to secure and protect Taiwan against any action of the People's Republic of China described in paragraph (1), (2), or (3) of subsection (a).

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

(e) AUTHORIZATION PERIOD.—

(1) IN GENERAL.—The authorization for use of the Armed Forces under this section shall expire on the date that is 5 years after the date of the enactment of this Act.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the authorization for use of the Armed Forces under this section should be reauthorized by a subsequent Act of Congress.

CHAPTER 2—OTHER MATTERS

SEC. 1284. REGIONAL SECURITY DIALOGUE TO IMPROVE SECURITY RELATIONSHIPS IN THE WESTERN PACIFIC AREA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State and the heads of other relevant Federal agencies, as appropriate, shall seek to convene, on an annual basis, a regional security dialogue with the Government of Taiwan and the governments of like-minded security partners to improve the security relationships among the United States and such countries in the Western Pacific area.

(b) MATTERS TO BE INCLUDED.—The regional security dialogue may consider matters relating to—

(1) coordinating lower-level military-to-military dialogue; and

(2) planning for potential military confrontation scenarios.

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

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

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

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

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

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

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

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

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

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

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

(5) further engagement with the United States on strengthening Taiwan's cyber capabilities.

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

It is the sense of Congress that—

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

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

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

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

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

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

SEC. 1288. HIGH-LEVEL VISITS.

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

(b) VISIT TO THE UNITED STATES BY PRESIDENT OF TAIWAN.—It is the sense of Congress

that the United States would benefit from a meeting in the United States between the President or the Secretary of State and the President of Taiwan.

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

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

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

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

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

(a) IN GENERAL.—Section 1562(a)(1) of title 38, United States Code, is amended by striking “\$1,388.68” and inserting “\$3,500”.

(b) EFFECTIVE DATE.—

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

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

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

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

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

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

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

At the appropriate place, insert the following:

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

It is the sense of Congress that—

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

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

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

(A) the next of kin of such individual;

(B) the Speaker of the House of Representatives;

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

(D) the majority leader of the Senate;

(E) the minority leader of the Senate; and

(F) the President pro tempore of the Senate; and

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

SA 5721. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

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

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

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

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

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

(b) PLAN.—

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

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following elements:

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

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

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

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

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

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

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

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

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

(a) FINDINGS.—Congress finds the following:

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

(2) The strategic challenges emerging from the Indo-Pacific region require collaboration and cooperative solutions between the United States and its allies and partners.

(3) Australia has been one of the United States' closest allies for well over 100 years. This "Mateship" began with the visit of the American Great White Fleet to Sydney Harbor in 1908. The United States-Australia bond was soon sealed as troops from both countries fought and died together in World War I.

(4) Since World War I, Australians and Americans—

(A) have supported each other in every major military conflict in which the United States was involved; and

(B) have mutually supported each other in intelligence-sharing.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States must continue to build and maintain strong relationships with allies and partners in the Indo-Pacific region to successfully protect its vital interests and to ensure a free and open Indo-Pacific region;

(2) the Australia-United States relationship will continue to be vital throughout the 21st century and beyond;

(3) as the Australia-United States alliance evolves, it is necessary that emerging leaders in both countries develop a deeper understanding

of their ally's view of the world; and

(4) exchange programs between foreign policy and national security staff from the United States Congress and the Australian Parliament will further bind our nations together.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives, working through a designated nonprofit, such as a think tank, a foundation, or another suitable organization contracted by the Department of Defense competitive award process, shall work with appropriate leaders of the Australian Parliament to establish the Australia-United States Legislative Exchange Program (referred to in this section as the "Program").

(2) PURPOSE.—The purpose of the Program shall be to coordinate annual 1 to 2 week legislative exchanges between United States congressional staff and Australian parliamentary staff that focus on foreign policy, national security, and other issues of mutual interest between both countries.

(3) SELECTION OF STAFF.—

(A) CONGRESSIONAL STAFF.—In carrying out the Program, the congressional leaders referred to in paragraph (1), in consultation with the head of the nonprofit designated pursuant to paragraph (1), shall jointly select a bipartisan, bicameral group of congressional staff for each exchange described in paragraph (2).

(B) PARLIAMENTARY STAFF.—It is the sense of Congress that leaders in the Australian Parliament will select a politically balanced group of Australian parliamentary staff who will participate in each exchange described in paragraph (2).

(4) VENUES.—The exchanges described in paragraph (2) shall take place primarily in Washington, D.C. and Canberra, Australia, but may include opportunities for staff—

(A) to engage in cultural immersion activities; and

(B) to tour other key regions in each country in accordance with the purposes of the Program.

(5) PROGRAM ACTIVITIES.—Program participants, while visiting the partner country, shall—

(A) meet with senior executive branch and legislative branch officials, think tank scholars, and nonprofit advocacy groups; and

(B) participate in specially-designed courses covering the politics and foreign policy issues in such country with the intent to foster a deeper understanding of the political environment in which their counterparts operate.

(6) CONSULTATION.—In managing the Program on behalf of the congressional leaders referred to in paragraph (1), the head of the nonprofit designated pursuant to paragraph (1) shall consult with, and accepting guidance from, senior staff of the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives.

(7) ALUMNI NETWORK.—The head of the nonprofit designated pursuant to paragraph (1) shall establish an alumni network program, in cooperation with a representative of the Australian Parliament, that brings together past alumni of the program for special events or programs that provide for further exchanges and lasting relationships between policymakers and leaders in both countries.

SA 5723. Mr. COTTON submitted an amendment intended to be proposed to

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

At the appropriate place, insert the following:

SEC. _____. CERTIFICATIONS RELATED TO FOREIGN FUNDING OF CERTAIN TAX-EXEMPT RESEARCH AND ADVOCACY ORGANIZATIONS.

(a) IN GENERAL.—Section 501 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(s) ADDITIONAL CERTIFICATION REQUIREMENTS FOR CERTAIN RESEARCH AND ADVOCACY ORGANIZATIONS.—

“(1) IN GENERAL.—An applicable research and advocacy organization shall be exempt from tax under subsection (a) only if such organization submits an annual certification verifying that such organization has not accepted any contributions or other funding from entities that are owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 4872(d) of title 10, United States Code).

“(2) APPLICABLE RESEARCH AND ADVOCACY ORGANIZATION.—For purposes of this subsection, the term ‘applicable research and advocacy organization’ means any of the following:

“(A) An organization described in subsection (c)(3)—

“(i) which is organized or operated exclusively for—

“(I) research and educational purposes on matters of public policy or political strategy, or

“(II) engaging in advocacy on matters of public policy or political strategy,

“(ii) the research, educational, and advocacy material of which is available to the general public, and

“(iii) which is not an institution of higher education (as defined in section 1001 of the Higher Education Act of 1965 (20 U.S.C. 1001(a))).

“(B) An organization described in subsection (c)(4) which is affiliated with an organization described in subparagraph (A).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 5724. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. _____. STANDARDIZATION OF SECTIONAL BARGE CONSTRUCTION FOR DEPARTMENT OF DEFENSE USE ON RIVERS AND INTERCOASTAL WATERWAYS.

The Secretary of Defense shall ensure that any sectional barge used by the Department of Defense—

(1) is built to a design that has been reviewed and approved, to the extent possible, by the American Bureau of Shipping, for the intended barge service, and using the rule set of the American Bureau of Shipping for building and classing steel vessels for service on rivers and intercoastal waterways; and

(2) has a deck design that provides for a minimum concentrated load capacity of 10,000 pounds per square foot.

SA 5725. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. VETTING PROCEDURES AND MONITORING REQUIREMENTS FOR ALLIES AND PARTNERS PARTICIPATING IN EDUCATION OR TRAINING ACTIVITIES IN THE UNITED STATES.

(a) WAIVER BY SECRETARY OF DEFENSE.—Subsection (a) of section 1090 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283; 10 U.S.C. 113 note) is amended by adding at the end the following new paragraph:

“(5) WAIVER.—

“(A) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, and without delegation, waive the requirement to vet covered individuals under this section—

“(i) on a person-by-person basis, if the Secretary of Defense determines that the waiver is in the national security interests of the United States; or

“(ii) on a country-by-country basis, with respect to foreign nationals or other appropriate persons who hold a security clearance issued by that country, if the Secretary of Defense determines that the vetting procedures of the country are functionally equivalent to the vetting procedures of the United States for United States military personnel.

“(B) FUNCTIONAL EQUIVALENCE.—

“(i) DEFINITION.—The Secretary of Defense, in coordination with the Under Secretary of Defense for Intelligence and Security and in consultation, as appropriate, with the Secretary of State, shall establish and submit to the congressional defense committees a definition of functional equivalence for purposes of making a determination under subparagraph (A)(ii).

“(ii) ASSESSMENT.—The Secretary of Defense shall conduct an assessment of the vetting procedures of a country prior to making a determination of functional equivalence under subparagraph (A)(ii). Such assessment shall take into consideration any information about such procedures provided to the Secretary of Defense by the Secretary of State.

“(C) NOTIFICATION REQUIREMENT.—The Secretary of Defense shall submit a written no-

tification to the congressional defense committees not later than 48 hours after exercising the waiver authority under subparagraph (A), including a justification for the waiver and an assessment of the vetting procedures of a country, if appropriate.”.

(b) TYPE OF ACCESS COVERED.—Subsections (a) through (c) of such section 1090 are further amended by striking “physical access” each place it appears and inserting “unescorted physical access”.

(c) DEFINITIONS.—

(1) COVERED INDIVIDUAL.—Subsection (e)(2) of such section is amended to read as follows:

“(2) The term ‘covered individual’—

“(A) except as provided in subparagraph (B), means a foreign national or other appropriate person who is—

“(i) seeking unescorted physical access to a Department of Defense installation or facility within the United States; and

“(ii)(I) selected, nominated, or accepted for training or education for a period of more than 14 days occurring on a Department of Defense installation or facility within the United States; or

“(II) an immediate family member accompanying a foreign national or other appropriate person who has been so selected, nominated, or accepted for such training or education; and

“(B) does not include a foreign national or other appropriate person of Australia, Canada, New Zealand, or the United Kingdom who holds a security clearance issued by the country of the foreign national and has provided the Department of Defense a certification of such clearance.”.

(2) IMMEDIATE FAMILY MEMBER.—Subsection (e)(4) of such section is amended—

(A) by striking “means the parent” and inserting the following: “means a person who—

“(A) is the parent”;

(B) in subparagraph (A), as designated by subparagraph (A) of this paragraph, by striking the period and inserting “; and”; and

(C) by adding at the end the following new subparagraph:

“(B) has attained the age of 16 years old at the time that unescorted physical access is to begin.”.

(3) FOREIGN NATIONAL; OTHER APPROPRIATE PERSON.—Section 1090(e) of such Act is amended by adding at the end the following new paragraphs:

“(5) The term ‘foreign national’ means a person who is not a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(6) The term ‘other appropriate person’ means a person who is a citizen of both the United States and another country or who is an alien lawfully admitted for permanent residence in the United States, if such person intends to attend training or education on behalf of a foreign country.”.

(d) CLARIFYING AMENDMENT.—Such section is further amended by striking “Secretary” each place it appears and inserting “Secretary of Defense” in the following provisions:

(1) Paragraphs (2), (3), and (4) of subsection (a).

(2) Paragraph (1) of subsection (b) in the matter preceding subparagraph (A).

SA 5726. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1254. ANNUAL REPORT ON UNITED STATES PORTFOLIO INVESTMENTS IN THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of the Treasury shall submit to Congress a report on portfolio investments by United States persons in the People's Republic of China, including such investments routed through a jurisdiction outside the United States.

(b) ELEMENTS.—Each report required by subsection (a) shall include an assessment of the involvement of the following in portfolio investments in the People's Republic of China:

(1) United States persons making such investments, including an assessment of—

(A) the types of United States persons making such investments, including State pension funds; and

(B) United States persons making more than 2 percent of the total of such investments in a year.

(2) Chinese entities receiving such investments, including an assessment of—

(A) such entities in individual sectors of the economic of the People's Republic of China, including the housing sector;

(B) any Chinese entities subject to sanctions imposed by the United States receiving such investments; and

(C) Chinese entities that receive more than \$100,000,000 from such investments.

(c) PERIOD COVERED.—The period covered by a report required by subsection (a) shall be—

(1) in the case of the first such report, the period beginning on January 1, 2008, and ending on the date of the report; and

(2) in the case of each subsequent such report, the one-year period preceding submission of the report.

(d) DEFINITIONS.—In this section:

(1) CHINESE ENTITY.—The term “Chinese entity” means an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(2) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or any jurisdiction within the United States, including a foreign branch of such an entity.

SA 5727. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Sanctions With Respect to Chinese Communist Party

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Sanction Transactions Originating from Pernicious Chinese Companies and Policies Act of 2022” or the “STOP CCP Act of 2022”.

SEC. 1282. DEFINITIONS.

In this subtitle:

(1) CHINESE ENTITY.—The term “Chinese entity” means an entity organized under the laws of the People's Republic of China or otherwise subject to the jurisdiction of the Government of the People's Republic of China.

(2) PUBLICLY TRADED SECURITIES.—The term “publicly traded securities” includes—

(A) any security (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))) denominated in any currency that trades on a securities exchange, or through the method of trading that is commonly referred to as “over-the-counter”, in any jurisdiction; and

(B) any security that is derivative of or designed to provide investment exposure to a security described in subparagraph (A).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is 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 any jurisdiction within the United States, including a foreign branch of such an entity; or

(C) any person in the United States.

SEC. 1283. PROHIBITION ON SECURITIES INVESTMENTS THAT FINANCE CERTAIN COMPANIES OF THE PEOPLE'S REPUBLIC OF CHINA.

The following activities by a United States person are prohibited:

(1) The purchase or sale of any publicly traded securities, or any publicly traded securities that are derivative of such securities or are designed to provide investment exposure to such securities, issued by any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, and, as the Secretary of the Treasury deems appropriate, the Secretary of Defense—

(A) to operate or have operated in the defense and related materiel sector or the surveillance technology sector of the economy of the People's Republic of China; or

(B) to own or control, or to be owned or controlled by, directly or indirectly, a person described in subparagraph (A).

(2) The execution, support, or servicing of a purchase or sale described in paragraph (1).

(3) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate the prohibition under paragraph (1).

(4) Any conspiracy formed to violate the prohibition under paragraph (1).

SEC. 1284. EXPANSION OF NON-SPECIALLY DESIGNATED NATIONALS CHINESE MILITARY-INDUSTRIAL COMPLEX COMPANIES LIST.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe regulations to expand the Non-Specially Designated Nationals Chinese Military-Industrial Complex Companies List (commonly referred to as the “NS-CMIC List”) of the Office of Foreign Assets Control to include—

(1) any entity engaged in supporting the Chinese military-industrial complex;

(2) any entity that is owned or controlled by an entity described in paragraph (1);

(3) any entity that is formed from a spin-off, merger or acquisition, or sale of a business unit involving an entity described in

paragraph (1) or is otherwise a successor to such an entity; and

(4) any entity that provides financial services for an entity described in paragraph (1), (2), or (3).

SEC. 1285. CLOSING SANCTIONS LOOPHOLES.

(a) IN GENERAL.—If sanctions are imposed with respect to a Chinese entity under any statute or executive order described in subsection (b), sanctions shall be imposed with respect to the Chinese entity under each other applicable statute and executive order described in subsection (b) unless—

(1) the President waives the imposition of such sanctions; or

(2) a waiver provided for under such other statute or executive order applies.

(b) STATUTES AND EXECUTIVE ORDERS DESCRIBED.—A statute or executive order described in this subsection is a statute or executive order that provides for the imposition of sanctions.

(c) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The President may waive the application of any sanction imposed with respect to any person under subsection (a) if the President determines and certifies to Congress that such a waiver is important to the national security interests of the United States.

(2) NOTIFICATION OF AND REPORT TO CONGRESS.—If the President decides to exercise the waiver authority provided under paragraph (1), the President shall, not less than 20 days before the waiver takes effect, submit to Congress a report—

(A) notifying Congress of the decision to exercise the waiver authority; and

(B) fully articulating the rationale and circumstances that led to the decision.

(d) TERMINATION OF SANCTIONS TO BE REPORTED TO CONGRESS.—Not later than 20 days after the termination of any sanction under subsection (a), the President shall promptly submit to Congress a report on that termination and the reasons for the termination.

SA 5728. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to 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. _____. SEC REPORTING.

The Securities and Exchange Commission, as part of its evaluation of potential guidance on reporting on environmental, social, and governance matters by publicly traded companies, shall require reporting of—

(1) sourcing and due diligence activities of such companies involving supply chains of products that are imported into the United States that are directly linked to products utilizing forced labor from Xinjiang, China;

(2) transactions with companies that have been—

(A) placed on the Entity List by the Department of Commerce; or

(B) designated by the Department of the Treasury as Chinese Military-Industrial Complex Companies; and

(3) with respect to publicly traded United States companies with facilities in China, on an annual basis—

(A) whether there is a Chinese Communist Party committee in the operations of the company; and

(B) a summary of the actions and corporate decisions in which any committee described in subparagraph (A) may have participated.

SA 5729. 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 F of title III, add the following:

SEC. 389. REVIEW BY DEPARTMENT OF THE ARMY OF EXECUTION OF FOOD SERVICE CONTRACTS.

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a review of the practices of the Mission and Installation Contracting Command of the Army in executing existing food service contracts.

(2) ELEMENTS.—The review required by paragraph (1) shall examine the following:

(A) Whether current food service contract payment practices of the Mission and Installation Contracting Command are consistent with the contractual obligations and policy of such command, including—

(i) delaying or withholding scheduled contractor payment;

(ii) making pre-payment deductions from contractor payment;

(iii) reducing contract payment price if the number of alleged performance defects is within the acceptable quality level stated in the contract; and

(iv) reducing contractor payment based upon deficiencies without informing the contractor of such deficiencies.

(B) Whether current inspection practices are consistent with the contractual obligations and policy of such command, including—

(i) prohibiting a contractor or their representative from accompanying inspectors; and

(ii) refusing to provide to a contractor copies of inspection reports or results of an inspection.

(C) The percentage of deductions identified in the inspection process relating to food service contracts that are a direct result of the failure by the Department of the Army to replace or repair food service-related equipment.

(D) At which installations of the Army the practices specified in clauses (i) through (iv) of subparagraph (A) and clauses (i) and (ii) of subparagraph (B) have taken place since October 1, 2021.

(b) REPORT REQUIRED.—Not later than September 30, 2023, the Secretary of the Army shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the review conducted under subsection (a).

SA 5730. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to 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 G of title V, add the following:

SEC. 575. ENHANCED INFORMATION RELATED TO AWARDING OF THE PURPLE HEART.

(a) PUBLICATION OF AWARD CRITERIA.—Not later than 180 days after the date of the enactment of this Act, each military service shall ensure that a publicly available website includes a link to—

(1) a description of the background of the Purple Heart;

(2) the eligibility criteria for awarding the Purple Heart; and

(3) contact information for that service's awards and decorations branch liaison to facilitate confirmation by a veteran or a veteran's next of kin whether a veteran has been awarded the Purple Heart after December 31, 2002.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the chief of each military service shall submit to the congressional defense committees a report on implementation of the requirements under subsection (a). The report shall—

(1) provide background on the publicly accessible website described under subsection (a);

(2) include the number of requests received by the service related to confirming the award of a Purple Heart;

(3) describe the average response time for confirming the award of a Purple Heart in response to an inquiry from a veteran or next of kin; and

(4) include recommendations for decreasing the amount of time taken to respond to such inquiries.

SA 5731. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL MARITIME HERITAGE GRANTS PROGRAM.

Section 308703 of title 54, United States Code, is amended—

(1) in subsection (b)(1), by inserting “subsection (k) and” after “amounts for that purpose under”;

(2) in subsection (c)(1), by inserting “subsection (k) and” after “amounts for that purpose under”;

(3) by adding at the end the following:

“(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$10,000,000 for each of fiscal years 2023 and 2024.”.

SA 5732. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for

fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 155. SENSE OF THE SENATE ON USE OF TOTAL COST OF OWNERSHIP MODEL FOR PROCUREMENT OF NONTACTICAL VEHICLES.

(a) FINDINGS.—Congress finds the following:

(1) It is financially prudent for the Department of Defense to procure cost-effective zero-emission vehicles by considering the total cost of ownership (referred to in this section as “TCO”) of such vehicles.

(2) A TCO procurement model would account for operating costs of vehicles, including fuel, maintenance, and public health savings.

(3) Use of a TCO procurement model by the Department of Defense in the procurement of nontactical vehicles would maximize cost savings and bolster energy and national security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Defense should calculate and consider the TCO when procuring a nontactical vehicle; and

(2) the Department of Defense, when conducting any action with the Government Services Administration relating to the procurement or requisition of a nontactical vehicle, should—

(A) work with the Department of Energy to develop a TCO procurement model that uses State-wide, regional, and inventory variables to estimate the cost of converting the nontactical vehicle fleet of the Department of Defense to zero-emission vehicles;

(B) submit to Congress a report summarizing such procurement or requisition that, at a minimum, identifies—

(i) types of vehicles by—

(I) size; and

(II) fuel source; and

(ii) the total estimated cost savings and avoided emissions that result or would have resulted from the purchase or lease of a zero-emission vehicle instead of an internal combustion engine vehicle;

(C) incorporate the TCO procurement model developed under subparagraph (A) into any such procurement or requisition action; and

(D) authorize any exemptions from use of the TCO procurement model developed under subparagraph (A) as the Secretary of Defense considers appropriate, including by—

(i) authorizing exemptions for certain categories of vehicles, including emergency vehicles or other nontactical vehicles as determined by the Secretary, when a vehicle type is not available for the needed application;

(ii) authorizing exemptions upon finding that a zero-emission vehicle is not a practicable alternative to an internal combustion engine vehicle for a particular use, or for some other compelling reason; and

(iii) developing guidance regarding procedures for requesting such exemptions, including the criteria for evaluating such exemption requests, which should be published on the website of the Department of Defense and given a 30-day period for public review and comment before the Department adopts or revises such guidance.

SA 5733. Mr. KING (for himself, Mr. ROUNDS, Ms. ROSEN, Ms. HASSAN, and

Mr. 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 in subtitle G of title X, insert the following:

SEC. 10. INSTITUTE A 5-YEAR TERM FOR THE DIRECTOR OF CYBERSECURITY AND INFRASTRUCTURE SECURITY.

(a) IN GENERAL.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting “The term of office of an individual serving as Director shall be 5 years.” after “who shall report to the Secretary.”.

(b) TRANSITION RULES.—The amendment made by subsection (a) shall take effect on the first appointment of an individual to the position of Director of Cybersecurity and Infrastructure Security, by and with the advice and consent of the Senate, that is made on or after the date of enactment of this Act.

SA 5734. Mr. HOEVEN submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 372. REPORT ON WEAPONS GENERATION FACILITIES OF THE AIR FORCE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the construction by the Air Force of weapons generation facilities.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) For installations of the Air Force that do not have a weapons storage area—

(A) the total number of weapons generation facilities to be constructed at installations assigned to Air Force Global Strike Command and a timeline for starting and completing construction of each such facility, including construction occurring after September 30, 2028; and

(B) the expected date on which the Air Force expects to begin to store weapons at each such facility.

(2) For installations assigned to Air Force Global Strike Command that have a weapons storage area—

(A) the total number of weapons storage areas to be replaced with weapons generation facilities and the estimated date by which each installation will require a weapons generation facility to execute the mission of such command, including dates estimated to be later than September 30, 2028;

(B) a description of the weapons currently stored in each weapons storage area;

(C) the expected date on which the Air Force expects to store weapons other than those described in subparagraph (B) at—

(i) an existing weapons storage area; or
(ii) a weapons generation facility that replaces an existing weapons storage area; and
(D) a mitigation plan to ensure that a weapons storage area can support the safe and secure storage of weapons other than those described in subparagraph (B) if required to do so prior to the construction of a weapons generation facility.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 5735. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1035. INADMISSIBILITY OF MEMBERS OF SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS.

(a) SHORT TITLE.—This section may be cited as the “Significant Transnational Criminal Organization Designation Act”.

(b) IN GENERAL.—Section 212(a)(2)(F) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(F)) is amended to read as follows:

“(F) MEMBERSHIP IN A SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), any alien who—

“(I) is a member of a significant transnational criminal organization; or

“(II) is the spouse or child of an alien described in subclause (I),
is inadmissible.

“(ii) EXCEPTION.—Clause (i)(II) shall not apply to a spouse or child—

“(I) who did not know, or should not reasonably have known, that his or her spouse or parent was a member of a significant transnational criminal organization; or

“(II) whom the consular officer or the Attorney General has reasonable grounds to believe has renounced the significant transnational criminal organization to which his or her spouse or parent belongs.”.

(c) DESIGNATION OF SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“SEC. 219A. DESIGNATION OF SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS.

“(a) DESIGNATION.—

“(1) IN GENERAL.—The Attorney General is authorized to designate an organization as a significant transnational criminal organization in accordance with this subsection if the Attorney General, after consultation with the Secretary of State, the Secretary of the Treasury, and the Secretary of Homeland Security, determines that—

“(A) the organization is a foreign organization;

“(B) the organization—

“(i) engages in criminal activity that involves or affects commerce in the United States; or

“(ii) retains the ability and intent to engage in such criminal activity; and

“(C) the criminal activity of the organization threatens the security of United States nationals or the national security of the United States.

“(2) PROCEDURE.—

“(A) NOTICE.—

“(i) TO CONGRESSIONAL LEADERS.—Not later than 7 days before making a designation under this subsection, the Attorney General shall, by classified communication—

“(I) notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate an organization under this subsection; and

“(II) submit the findings made under paragraph (1) with respect to that organization, including the factual basis for such determination.

“(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney General shall publish the designation in the Federal Register not later than 76 days after providing the notification under clause (i).

“(B) EFFECT OF DESIGNATION.—A designation under this subsection—

“(i) shall take effect upon publication under subparagraph (A)(ii), for purposes of section 212(a)(2)(F) of this Act and section 2339B of title 18, United States Code; and

“(ii) shall cease to have effect upon an Act of Congress disapproving such designation.

“(C) FREEZING OF ASSETS.—Upon notification under paragraph (2)(A)(i), the Secretary of the Treasury may require United States financial institutions possessing or controlling any assets of any foreign organization included in the notification to block all financial transactions involving those assets until further directive from either the Secretary of the Treasury, Act of Congress, or order of court.

“(3) RECORD.—

“(A) IN GENERAL.—In making a designation under this subsection, the Attorney General shall create an administrative record.

“(B) CLASSIFIED INFORMATION.—The Attorney General may consider classified information in making a designation under this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(4) PERIOD OF DESIGNATION.—

“(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (c).

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Attorney General shall review the designation of a significant transnational criminal organization under the procedures set forth in clauses (iii) and (iv) if the designated organization files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated organization has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated organization has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any significant transnational criminal organization that submits a petition for revocation under this

subparagraph shall provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the organization is warranted.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination regarding such petition.

“(II) CLASSIFIED INFORMATION.—The Attorney General may consider classified information in making a determination in response to a petition for revocation. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(III) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

“(IV) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If no review is conducted pursuant to subparagraph (B) during the 5-year period beginning on the date on which a designation under this subsection takes effect, the Attorney General shall review the designation of the significant transnational criminal organization in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

“(A) IN GENERAL.—The Attorney General—

“(i) may revoke a designation made under paragraph (1) at any time; and

“(ii) shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Attorney General determines that—

“(I) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

“(II) the national security of the United States warrants a revocation.

“(B) PROCEDURE.—The procedural requirements under paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.

“(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed before the effective date of such revocation.

“(8) USE OF DESIGNATION IN TRIAL OR HEARING.—If a designation under this subsection has become effective pursuant to paragraph (2)(B), a defendant in a criminal action or an alien in a removal proceeding shall not be permitted to raise any question concerning

the validity of the issuance of such designation as a defense or an objection at any trial or hearing.

“(b) AMENDMENTS TO A DESIGNATION.—

“(1) IN GENERAL.—The Attorney General may amend a designation under this subsection if the Attorney General discovers that the organization has changed its name, adopted a new alias, dissolved and then reconstituted itself under a different name or names, or merged with another organization.

“(2) PROCEDURE.—Amendments made to a designation in accordance with paragraph (1) shall be effective upon publication in the Federal Register. Subparagraphs (B) and (C) of subsection (a)(2) shall apply to an amended designation upon such publication. Paragraphs (2)(A)(i), (4), (5), (6), (7), and (8) of subsection (a) shall apply to an amended designation.

“(3) ADMINISTRATIVE RECORD.—The administrative record shall be corrected to include the amendments and any additional relevant information that supports such amendments.

“(4) CLASSIFIED INFORMATION.—The Attorney General may consider classified information in amending a designation in accordance with this subsection. Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (c).

“(c) JUDICIAL REVIEW OF DESIGNATION.—

“(1) IN GENERAL.—Not later than 30 days after publication in the Federal Register of a designation, an amended designation, or a determination in response to a petition for revocation, the designated organization may seek judicial review in the United States Court of Appeals for the District of Columbia Circuit.

“(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information used in making the designation, amended designation, or determination in response to a petition for revocation.

“(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation, amended designation, or determination in response to a petition for revocation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

“(D) lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under paragraph (2), or

“(E) not in accord with the procedures required by law.

“(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation, amended designation, or determination in response to a petition for revocation shall not affect the application of this section, unless the court issues a final order setting aside the designation, amended designation, or determination in response to a petition for revocation.”.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended by inserting after the item relating to section 219 the following:

“Sec. 219A. Designation of significant transnational criminal organizations.”.

(d) PROVIDING MATERIAL SUPPORT OR RESOURCES TO SIGNIFICANT TRANSNATIONAL

CRIMINAL ORGANIZATIONS.—Section 2339B of title 18, United States Code, is amended—

(1) by inserting “or a significant transnational criminal organization” after “foreign terrorist organization” each place such term appears;

(2) in subsection (a)(1), by amending the second sentence to read as follows: “A person may not be prosecuted for violating this paragraph unless the person has knowledge that the organization referred to in the previous sentence—

“(A) is a designated terrorist organization;

“(B) is a significant transnational criminal organization;

“(C) has engaged or engages in terrorist activity (as defined in section 212(a)(3)(B) of the Immigration and Nationality Act); or

“(D) has engaged or engages in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).”;

(3) in subsection (g)—

(A) in paragraph (5), by striking “and” at the end;

(B) by redesignating paragraph (6) as paragraph (7); and

(C) by inserting after paragraph (5) the following:

“(6) the term ‘significant transnational criminal organization’ means an organization so designated under section 219A of the Immigration and Nationality Act; and”.

SA 5736. Mr. COONS submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 2842. LAND CONVEYANCE, LEWES, DELAWARE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army (in this section referred to as the “Secretary”) may convey, without consideration, to the City of Lewes, Delaware (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5.26 acres located at 1137 Savannah Road, Lewes, Delaware 19958, for the purpose of housing a new municipal campus for Lewes City Hall, a police station, and a board of public works.

(b) REVERSIONARY INTEREST.—

(1) IN GENERAL.—If the Secretary determines at any time that the property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereto, may, at the option of the Secretary, revert to and become the property of the United States, and the United States may have the right of immediate entry onto such property.

(2) DETERMINATION.—A determination by the Secretary under paragraph (1) may be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT AUTHORIZED.—

(A) IN GENERAL.—The Secretary may require the City to cover all costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to

reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance.

(B) REFUND.—If amounts are collected from the City under subparagraph (A) in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance under subsection (a), the Secretary may refund the excess amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the conveyance under subsection (a) may be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance, or to an appropriate fund or account currently available to the Secretary for the purposes for which the costs were paid. Amounts so credited may be merged with amounts in such fund or account and may be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) may be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 5737. Mr. COONS (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. AUTHORIZATION TO ESTABLISH COMMEMORATIVE WORK TO HONOR JEAN MONNET.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) SPONSOR.—The term “Sponsor” means the Government of France.

(b) AUTHORIZATION.—

(1) IN GENERAL.—The Sponsor may establish a commemorative work on Federal land in the District of Columbia and its environs to honor the extraordinary contributions of Jean Monnet with respect to—

(A) restoring peace between European nations; and

(B) establishing the European Union.

(2) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the commemorative work under this section shall be in accordance with chapter 89 of title 40, United States Code (commonly known as the “Commemorative Works Act”).

(3) PROHIBITION ON THE USE OF FEDERAL FUNDS.—

(A) IN GENERAL.—Federal funds may not be used to pay any expense of the establishment

or maintenance of the commemorative work under this section.

(B) ACCEPTANCE OF CONTRIBUTIONS AND PAYMENT OF EXPENSES.—The Sponsor shall be solely responsible for the acceptance of contributions for, and the payment of the expenses of, the establishment and maintenance of the commemorative work under this section.

(4) DEPOSIT OF EXCESS FUNDS.—

(A) IN GENERAL.—If, on payment of all expenses for the establishment of the commemorative work under this section (including the maintenance and preservation amount required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Sponsor shall transmit the amount of the balance to the Secretary for deposit in the account provided for in section 8906(b)(3) of that title.

(B) ON EXPIRATION OF AUTHORITY.—If, on expiration of the authority for the commemorative work under section 8903(e) of title 40, United States Code, there remains a balance of funds received for the establishment of the commemorative work under this section, the Sponsor shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary or the Administrator of General Services, as appropriate, in accordance with the process provided in paragraph (4) of section 8906(b) of that title for accounts established under paragraph (2) or (3) of that section.

SA 5738. Mr. VAN HOLLEN (for himself and Mr. TILLS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

Subtitle —HBCU RISE Act

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “HBCU Research, Innovation, Security, and Excellence Act” or the “HBCU RISE Act”.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Historically Black colleges and universities hold a unique position in the efforts of the United States to diversify the science, technology, engineering, and mathematics academic and workforce communities.

(2) Although our Nation’s historically Black colleges and universities make up just 3 percent of the colleges and universities in the United States, historically Black colleges and universities graduate 25 percent of African-American students with baccalaureate degrees in the fields of science, technology, engineering, and mathematics.

(3) Historically Black colleges and universities are the institution of origin for almost 30 percent of Black graduates of science and engineering doctorate programs.

(4) The health of the Department of Defense and the United States research ecosystem relies on high quality researchers from a diverse talent pool.

(5) Historically Black colleges and universities have a history of conducting high quality research in unique areas, both providing

impactful research outcomes and developing the next generation of the research ecosystem, including by—

(A) conducting high quality research in unique areas that has enriched the Department of Defense research enterprise and the United States research ecosystem;

(B) strengthening and diversifying the United States research ecosystem by increasing the number of students who are students of diverse backgrounds from historically Black colleges and universities with undergraduate or graduate degrees in science, technology, engineering, or mathematics; and

(C) fueling domestic and international collaborations that led to trailblazing discoveries and innovative technologies.

(6) In 2019, historically Black colleges and universities received \$371,000,000, or about 0.8 percent of the \$44,500,000,000 in Federal funding to institutions of higher education for research and development. The amount of funding for 2019 is a marked decrease from fiscal year 2018, when historically Black colleges and universities received \$400,000,000 in Federal research and development funding (0.9 percent of the Federal funding to institutions of higher education for such purposes).

(7) There are no historically Black colleges and universities designated as very high research activity status, as classified by the Carnegie Classification of Institutions of Higher Education.

(8) Meaningfully investing in the research capacity of historically Black colleges and universities is an investment in our Nation’s future and will help meet accelerating science, technology, engineering, and mathematics workforce demands and safeguard the national security interests of the United States.

SEC. 3. PURPOSE.

The purpose of the program established under this subtitle is to provide additional pathways needed for further increasing capacity at historically Black colleges and universities to achieve and maintain very high research activity status.

SEC. 4. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE INSTITUTION.—The term “eligible institution” means a historically Black college or university that is classified as a high research activity status institution at the time of application for a grant under section 5.

(2) HIGH RESEARCH ACTIVITY STATUS.—The term “high research activity status” means R2 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) SECRETARY.—The term “Secretary” means the Secretary of Defense.

(5) VERY HIGH RESEARCH ACTIVITY STATUS.—The term “very high research activity status” means R1 status, as classified by the Carnegie Classification of Institutions of Higher Education.

(6) VERY HIGH RESEARCH ACTIVITY STATUS INDICATORS.—The term “very high research activity status indicators” means the categories used by the Carnegie Classification of Institutions of Higher Education to delineate which institutions have very high activity status, including—

(A) annual expenditures in science and engineering;

(B) per-capita (faculty member) expenditures in science and engineering;

(C) annual expenditures in non-science and engineering fields;

(D) per-capita (faculty member) expenditures in non-science and engineering fields;

(E) doctorates awarded in science, technology, engineering, and mathematics fields;

(F) doctorates awarded in social science fields;

(G) doctorates awarded in the humanities;

(H) doctorates awarded in other fields with a research emphasis;

(I) total number of research staff including postdoctoral researchers;

(J) other doctorate-holding non-faculty researchers in science and engineering and per-capita (faculty) number of doctorate-level research staff including post-doctoral researchers; and

(K) other categories utilized to determine classification.

SEC. ____ 5. PROGRAM TO INCREASE CAPACITY TOWARD ACHIEVING VERY HIGH RESEARCH ACTIVITY STATUS AT HISTORICALLY BLACK COLLEGES OR UNIVERSITIES.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish and carry out, using funds made available for research activities, a pilot program to increase capacity at high research activity status (R2) historically Black colleges and universities toward achieving very high research activity status (R1) during the grant period.

(2) RECOMMENDATIONS.—In establishing such a program, the Secretary may consider the recommendations pursuant to section 262 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116-92; 10 U.S.C. 2362 note) and section 220 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81).

(b) GRANTS AUTHORIZED.—The Secretary shall award, on a competitive basis, grants to eligible institutions to carry out the activities under subsection (d)(1).

(c) APPLICATION.—A eligible institution seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, including a description of—

(1) nascent research capabilities and research areas of interest to the Department of Defense;

(2) a plan for increasing the level of research activity toward achieving very high research activity status classification during the grant period, including measurable milestones such as growth in very high research activity status indicators and other relevant factors;

(3) how such institution will sustain the increased level of research activity after the conclusion of the grant period; and

(4) how the institution will evaluate and assess progress with respect to the implementation of the plan under paragraph (2).

(d) PROGRAM COMPONENTS.—

(1) USE OF FUNDS.—An eligible institution that receives a grant under this section shall use the grant funds to support research activities with respect to research areas as determined by the Secretary under paragraph (2), including—

(A) faculty professional development;

(B) stipends for undergraduate and graduate students and post-doctoral scholars;

(C) laboratory equipment and instrumentation;

(D) recruitment and retention of faculty and graduate students;

(E) communication and dissemination of products produced during the grant period;

(F) construction, modernization, rehabilitation, or retrofitting of facilities for research purposes; and

(G) other activities necessary to build capacity in very high research activity status indicators.

(2) STRATEGIC AREAS OF SCIENTIFIC RESEARCH.—The Secretary, in consultation with the Defense Science Board, shall establish and update on an annual basis a list of research areas for which applicants can seek funding.

(3) RESEARCH PROGRESS REPORTING.—Not later than 3 years after receiving a grant under this section, and every 3 years thereafter, an eligible institution shall submit to the Secretary—

(A) a report that includes an assessment by the institution, using the criteria established under subsection (c)(4), of the progress made by such institution with respect to achieving very high research activity status indicators; and

(B) an updated plan described in subsection (c)(2).

(4) GRANT PERIOD.—A grant awarded under this section shall be for a period of not more than 10 years, as determined by the Secretary.

(5) EXPANSION OF ELIGIBILITY.—The Secretary may award grants under this section to historically Black colleges and universities that are not eligible institutions if the Secretary determines that the program can support such colleges and universities while achieving the purpose of the program described in this subtitle.

(e) EVALUATION.—Not later than 5 years after the date of the enactment of this subtitle, the Secretary shall prepare and submit a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives providing an update on the pilot program, including—

(1) activities carried out under the pilot program;

(2) an analysis of the growth in very high research activity status indicators of eligible institutions that received a grant under this section; and

(3) emerging research areas of interest to the Department of Defense conducted by eligible institutions that received a grant under this section.

(f) TERMINATION.—The authority of the Secretary to award grants under the pilot program established under this section shall terminate 10 years after the date on which the Secretary establishes such program.

(g) REPORT TO CONGRESS.—Not later than 180 days after the termination of the pilot program under subsection (f), the Secretary shall prepare and submit a report to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives on the pilot program that includes the following elements:

(1) An analysis of the growth in very high research activity status indicators of eligible institutions that received a grant under this section.

(2) An evaluation on the effectiveness of the program in increasing the research capacity of eligible institutions that received a grant under this section.

(3) A description of how institutions that have achieved very high research activity status plan to sustain that status beyond the duration of the program.

(4) An evaluation of the maintenance of very high research activity status by eligible institutions that received grant under this section.

(5) An evaluation of the effectiveness of the program in increasing diversity of students conducting high quality research in unique areas.

(6) Recommendations with respect to further activities and investments necessary to elevate the research status of historically Black colleges and universities.

(7) Recommendations on whether the program established should be renewed or expanded.

SA 5739. 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. ____ SUPPORT FOR RESEARCH AND DEVELOPMENT OF BIOINDUSTRIAL MANUFACTURING PROCESSES.

(a) AUTHORIZATION.—Subject to the availability of appropriations, the Secretary of Defense shall provide support to manufacturing innovation institutes for the research and development of innovative bioindustrial manufacturing processes and the development of a network of bioindustrial manufacturing facilities to improve the ability of the industrial base to use such processes for the production of chemicals, materials, and other products necessary to support national security or secure fragile supply chains.

(b) FORM OF SUPPORT.—The support provided under subsection (a) may consist of—

(1) the establishment of one or more manufacturing innovation institutes specializing in the research and development of bioindustrial manufacturing processes;

(2) providing funding to one or more existing manufacturing innovation institutes—

(A) to support the research and development of bioindustrial manufacturing processes; or

(B) to otherwise expand the bioindustrial manufacturing capabilities of such institutes;

(3) the establishment of dedicated facilities within one or more manufacturing innovation institutes to serve as regional hubs for the research, development, and the scaling of bioindustrial manufacturing processes and products to higher levels of production; or

(4) designating a manufacturing innovation institute to serve as the lead entity responsible for integrating a network of pilot and intermediate scale bioindustrial manufacturing facilities.

(c) ACTIVITIES.—A manufacturing innovation institute that receives support under subsection (a) shall carry out activities relating to the research, development, test, and evaluation of innovative bioindustrial manufacturing processes and the scaling of bioindustrial manufacturing products to higher levels of production, which may include—

(1) research on the use of bioindustrial manufacturing to create materials such as polymers, coatings, resins, commodity chemicals, and other materials with fragile supply chains;

(2) demonstration projects to evaluate bioindustrial manufacturing processes and technologies;

(3) activities to scale bioindustrial manufacturing processes and products to higher levels of production;

(4) strategic planning for infrastructure and equipment investments for bioindustrial manufacturing of defense-related materials;

(5) analyses of bioindustrial manufactured products and validation of the application of biological material used as input to new and

existing processes to aid in future investment strategies and the security of critical supply chains;

(6) the selection, construction, and operation of pilot and intermediate scale bioindustrial manufacturing facilities;

(7) development and management of a network of facilities to scale production of bioindustrial products;

(8) activities to address workforce needs in bioindustrial manufacturing;

(9) establishing an interoperable, secure, digital infrastructure for collaborative data exchange across entities in the bioindustrial manufacturing community, including government agencies, industry, and academia;

(10) developing and implementing digital tools, process security and assurance capabilities, cybersecurity protocols, and best practices for data storage, sharing and analysis; and

(11) such other activities as the Secretary of Defense determines appropriate.

(d) **CONSIDERATIONS.**—In determining the number, type, and location of manufacturing innovation institutes or facilities to support under subsection (a), the Secretary of Defense shall consider—

(1) how the institutes or facilities may complement each other by functioning as a together as a network;

(2) how to geographically distribute support to such institutes or facilities—

(A) to maximize access to biological material needed as an input to bioindustrial manufacturing processes;

(B) to leverage available industrial and academic expertise;

(C) to leverage relevant domestic infrastructure required to secure supply chains for chemicals and other materials; and

(D) to complement the capabilities of other manufacturing innovation institutes and similar facilities; and

(3) how the activities supported under this section can be coordinated with relevant activities of other departments and agencies of the Federal Government.

(e) **PLAN REQUIRED.**—

(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 appropriate congressional committees and the National Security Commission on Emerging Biotechnology a plan for the implementation of this section that includes—

(A) a description of types, relative sizes, and locations of the manufacturing innovation institutes or facilities the Secretary intends to establish or support under this section;

(B) a general description of the focus of each institute or facility, including the types of bioindustrial manufacturing equipment, if any, that are expected to be procured for each such institute or facility;

(C) a general description of how the institutes and facilities will work as a network to maximize the diversity of bioindustrial products available to be produced by the network;

(D) an explanation of how the network will support the establishment and maintenance of the bioindustrial manufacturing industrial base; and

(E) an explanation of how the Secretary intends to ensure that bioindustrial manufacturing activities conducted under this section are modernized digitally, including through—

(i) the use of a data automation to represent processes and products as models and simulations; and

(ii) the implementation of measures to address cybersecurity and process assurance concerns.

(2) **BRIEFINGS.**—Not later than 180 days after the date of the submittal of the plan

under paragraph (1), and biannually thereafter for five years, the Secretary of Defense shall provide to the appropriate congressional committees a briefing on the progress toward the implementation of the plan.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Committee on Agriculture and the Committee on Science, Space, and Technology of the House of Representatives.

(2) The term “bioindustrial manufacturing” means the use of living organisms, cells, tissues, enzymes, or cell-free systems to produce materials and products for non-pharmaceutical applications.

(3) The term “manufacturing innovation institute” means a Manufacturing USA institute (as described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d))) that is funded by the Department of Defense.

SA 5740. Mr. PADILLA submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 3118. DESIGNATION OF NATIONAL NUCLEAR SECURITY ADMINISTRATION AS TECHNICAL NUCLEAR FORENSICS LEAD.

Section 3211(b) of the National Nuclear Security Administration Act (50 U.S.C. 2401(b)) is amended by adding at the end the following new paragraph:

“(7) To lead the technical nuclear forensics efforts of the United States.”.

SA 5741. Mr. PADILLA (for himself, Mr. CRAMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 1077. MODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSFER EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT AND AUTHORITY TO TRANSFER EXCESS AIRCRAFT TO STATES.

Section 1091 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 10 U.S.C. 2576 note) is amended—

(1) in the section heading, by inserting “AND TO STATES” after “FEDERAL GOVERNMENT”;

(2) in subsection (a), in the first sentence, by striking “and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard” and inserting “for use by the Forest Service, to the Secretary of Homeland Security for use by the United States Coast Guard, and to the Governor of a State”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “or the United States Coast Guard as a suitable platform to carry out their respective missions” and inserting “, the United States Coast Guard, or the Governor of a State, as the case may be, as a suitable platform to carry out wildfire suppression, search and rescue, or emergency operations pertaining to wildfires”;

(B) in paragraph (3), by striking “; and” and inserting a semicolon;

(C) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) in the case of aircraft to be transferred to the Governor of a State, acceptable for use by the State, as determined by the Governor.”;

(4) by striking subsection (c);

(5) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “up to seven”; and

(ii) by inserting “the Governor of a State or to” after “offered to”; and

(B) by amending paragraph (2) to read as follows:

“(2) **EXPIRATION OF RIGHT OF REFUSAL.**—A right of refusal afforded the Secretary of Agriculture or the Secretary of Homeland Security under paragraph (1) with regards to an aircraft shall expire upon official notice of such Secretary to the Secretary of Defense that such Secretary declines such aircraft.”;

(6) in subsection (e)—

(A) in the matter preceding paragraph (1), by inserting “or to the Governor of a State” after “the Secretary of Agriculture”;

(B) in paragraph (1), by striking “wildfire suppression purposes” and inserting “purposes of wildfire suppression, search and rescue, or emergency operations pertaining to wildfires”;

(C) in paragraph (2)—

(i) by inserting “, search and rescue, emergency operations pertaining to wildfires,” after “efforts”; and

(ii) by inserting “or Governor of the State, as the case may be,” after “Secretary of Agriculture”;

(7) in subsection (f), by striking “or the Secretary of Homeland Security” and inserting “, the Secretary of Homeland Security, or the Governor of a State”;

(8) in subsection (g), by striking “and the Secretary of Homeland Security” and inserting “, the Secretary of Homeland Security, or the Governor of the State to which such aircraft is transferred”;

(9) by adding at the end the following new subsection:

“(h) **REPORTING.**—Not later than December 1, 2022, and annually thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on aircraft transferred, during the fiscal year preceding the date of such report, to—

“(1) the Secretary of Agriculture, the Secretary of Homeland Security, or the Governor of a State under this section;

“(2) the chief executive officer of a State under section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1318); or

“(3) the Secretary of the Air Force or the Secretary of Agriculture under section 1098 of the National Defense Authorization Act

for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 881)."; and

(10) by redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

SA 5742. 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. 10. LAND HELD IN TRUST FOR THE KARUK TRIBE.

(a) FINDINGS.—Congress finds that—

(1) the Katimiin and Aameekyáaraam land is located in the ancestral territory of the Karuk Tribe; and

(2) the Karuk Tribe has historically used, and has an ongoing relationship with, the Katimiin and Aameekyáaraam land.

(b) DEFINITIONS.—In this section:

(1) KATIMIIN AND AAMEEKYÁARAAM LAND.—The term “Katimiin and Aameekyáaraam land” means the approximately 1,031 acres of Federal land, including improvements and appurtenances to the Federal land, located in Siskiyou County, California, and Humboldt County, California, and generally depicted as “Proposed Area” on the map of the Forest Service entitled “Katimiin Area Boundary Proposal” and dated August 9, 2021.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(c) ADMINISTRATIVE TRANSFER.—Administrative jurisdiction of the Katimiin and Aameekyáaraam land is hereby transferred from the Secretary of Agriculture to the Secretary, subject to the condition that the Chief of the Forest Service shall continue to manage the component of the National Wild and Scenic Rivers System that flows through the Katimiin and Aameekyáaraam land.

(d) LAND HELD IN TRUST.—The Katimiin and Aameekyáaraam land is hereby taken into trust by the Secretary for the benefit of the Karuk Tribe, subject to—

(1) valid existing rights, contracts, and management agreements relating to easements and rights-of-way; and

(2) continued access by the Chief of the Forest Service for the purpose of managing the component of the National Wild and Scenic Rivers System that flows through the Katimiin and Aameekyáaraam land.

(e) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall provide to the Secretary a complete survey of the land taken into trust under subsection (d).

(f) USE OF LAND.—

(1) IN GENERAL.—Land taken into trust under subsection (d) may be used for traditional and customary uses for the benefit of the Karuk Tribe.

(2) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed on the land taken into trust under subsection (d).

(g) WILD AND SCENIC RIVERS MANAGEMENT.—

(1) IN GENERAL.—Nothing in this section affects the status or administration of any

component of the National Wild and Scenic Rivers System, including any component that flows through the land taken into trust under subsection (d).

(2) MEMORANDUM OF UNDERSTANDING.—The Secretary of Agriculture shall enter into a memorandum of understanding with the Karuk Tribe, consistent with the obligations of the Secretary of Agriculture under subsection (c), to establish mutual goals for the protection and enhancement of the river values of any component of the National Wild and Scenic Rivers System that flows through the land taken into trust under subsection (d).

SA 5743. 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. 10. LAND TO BE TAKEN INTO TRUST FOR THE BENEFIT OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS.

(a) IN GENERAL.—The approximately 2,560 acres of land owned by the Agua Caliente Band of Cahuilla Indians generally depicted as “Lands to be Taken into Trust” on the map entitled “Agua Caliente Band of Cahuilla Indians Land to be Taken into Trust” and dated November 17, 2021, is hereby taken into trust by the United States for the benefit of the Agua Caliente Band of Cahuilla Indians.

(b) ADMINISTRATION.—Land taken into trust by subsection (a) shall be—

(1) part of the reservation of the Agua Caliente Band of Cahuilla Indians; and

(2) administered in accordance with the laws and regulations generally applicable to property held in trust by the United States for the benefit of an Indian Tribe.

(c) GAMING PROHIBITED.—Land taken into trust by subsection (a) shall not be eligible for gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

SA 5744. Mr. DURBIN (for himself and 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. . INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “and paragraph (3)”; and

(B) by striking paragraph (3);

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

(D) in paragraph (4), as redesignated, by striking “paragraph (4)” and inserting “paragraph (3)”; and

(2) in subsection (d), by striking “, except with respect to allegations described in subsection (b)(3).”.

SA 5745. Mr. SCHUMER 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023”.

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short Title.

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DIVISION G—HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE ACT

SEC. 3. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

SEC. 4. PAYMENT TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS.

There is hereby appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, for payment to Dean Swihart, beneficiary of Jacqueline Walorski-Swihart, late a Representative from the State of Indiana, \$174,000.

DIVISION A—CONTINUING APPROPRIATIONS ACT, 2023

The following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2023, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2022 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2022, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2022 (division A of Public Law 117-103), except section 783, and except that section 785 shall be applied by substituting “\$125,000,000” for “\$250,000,000”.

(2) The Commerce, Justice, Science, and Related Agencies Appropriations Act, 2022 (division B of Public Law 117-103), except section 521(c)(1).

(3) The Department of Defense Appropriations Act, 2022 (division C of Public Law 117-103).

(4) The Energy and Water Development and Related Agencies Appropriations Act, 2022 (division D of Public Law 117-103).

(5) The Financial Services and General Government Appropriations Act, 2022 (division E of Public Law 117-103), except the matter under the heading “Postal Regulatory Commission” in title V.

(6) The Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117-103), except sections 544 and 545, and including title II of division O of Public Law 117-103.

(7) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2022 (division G of Public Law 117-103).

(8) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2022 (division H of Public Law 117-103), and section 162 of division A of Public Law 117-43.

(9) The Legislative Branch Appropriations Act, 2022 (division I of Public Law 117-103), and section 6 in the matter preceding division A of Public Law 117-103.

(10) The Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2022 (division J of Public Law 117-103).

(11) The Department of State, Foreign Operations, and Related Programs Appropriations Act, 2022 (division K of Public Law 117-103), except the first proviso of section 7069(e).

(12) The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2022 (division L of Public Law 117-103).

SEC. 102. (a) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used for:

(1) the new production of items not funded for production in fiscal year 2022 or prior years;

(2) the increase in production rates above those sustained with fiscal year 2022 funds; or

(3) the initiation, resumption, or continuation of any project, activity, operation, or organization (defined as any project, subproject, activity, budget activity, program element, and subprogram within a program element, and for any investment items defined as a P-1 line item in a budget activity within an appropriation account and an R-1 line item that includes a program element and subprogram element within an appropriation account) for which appropriations, funds, or other authority were not available during fiscal year 2022.

(b) No appropriation or funds made available or authority granted pursuant to section 101 for the Department of Defense shall be used to initiate multi-year procurements utilizing advance procurement funding for economic order quantity procurement unless specifically appropriated later.

SEC. 103. Appropriations made by section 101 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

SEC. 104. Except as otherwise provided in section 102, no appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2022.

SEC. 105. Appropriations made and authority granted pursuant to this Act shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this Act.

SEC. 106. Unless otherwise provided for in this Act or in the applicable appropriations Act for fiscal year 2023, appropriations and funds made available and authority granted pursuant to this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation for any project or activity provided for in this Act.

(2) The enactment into law of the applicable appropriations Act for fiscal year 2023 without any provision for such project or activity.

(3) December 16, 2022.

SEC. 107. Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 108. Appropriations made and funds made available by or authority granted pursuant to this Act may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing in this Act may be construed to waive any other provision of law governing the apportionment of funds.

SEC. 109. Notwithstanding any other provision of this Act, except section 106, for those programs that would otherwise have high initial rates of operation or complete distribution of appropriations at the beginning of fiscal year 2023 because of distributions of funding to States, foreign countries, grantees, or others, such high initial rates of operation or complete distribution shall not be made, and no grants shall be awarded for such programs funded by this Act that would impinge on final funding prerogatives.

SEC. 110. This Act shall be implemented so that only the most limited funding action of that permitted in the Act shall be taken in order to provide for continuation of projects and activities.

SEC. 111. (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2022, and for activities under the Food and Nutrition Act of 2008, activities shall be continued at the rate to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2022, to be continued through the date specified in section 106(3).

(b) Notwithstanding section 106, obligations for mandatory payments due on or about the first day of any month that begins after October 2022 but not later than 30 days after the date specified in section 106(3) may continue to be made, and funds shall be available for such payments.

SEC. 112. Amounts made available under section 101 for civilian personnel compensation and benefits in each department and agency may be apportioned up to the rate for operations necessary to avoid furloughs within such department or agency, consistent with the applicable appropriations Act for fiscal year 2022, except that such authority provided under this section shall not be used until after the department or agency has taken all necessary actions to reduce or defer non-personnel-related administrative expenses.

SEC. 113. Funds appropriated by this Act may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 3094(a)(1)).

SEC. 114. Each amount incorporated by reference in this Act that was previously designated by the Congress as an emergency requirement pursuant to sections 4001(a)(1) and 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, or as being for disaster relief pursuant to section 4005(f) of such concurrent resolution, is designated as being an emergency requirement pursuant to section 4001(a)(1) of such concurrent resolution and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022, or as being for disaster relief pursuant to section 1(f) of such House resolution, respectively.

SEC. 115. (a) Rescissions or cancellations of discretionary budget authority that continue pursuant to section 101 in Treasury Appropriations Fund Symbols (TAFS)—

(1) to which other appropriations are not provided by this Act, but for which there is a current applicable TAFS that does receive an appropriation in this Act; or

(2) which are no-year TAFS and receive other appropriations in this Act,

may be continued instead by reducing the rate for operations otherwise provided by section 101 for such current applicable TAFS, as long as doing so does not impinge on the final funding prerogatives of the Congress.

(b) Rescissions or cancellations described in subsection (a) shall continue in an amount equal to the lesser of—

(1) the amount specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act; or

(2) the amount of balances available, as of October 1, 2022, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101 of this Act.

(c) No later than November 21, 2022, the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a comprehensive list of the rescissions or cancellations that will continue pursuant to section 101: *Provided*, That the information in such comprehensive list shall be periodically updated to reflect any subsequent changes in the amount of balances available, as of October 1, 2022, from the funds specified for rescission or cancellation in the applicable appropriations Act referenced in section 101, and such updates shall be transmitted to the Committees on Appropriations of the House of Representatives and the Senate upon request.

SEC. 116. Amounts made available by section 101 for “Farm Service Agency—Agricultural Credit Insurance Fund Program Account” may be apportioned up to the rate for

operations necessary to accommodate approved applications for direct and guaranteed farm ownership loans, as authorized by 7 U.S.C. 1922 et seq.

SEC. 117. Amounts made available by section 101 to the Department of Agriculture for “Rural Business—Cooperative Service—Rural Microentrepreneur Assistance Program” may be used for the costs of loans, including the cost of modifying such loans, as defined in section 502 of the Congressional Budget Act of 1974, under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s).

SEC. 118. Section 260 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636i) and section 942 of the Livestock Mandatory Reporting Act of 1999 (7 U.S.C. 1635 note; Public Law 106-78) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 119. Amounts made available by section 101 to the Department of Commerce for “Economic Development Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to maintain agency operations.

SEC. 120. Amounts made available by section 101 for “Department of Commerce—National Telecommunications and Information Administration—Salaries and Expenses” may be apportioned up to the rate for operations necessary to ensure continued oversight of public safety communications programs.

SEC. 121. In addition to amounts otherwise provided by section 101, for “Department of Justice—Federal Bureau of Investigation—Salaries and Expenses”, there is appropriated \$15,300,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for investigative activities associated with Afghan resettlement operations: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 122. (a) Notwithstanding sections 101 and 106, through September 30, 2023, the Secretary of Defense may transfer up to \$3,000,000,000 from unobligated balances from amounts made available under the heading “Department of Defense—Operation and Maintenance—Overseas Humanitarian, Disaster, and Civic Aid” in division C of Public Law 117-43 and division B of Public Law 117-70 to any appropriation account under the headings “Department of State and Related Agency—Department of State—Administration of Foreign Affairs”, “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance”, and “Bilateral Economic Assistance—Department of State—United States Emergency Refugee and Migration Assistance Fund” for support of Operation Allies Welcome or any successor operation: *Provided*, That upon transfer, such funds shall be merged with the appropriation to which such funds are transferred except that such funds may be made available for such purposes notwithstanding any requirement or limitation applicable to the appropriation to which transferred, including sections 2(c)(1) and 2(c)(2) of the Migration and Refugee Assistance Act of 1962 with respect to the United States Emergency Refugee and Migration Assistance Fund and in sections 4(a) and 4(b) of the State Department Basic Authorities Act of 1956 with respect to funds transferred to the Emergencies in the Diplomatic and Consular Service account: *Provided further*, That section 2215 of title 10, United States Code, shall not

apply to a transfer of funds under this subsection: *Provided further*, That the exercise of the authority of this subsection shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That any funds transferred pursuant to this subsection that were previously designated by the Congress as an emergency requirement pursuant to the concurrent resolution on the budget are designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

(b) Not later than November 1, 2022 and prior to any transfer of funds pursuant to subsection (a), the Director of the Office of Management and Budget shall provide to the Committees on Appropriations of the House of Representatives and the Senate a written report on Operation Allies Welcome or any successor operation: *Provided*, That such report shall describe the number and status of Afghans residing at Department of Defense and Department of State-managed facilities and any anticipated future arrivals at such facilities; the strategy and plan, including timeline, for adjudicating and relocating all Afghans residing at Department of Defense or overseas civilian facilities and for the transition of operations and responsibilities under Operation Allies Welcome or any successor operation from the Department of Defense to the Department of State during fiscal year 2023; the activities and responsibilities assigned to each Federal agency involved in such strategy and plan; and a spend plan, containing an estimate of the costs, including additional construction and security costs, to be incurred by each such agency for carrying out such strategy and plan, and the sources of funds: *Provided further*, That prior to the initial obligation of funds transferred to the Department of State pursuant to subsection (a), the Secretary of State shall submit a report to such Committees detailing the roles and responsibilities of Department of State bureaus and offices in Operation Allies Welcome or any successor operation.

SEC. 123. During the period covered by this Act, section 714(b)(2)(B) of title 10, United States Code, shall be applied by substituting “three years” for “two years”.

SEC. 124. (a) Of the remaining unobligated balances, as of September 30, 2022, from amounts provided under the heading “Afghanistan Security Forces Fund” in title IX of division C of Public Law 116-260, \$100,000,000 is hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2022, for an additional amount for fiscal year 2022, to remain available until September 30, 2025, for the same purposes and under the same authorities provided under such heading in Public Law 116-260, in addition to other funds as may be available for such purposes.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

SEC. 125. In addition to amounts otherwise provided by section 101, for “Corps of Engineers—Civil—Construction”, there is appropriated \$20,000,000, for an additional amount for fiscal year 2023, to remain available until expended, for necessary expenses related to

water and wastewater infrastructure under section 219 of the Water Resources Development Act of 1992 (106 Stat. 4835): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 126. (a) During the period covered by this Act, title I of Public Law 108-361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1681), as amended by section 204 of division D of Public Law 117-103, shall be applied by substituting “2023” for “2022” each place it appears.

(b) During the period covered by this Act, section 103(f)(4)(A) of title I of Public Law 108-361 (the Calfed Bay-Delta Authorization Act) (118 Stat. 1696) shall be applied by substituting “\$25,650,000” for “\$25,000,000”.

SEC. 127. (a) During the period covered by this Act, section 9106(g)(2) of Public Law 111-11 (Omnibus Public Land Management Act of 2009) shall be applied by substituting “2023” for “2022”.

(b) During the period covered by this Act, section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) shall be applied by substituting “2023” for “2022”.

(c) During the period covered by this Act, section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) shall be applied by substituting “2023” for “2022”.

SEC. 128. In addition to amounts otherwise provided by section 101, amounts are provided for “Department of the Treasury—Alcohol and Tobacco Tax and Trade Bureau—Salaries and Expenses” at a rate for operations of \$14,929,000, for an additional amount to administer the Craft Beverage Modernization Act import claims program, as required by the Taxpayer Certainty and Disaster Tax Relief Act of 2020, and such amounts may be apportioned up to the rate for operations necessary to establish and implement a new import claims program.

SEC. 129. Notwithstanding section 101, title II of division E of Public Law 117-103 shall be applied by adding the following new heading and appropriation language under the heading “Executive Office of the President and Funds Appropriated to the President”:

“OFFICE OF THE NATIONAL CYBER DIRECTOR

“SALARIES AND EXPENSES

“For necessary expenses of the Office of the National Cyber Director, as authorized by section 1752 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283), \$21,000,000, of which not to exceed \$5,000 shall be available for official reception and representation expenses.”

SEC. 130. Notwithstanding section 101, amounts are provided for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Fees of Jurors and Commissioners” at a rate for operations of \$59,565,000.

SEC. 131. In addition to amounts otherwise provided by section 101, for “The Judiciary—Courts of Appeals, District Courts, and Other Judicial Services—Court Security”, there is appropriated \$112,500,000, for an additional amount for fiscal year 2023, to remain available until expended, for security improvements at United States courthouses and Federal court facilities: *Provided*, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Director of the Administrative Office of the United States Courts shall provide, in an appropriate format, quarterly reports on the obligations and expenditures of

the funds provided under this section to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 132. Notwithstanding any other provision of this Act, except section 106, the District of Columbia may expend local funds made available under the heading “District of Columbia—District of Columbia Funds” for such programs and activities under the District of Columbia Appropriations Act, 2022 (title IV of division E of Public Law 117-103) at the rate set forth in the Fiscal Year 2023 Local Budget Act of 2022 (D.C. Act 24-486), as modified as of the date of enactment of this Act.

SEC. 133. In addition to amounts otherwise provided by section 101, amounts are provided for “Small Business Administration—Salaries and Expenses” at a rate for operations of \$20,000,000, for an additional amount for costs associated with the establishment and implementation of a Government-wide service-disabled veteran-owned small business certification program within the Small Business Administration, as required by section 36 of the Small Business Act (15 U.S.C. 657f) and section 862 of Public Law 116-283: *Provided*, That such amounts may be apportioned up to the rate for operations necessary to establish and implement such certification program: *Provided further*, That such amounts may be obligated in the account and budget structure set forth in H.R. 8294, as passed by the House of Representatives on July 20, 2022.

SEC. 134. Amounts made available by section 101 for “Small Business Administration—Business Loans Program Account” may be apportioned up to the rate for operations necessary to accommodate increased demand for commitments for general business loans authorized under paragraphs (1) through (35) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), for guarantees of trust certificates authorized by section 5(g) of the Small Business Act (15 U.S.C. 634(g)), for commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), and for commitments to guarantee loans for debentures under section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)).

SEC. 135. Amounts made available by section 101 to the Department of Homeland Security under the heading “Federal Emergency Management Agency—Disaster Relief Fund” may be apportioned up to the rate for operations necessary to carry out response and recovery activities under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

SEC. 136. Notwithstanding sections 101, 104, and 106, to carry out the Hermit’s Peak/Calf Canyon Fire Assistance Act, there is appropriated \$2,500,000,000, to remain available until expended, to the Department of Homeland Security for “Federal Emergency Management Agency—Hermit’s Peak/Calf Canyon Fire Assistance Account”, which shall be derived by transfer from amounts made available under the heading “Federal Emergency Management Agency—Disaster Relief Fund” in title VI of division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136), of which \$1,000,000 shall be transferred to “Office of the Inspector General—Operations and Support” for oversight of activities authorized by the Hermit’s Peak/Calf Canyon Fire Assistance Act: *Provided*, That no amounts may

be derived from amounts made available for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That amounts provided by this section shall be subject to the same authorities and conditions as if such amounts were provided by title III of the Department of Homeland Security Appropriations Act, 2022 (division F of Public Law 117-103): *Provided further*, That not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until all funds provided by this section have been expended, the Administrator of the Federal Emergency Management Agency shall provide, in an appropriate format, quarterly reports to the Committees on Appropriations of the Senate and the House of Representatives on the obligations and expenditures of the funds made available by this section: *Provided further*, That amounts transferred by this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or a concurrent resolution on the budget are designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 137. Section 708(b)(13) of the Homeland Security Act of 2002 (6 U.S.C. 348(b)(13)) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 138. During the period covered by this Act, section 822(a) of the Homeland Security Act of 2002 (6 U.S.C. 383(a)) shall be applied by substituting “2023” for “2022”.

SEC. 139. (a) Sections 1309(a) and 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and 4026) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

(b)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

SEC. 140. Section 880(g) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) shall be applied by substituting the date specified in section 106(3) of this Act for “September 30, 2022”.

SEC. 141. Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)) shall be applied by substituting the date specified in section 106(3) of this Act for “the date that is 4 years after the date of enactment of this section”.

SEC. 142. Amounts made available by section 101 for “Department of the Interior—National Park Service—National Recreation and Preservation” for heritage partnership programs may be used to provide financial assistance to any national heritage area, national heritage corridor, cultural heritage corridor, national heritage partnership, national heritage route, national heritage canalway, and battlefields national historic district established as of September 1, 2022, notwithstanding any statutory sunset provision terminating the Secretary’s authority to provide assistance to any such area and notwithstanding any limitation on amounts authorized to be appropriated with respect to any such area.

SEC. 143. Amounts made available by section 101 to the Department of the Interior under the heading “Working Capital Fund” may be apportioned up to the rate for operations necessary to implement enterprise cybersecurity safeguards.

SEC. 144. (a) In addition to amounts otherwise provided by section 101, amounts are

provided for “Department of Health and Human Services—Indian Health Service—Indian Health Services” at a rate for operations of \$16,721,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2022 and 2023, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

(b) In addition to amounts otherwise provided by section 101, amounts are provided for “Department of Health and Human Services—Indian Health Service—Indian Health Facilities” at a rate for operations of \$1,201,000, for an additional amount for costs of staffing and operating facilities that were opened, renovated, or expanded in fiscal years 2022 and 2023, and such amounts may be apportioned up to the rate for operations necessary to staff and operate such facilities.

SEC. 145. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Substance Abuse and Mental Health Services Administration—Mental Health”, there is appropriated \$62,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for carrying out 988 Suicide Lifeline activities and behavioral health crisis services.

SEC. 146. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Administration for Children and Families—Low Income Home Energy Assistance”, there is appropriated \$1,000,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2023, for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the funds made available by this section, \$500,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2023 was less than \$1,975,000,000: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 147. In addition to amounts otherwise provided by section 101, for “Department of Health and Human Services—Administration for Children and Families—Refugee and Entrant Assistance”, there is appropriated \$1,775,000,000, for an additional amount for fiscal year 2023, to remain available until September 30, 2025, to carry out section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, and for refugee and entrant assistance activities authorized by section 414 of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 148. Notwithstanding section 101, the first paragraph under the heading “Social Security Administration—Limitation on Administrative Expenses” in title IV of division H of Public Law 117-103 shall be applied by substituting “\$13,602,945,000” for “\$13,202,945,000”.

SEC. 149. (a) During the period covered by this Act, subsection (a)(1)(A) of section 2502 of the Afghanistan Supplemental Appropriations Act, 2022 (division C of Public Law 117-

43) shall be applied by substituting the date specified in section 106(3) for “September 30, 2022”.

(b) The amount provided by this section is designated as an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 150. Activities authorized by part A of title IV (other than under section 403(c) or 418) and section 1108(b) of the Social Security Act shall continue through the date specified in section 106(3), in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

SEC. 151. Notwithstanding section 101, section 126 of division J of Public Law 117–103 shall be applied during the period covered by this Act by substituting “fiscal year 2017 and fiscal year 2018” for “fiscal year 2017”.

SEC. 152. Notwithstanding section 101, amounts are provided for—

(1) “Department of State and Related Agency—Department of State—Administration of Foreign Affairs—Diplomatic Programs” at a rate for operations of \$9,228,789,000;

(2) “Bilateral Economic Assistance—Funds Appropriated to the President—International Disaster Assistance” at a rate for operations of \$4,555,460,000;

(3) “Bilateral Economic Assistance—Funds Appropriated to the President—Transition Initiatives” at a rate for operations of \$100,000,000;

(4) “Bilateral Economic Assistance—Funds Appropriated to the President—Assistance for Europe, Eurasia and Central Asia” at a rate for operations of \$850,000,000;

(5) “Bilateral Economic Assistance—Department of State—Migration and Refugee Assistance” at a rate for operations of \$3,562,188,000;

(6) “International Security Assistance—Department of State—International Narcotics Control and Law Enforcement” at a rate for operations of \$1,421,004,000; and

(7) “International Security Assistance—Funds Appropriated to the President—Foreign Military Financing Program” at a rate for operations of \$6,190,424,000.

SEC. 153. During the period covered by this Act, section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) shall be applied by substituting “2023” for “2022” each place it appears.

SEC. 154. Amounts made available by section 101 to the Department of Housing and Urban Development for “Public and Indian Housing—Native Hawaiian Housing Loan Guarantee Fund Program Account” may be apportioned up to the rate for operations necessary to accommodate demand for commitments to guarantee loans as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b).

SEC. 155. In addition to amounts otherwise provided by section 101, for “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund”, there is appropriated \$2,000,000,000, for an additional amount for fiscal year 2023, to remain available until expended, for the same purposes and under the same terms and conditions as funds appropriated under such heading in title VIII of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43), except that such amounts shall be for major disasters that oc-

curred in 2021 or 2022 and the fourth, twentieth, and twenty-first provisos under such heading in such Act shall not apply: *Provided*, That amounts made available under this section and under such heading in such Act may be used by a grantee to assist utilities as part of a disaster-related eligible activity under section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)): *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

SEC. 156. Notwithstanding section 106 of this Act, at any time during fiscal year 2023, the Secretary of Housing and Urban Development may transfer up to \$1,300,000 in unobligated balances from amounts made available in prior Acts under the heading “Housing Programs—Project-Based Rental Assistance” to Treasury Appropriation Fund Symbol 86 X 0148 for the liquidation of obligations incurred in fiscal year 2018 in connection with the continued provision of interest reduction payments authorized under section 236 of the National Housing Act (12 U.S.C. 1715z–1).

SEC. 157. (a) The remaining unobligated balances, as of September 30, 2022, from amounts made available for “Department of Transportation—Office of the Secretary—National Infrastructure Investments” in title I of division H of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) are hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2022, for an additional amount for fiscal year 2022, to remain available until September 30, 2023, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2020 national infrastructure investments program, in addition to other funds as may be available for such purposes.

(b) The remaining unobligated balances, as of September 30, 2022, from amounts made available to the Department of Transportation in section 105 of division L of the Consolidated Appropriations Act, 2021 (Public Law 116–260) are hereby permanently rescinded, and in addition to amounts otherwise provided by section 101, an amount of additional new budget authority equivalent to the amount rescinded pursuant to this subsection is hereby appropriated on September 30, 2022, for an additional amount for fiscal year 2022, to remain available until September 30, 2023, and shall be available, without additional competition, for completing the funding of awards made pursuant to the fiscal year 2019 national infrastructure investments program, in addition to other funds as may be available for such purposes.

(c)(1) Subject to paragraph (2), this section shall become effective immediately upon enactment of this Act.

(2) If this Act is enacted after September 30, 2022, this section shall be applied as if it were in effect on September 30, 2022.

This division may be cited as the “Continuing Appropriations Act, 2023”.

DIVISION B—UKRAINE SUPPLEMENTAL APPROPRIATIONS ACT, 2023

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$110,107,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$462,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$600,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$11,582,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$654,696,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$433,035,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$34,984,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$267,084,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, SPACE FORCE

For an additional amount for “Operation and Maintenance, Space Force”, \$1,771,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Operation and Maintenance, Defense-Wide”, \$4,713,544,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses: *Provided*, That of the total amount provided under this heading in this Act, \$3,000,000,000, to remain available until September 30, 2024, shall be for the Ukraine Security Assistance Initiative: *Provided further*, That such funds for the Ukraine Security Assistance Initiative shall be available to the Secretary of Defense under the same terms and conditions as are provided for in section 8139 of the Department of Defense Appropriations Act, 2022 (division C of Public Law 117–103): *Provided further*, That of the total amount provided under this heading in this Act, up to \$1,500,000,000, to remain available until September 30, 2024, may be transferred to accounts under the headings “Operation and Maintenance” and “Procurement” for replacement of defense articles from the

stocks of the Department of Defense, and for reimbursement for defense services of the Department of Defense and military education and training, provided to the government of Ukraine or to foreign countries that have provided support to Ukraine at the request of the United States: *Provided further*, That funds transferred pursuant to a transfer authority provided under this heading in this Act shall be merged with and available for the same purposes and for the same time period as the appropriations to which the funds are transferred: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of the details of such transfers not less than 15 days before any such transfer: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back and merged with this appropriation: *Provided further*, That the transfer authority provided under this heading in this Act is in addition to any other transfer authority provided by law.

PROCUREMENT

MISSILE PROCUREMENT, ARMY

For an additional amount for “Missile Procurement, Army”, \$450,000,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for “Procurement of Ammunition, Army”, \$540,000,000, to remain available until September 30, 2025, for expansion of public and private plants, including the land necessary therefor, and procurement and installation of equipment, appliances, and machine tools in such plants, for the purpose of increasing production of critical munitions to replace defense articles provided to the Government of Ukraine or foreign countries that have provided support to Ukraine at the request of the United States.

OTHER PROCUREMENT, ARMY

For an additional amount for “Other Procurement, Army”, \$3,890,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

OTHER PROCUREMENT, NAVY

For an additional amount for “Other Procurement, Navy”, \$2,170,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for “Other Procurement, Air Force”, \$437,991,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for other expenses.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for “Procurement, Defense-Wide”, \$9,770,000, to remain available until September 30, 2025, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for “Research, Development, Test and Evaluation, Army”, \$3,300,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for “Research, Development, Test and Evaluation, Navy”,

\$2,077,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for “Research, Development, Test and Evaluation, Air Force”, \$99,704,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for “Research, Development, Test and Evaluation, Defense-Wide”, \$31,230,000, to remain available until September 30, 2024, to respond to the situation in Ukraine and for related expenses.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for “Office of the Inspector General”, \$2,000,000, to remain available until September 30, 2023, to carry out reviews of the activities of the Department of Defense to execute funds appropriated in this title, including assistance provided to Ukraine: *Provided*, That the Inspector General of the Department of Defense shall provide to the congressional defense committees a briefing not later than 90 days after the date of enactment of this Act.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for “Intelligence Community Management Account”, \$500,000, to remain available until September 30, 2023, to respond to the situation in Ukraine and for related expenses.

GENERAL PROVISIONS—THIS TITLE

SEC. 1101. Not later than 60 days after the date of enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit a report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate on measures being taken to account for United States defense articles designated for Ukraine since the February 24, 2022, Russian invasion of Ukraine, particularly measures with regard to such articles that require enhanced end-use monitoring; measures to ensure that such articles reach their intended recipients and are used for their intended purposes; and any other measures to promote accountability for the use of such articles: *Provided*, That such report shall include a description of any occurrences of articles not reaching their intended recipients or used for their intended purposes and a description of any remedies taken: *Provided further*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

SEC. 1102. Not later than 30 days after the date of enactment of this Act, and every 30 days thereafter through fiscal year 2023, the Secretary of Defense, in coordination with the Secretary of State, shall provide a written report to the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate describing United States security assistance provided to Ukraine since the February 24, 2022, Russian invasion of Ukraine, including a comprehensive list of the defense articles and services provided to Ukraine and the associated authority and funding used to provide such articles and services: *Provided*, That such report shall be submitted in unclassified form, but may be accompanied by a classified annex.

TITLE II

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for “Defense Nuclear Nonproliferation”, \$35,000,000, to remain available until expended, to respond to the situation in Ukraine and for related expenses.

TITLE III

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, \$4,500,000,000, to remain available until September 30, 2024, for assistance for Ukraine: *Provided*, That funds appropriated under this heading in this Act may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and may be made available as contributions.

GENERAL PROVISIONS—THIS TITLE

SEC. 1301. During fiscal year 2023, section 506(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)(1)) shall be applied by substituting “\$3,700,000,000” for “\$100,000,000”.

SEC. 1302. (a) Funds appropriated by this title shall be made available for direct financial support for the Government of Ukraine, including for Ukrainian first responders, and may be made available as a cash transfer subject to the requirements of subsection (b): *Provided*, That such funds shall be provided on a reimbursable basis and matched by sources other than the United States Government, to the maximum extent practicable: *Provided further*, That the Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall ensure third-party monitoring of such funds: *Provided further*, That at least 15 days prior to the initial obligation of such funds, the Secretary of State, following consultation with the Administrator of the United States Agency for International Development, shall certify and report to the appropriate congressional committees that mechanisms for monitoring and oversight of such funds are in place and functioning and that the Government of Ukraine has in place substantial safeguards to prevent corruption and ensure accountability of such funds: *Provided further*, That not less than 45 days after the initial obligation of such funds, the Inspectors General of the Department of State and the United States Agency for International Development shall submit a report to the appropriate congressional committees detailing and assessing the mechanisms for monitoring and safeguards described in the previous proviso.

(b) Funds made available to the Government of Ukraine as a cash transfer under subsection (a) shall be subject to a memorandum of understanding between the Governments of the United States and Ukraine that describes how the funds proposed to be made available will be used and the appropriate safeguards to ensure transparency and accountability: *Provided*, That such assistance shall be maintained in a separate, auditable account and may not be comingled with any other funds.

(c) The Secretary of State or the Administrator of the United States Agency for International Development, as appropriate, shall report to the appropriate congressional committees on the uses of funds provided for direct financial support to the Government of Ukraine pursuant to subsection (a) not later than 45 days after the date of enactment of this Act and every 45 days thereafter until

all such funds have been expended: *Provided*, That such report shall include a detailed description of the use of such funds, including categories and amounts, the intended results and the results achieved, a summary of other donor contributions, and a description of the efforts undertaken by the Secretary and Administrator to increase other donor contributions for direct financial support: *Provided further*, That such report shall also include the metrics established to measure such results.

(d) Funds made available for the purposes of subsection (a) shall be subject to the regular notification procedures of the Committees on Appropriations of the House of Representatives and the Senate.

TITLE IV

GENERAL PROVISIONS—THIS ACT

SEC. 1401. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1403. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2023.

SEC. 1404. Each amount provided by this division is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022, and section 1(e) of H. Res. 1151 (117th Congress), as engrossed in the House of Representatives on June 8, 2022.

This division may be cited as the “Ukraine Supplemental Appropriations Act, 2023”.

DIVISION C—OTHER MATTERS

TITLE I—EXTENSIONS, TECHNICAL CORRECTIONS, AND OTHER MATTERS

SEC. 101. EXTENSION OF FCC AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking “September 30, 2022” and inserting “December 16, 2022”.

SEC. 102. EXTENSION OF AUTHORIZATION FOR SPECIAL ASSESSMENT FOR DOMESTIC TRAFFICKING VICTIMS’ FUND.

Section 3014(a) of title 18, United States Code, is amended, in the matter preceding paragraph (1), by striking “September 30, 2022” and inserting “December 16, 2022”.

SEC. 103. UNITED STATES PAROLE COMMISSION EXTENSION.

(a) **SHORT TITLE.**—This section may be cited as the “United States Parole Commission Extension Act of 2022”.

(b) **AMENDMENT OF SENTENCING REFORM ACT OF 1984.**—For purposes of section 235(b) of the Sentencing Reform Act of 1984 (18 U.S.C. 3551 note; Public Law 98–473; 98 Stat. 2032), as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to “35 years” or “35-year period” shall be deemed a reference to “35 years and 46 days” or “35-year and 46-day period”, respectively.

SEC. 104. EXTENSION OF COMMODITY FUTURES TRADING COMMISSION CUSTOMER PROTECTION FUND EXPENSES ACCOUNT.

Section 1(b) of Public Law 117–25 (135 Stat. 297) is amended by striking “October 1, 2022” each place it appears and inserting “December 16, 2022”.

TITLE II—BUDGETARY EFFECTS

SEC. 201. BUDGETARY EFFECTS.

(a) **STATUTORY PAYGO SCORECARDS.**—The budgetary effects of this division and each

succeeding division shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARDS.**—The budgetary effects of this division and each succeeding division shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) **CLASSIFICATION OF BUDGETARY EFFECTS.**—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division and each succeeding division shall not be estimated—

(1) for purposes of section 251 of such Act;

(2) for purposes of an allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(3) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

DIVISION D—HEALTH AND HUMAN SERVICES EXTENSIONS

TITLE I—MEDICARE AND MEDICAID

SEC. 101. EXTENSION OF INCREASED INPATIENT HOSPITAL PAYMENT ADJUSTMENT FOR CERTAIN LOW-VOLUME HOSPITALS.

(a) **IN GENERAL.**—Section 1886(d)(12) of the Social Security Act (42 U.S.C. 1395ww(d)(12)) is amended—

(1) in subparagraph (B), in the matter preceding clause (i), by striking “in fiscal year 2023 and subsequent fiscal years” and inserting “during the portion of fiscal year 2023 beginning on December 17, 2022, and ending on September 30, 2023, and in fiscal year 2024 and subsequent fiscal years”;

(2) in subparagraph (C)(i)—

(A) in the matter preceding subclause (I)—

(i) by inserting “or portion of a fiscal year” after “for a fiscal year”; and

(ii) by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”;

(B) in subclause (III), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”; and

(C) in subclause (IV), by striking “fiscal year 2023” and inserting “the portion of fiscal year 2023 beginning on December 17, 2022, and ending on September 30, 2023, and fiscal year 2024”; and

(3) in subparagraph (D)—

(A) in the matter preceding clause (i), by inserting “or during the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”; and

(B) in clause (ii), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022” after “through 2022”.

(b) **IMPLEMENTATION.**—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, including the amendments made by, this section by program instruction or otherwise.

SEC. 102. EXTENSION OF THE MEDICARE-DEPENDENT HOSPITAL (MDH) PROGRAM.

(a) **IN GENERAL.**—Section 1886(d)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(G)) is amended—

(1) in clause (i), by striking “October 1, 2022” and inserting “December 17, 2022”; and

(2) in clause (ii)(II), by striking “October 1, 2022” and inserting “December 17, 2022”.

(b) **CONFORMING AMENDMENTS.**—

(1) **EXTENSION OF TARGET AMOUNT.**—Section 1886(b)(3)(D) of the Social Security Act (42 U.S.C. 1395ww(b)(3)(D)) is amended—

(A) in the matter preceding clause (i), by striking “October 1, 2022” and inserting “December 17, 2022”; and

(B) in clause (iv), by inserting “and the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022,” after “through fiscal year 2022”.

(2) **PERMITTING HOSPITALS TO DECLINE RECLASSIFICATION.**—Section 13501(e)(2) of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 1395ww note) is amended by striking “or fiscal year 2000 through fiscal year 2022,” and inserting “fiscal year 2000 through fiscal year 2022, or the portion of fiscal year 2023 beginning on October 1, 2022, and ending on December 16, 2022”.

SEC. 103. EXTENSION OF INCREASED FMAPS FOR THE TERRITORIES.

Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended by striking “December 13” each place it appears and inserting “December 16” in each such place.

SEC. 104. REDUCTION OF MEDICARE IMPROVEMENT FUND.

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking “\$7,500,000,000” and inserting “\$7,308,000,000”.

TITLE II—HUMAN SERVICES

SEC. 201. EXTENSION OF MATERNAL, INFANT, AND EARLY CHILDHOOD HOME VISITING PROGRAMS.

Activities authorized by section 511 of the Social Security Act shall continue through December 16, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there is hereby appropriated for such purpose an amount equal to the pro rata portion of the amount appropriated for such activities for fiscal year 2022.

SEC. 202. EXTENSION OF CHILD AND FAMILY SERVICES PROGRAMS.

Activities authorized by part B of title IV of the Social Security Act shall continue through December 16, 2022, in the manner authorized for fiscal year 2022, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose.

TITLE III—PUBLIC HEALTH

SEC. 301. EXTENSION OF THE PROGRAM TO DEEM CERTAIN HEALTH PROFESSIONAL VOLUNTEERS EMPLOYEES OF THE PUBLIC HEALTH SERVICE UNDER CERTAIN CIRCUMSTANCES.

(a) **IN GENERAL.**—Section 224(q) of the Public Health Service Act (42 U.S.C. 233(q)) is amended by striking paragraph (6).

(b) **TECHNICAL CORRECTIONS.**—Section 224 of the Public Health Service Act (42 U.S.C. 233) is amended—

(1) in subsection (g)(1)(H)(iv), by striking “this section.” and inserting “this section.”;

(2) in subsection (k)(3), by inserting “governing board members,” after “officers,”;

(3) in subsection (p)(7)(A)(i), by moving the margin of subclause (II) 2 ems to the left; and

(4) in subsection (q)(5)(A), by striking “and paragraph (6)”.

SEC. 302. EXTENSION OF AUTHORIZATION FOR A COMMISSIONED OFFICER OF THE PUBLIC HEALTH SERVICE TO ACCUMULATE EXCESS ANNUAL LEAVE.

For purposes of annual leave accumulated in fiscal year 2022, the authority provided in section 2106 of division C of Public Law 116–

159 (42 U.S.C. 210-1 note) shall apply to such leave by substituting “2022” for “2020” in subsections (a) and (d)(2).

TITLE IV—INDIAN HEALTH

SEC. 401. EXTENSION OF MORATORIUM.

Section 424(a) of title IV of division G of Public Law 113-76 is amended by striking “October 1, 2019” and inserting “December 16, 2022”.

DIVISION E—VETERANS AFFAIRS EXTENSIONS

TITLE I—EXTENSIONS OF AUTHORITIES RELATING TO HEALTH CARE

SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF COPAYMENTS FOR HOSPITAL CARE AND NURSING HOME CARE.

Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE NURSING HOME CARE TO CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES.

Section 1710A(d) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

SEC. 103. EXTENSION OF AUTHORITY TO CONTINUE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2023” and inserting “September 30, 2026”.

SEC. 104. EXTENSION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.

Section 1704(e) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2573), as most recently amended by section 715 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat. 1787), is amended by striking “September 30, 2023” and inserting “September 30, 2024”.

SEC. 105. EXTENSION OF TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

Section 104(a) of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (Public Law 112-154; 126 Stat. 1169), as most recently amended by section 3 of the Department of Veterans Affairs Expiring Authorities Act of 2021 (Public Law 117-42; 135 Stat. 342), is amended by striking “September 30, 2022” and inserting “September 30, 2023”.

TITLE II—EXTENSIONS OF AUTHORITIES RELATING TO BENEFITS

SEC. 201. EXTENSION OF AUTHORITY TO SUPPORT INDIVIDUALS TO AND FROM DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

Section 111A(a)(2) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

SEC. 202. EXTENSION OF AUTHORITY TO MAINTAIN REGIONAL OFFICE IN THE REPUBLIC OF THE PHILIPPINES.

Section 315(b) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

SEC. 203. EXTENSION OF AUTHORITY FOR REPORT ON EQUITABLE RELIEF PROVIDED DUE TO ADMINISTRATIVE ERROR.

Section 503(c) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

SEC. 204. EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE FOR SPECIALLY ADAPTED HOUSING FOR DISABLED VETERANS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

SEC. 205. EXTENSION OF SPECIALLY ADAPTED HOUSING ASSISTIVE TECHNOLOGY GRANT PROGRAM.

Section 2108(g) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

TITLE III—EXTENSIONS OF AUTHORITIES RELATING TO HOMELESS VETERANS

SEC. 301. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS VETERANS REINTEGRATION PROGRAMS.

Section 2021(e)(1)(F) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

SEC. 302. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR HOMELESS WOMEN VETERANS AND HOMELESS VETERANS WITH CHILDREN REINTEGRATION GRANT PROGRAM.

Section 2021A(f)(1) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

SEC. 303. EXTENSION OF AUTHORITY FOR TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS.

(a) GENERAL TREATMENT.—Section 2031(b) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

(b) ADDITIONAL SERVICES AT CERTAIN LOCATIONS.—Section 2033(d) of such title is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

SEC. 304. EXTENSION OF FUNDING FOR FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.

Section 2044(e)(1)(H) of title 38, United States Code, is amended by striking “and 2022” and inserting “through 2024”.

SEC. 305. EXTENSION OF FUNDING FOR GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

Section 2061(d)(1) of title 38, United States Code, is amended by striking “2022” and inserting “2024”.

SEC. 306. EXTENSION OF AUTHORITY FOR THE ADVISORY COMMITTEE ON HOMELESS VETERANS.

Section 2066(d) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2026”.

TITLE IV—EXTENSIONS OF OTHER AUTHORITIES

SEC. 401. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR MONTHLY ASSISTANCE ALLOWANCE UNDER THE OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS.

Section 322(d)(4) of title 38, United States Code, is amended by striking “2022” and inserting “2026”.

SEC. 402. EXTENSION AND AUTHORIZATION OF APPROPRIATIONS FOR ADAPTIVE SPORTS PROGRAMS FOR DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (g)(1)(B) of section 521A of title 38, United States Code, is amended by striking “and 2022” and inserting “through 2026”.

(b) EXTENSION.—Subsection (1) of such section is amended by striking “2022” and inserting “2026”.

(c) TECHNICAL CORRECTION.—Subsection (g)(1)(A) of such section is amended by striking “. for each of fiscal years 2010 through 2020”.

SEC. 403. EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2026”.

SEC. 404. EXTENSION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) of title 38, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2026”.

SEC. 405. EXTENSION OF AUTHORITY FOR TRANSFER OF REAL PROPERTY.

Section 8118(a)(5) of title 38, United States Code, is amended by striking “September 30, 2022” and inserting “September 30, 2024”.

DIVISION F—FDA USER FEE REAUTHORIZATION ACT OF 2022

SECTION 1. SHORT TITLE.

This division may be cited as the “FDA User Fee Reauthorization Act of 2022”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

DIVISION F—FDA USER FEE REAUTHORIZATION ACT OF 2022

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—FEES RELATING TO DRUGS

Sec. 1001. Short title; finding.

Sec. 1002. Definitions.

Sec. 1003. Authority to assess and use drug fees.

Sec. 1004. Reauthorization; reporting requirements.

Sec. 1005. Sunset dates.

Sec. 1006. Effective date.

Sec. 1007. Savings clause.

TITLE II—FEES RELATING TO DEVICES

Sec. 2001. Short title; finding.

Sec. 2002. Definitions.

Sec. 2003. Authority to assess and use device fees.

Sec. 2004. Reauthorization; reporting requirements.

Sec. 2005. Conformity assessment pilot program.

Sec. 2006. Reauthorization of third-party review program.

Sec. 2007. Sunset dates.

Sec. 2008. Effective date.

Sec. 2009. Savings clause.

TITLE III—FEES RELATING TO GENERIC DRUGS

Sec. 3001. Short title; finding.

Sec. 3002. Authority to assess and use human generic drug fees.

Sec. 3003. Reauthorization; reporting requirements.

Sec. 3004. Sunset dates.

Sec. 3005. Effective date.

Sec. 3006. Savings clause.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

Sec. 4001. Short title; finding.

Sec. 4002. Definitions.

Sec. 4003. Authority to assess and use biosimilar biological product fees.

Sec. 4004. Reauthorization; reporting requirements.

Sec. 4005. Sunset dates.

Sec. 4006. Effective date.

Sec. 4007. Savings clause.

TITLE V—REAUTHORIZATION OF OTHER PROVISIONS

Sec. 5001. Reauthorization of the best pharmaceuticals for children program.

Sec. 5002. Reauthorization of the humanitarian device exemption incentive.

Sec. 5003. Reauthorization of the pediatric device consortia program.

Sec. 5004. Reauthorization of provision pertaining to drugs containing single enantiomers.

Sec. 5005. Reauthorization of the critical path public-private partnership.
 Sec. 5006. Reauthorization of orphan drug grants.
 Sec. 5007. Reauthorization of certain device inspections.
 Sec. 5008. Reauthorization of reporting requirements related to pending generic drug applications and priority review applications.

TITLE I—FEES RELATING TO DRUGS

SEC. 1001. SHORT TITLE; FINDING.

(a) **SHORT TITLE.**—This title may be cited as the “Prescription Drug User Fee Amendments of 2022”.

(b) **FINDING.**—Congress finds that the fees authorized by the amendments made by this title will be dedicated toward expediting the drug development process and the process for the review of human drug applications, including postmarket drug safety activities, as set forth in the goals identified for purposes of part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 1002. DEFINITIONS.

(a) **HUMAN DRUG APPLICATION.**—Section 735(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(1)) is amended, in the matter following subparagraph (B), by striking “an allergenic extract product, or” and inserting “does not include an application with respect to an allergenic extract product licensed before October 1, 2022, does not include an application with respect to a standardized allergenic extract product 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, does not include an application with respect to”.

(b) **PRESCRIPTION DRUG PRODUCT.**—Section 735(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g(3)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by striking “(3) The term” and inserting “(3)(A) The term”;

(3) by striking “Such term does not include whole blood” and inserting the following:

“(B) Such term does not include whole blood”;

(4) by striking “an allergenic extract product,” and inserting “an allergenic extract product licensed before October 1, 2022, a standardized allergenic extract product 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.”; and

(5) by adding at the end the following:

“(C)(i) If a written request to place a product in the discontinued section of either of the lists referenced in subparagraph (A)(iii) is submitted to the Secretary on behalf of an applicant, and the request identifies the date the product is, or will be, withdrawn from sale, then for purposes of assessing the prescription drug program fee under section 736(a)(2), the Secretary shall consider such product to have been included in the discontinued section on the later of—

“(I) the date such request was received; or

“(II) if the product will be withdrawn from sale on a future date, such future date when the product is withdrawn from sale.

“(ii) For purposes of this subparagraph, a product shall be considered withdrawn from sale once the applicant has ceased its own distribution of the product, whether or not the applicant has ordered recall of all previously distributed lots of the product, except that a routine, temporary interruption in supply shall not render a product withdrawn from sale.”.

(c) **SKIN-TEST DIAGNOSTIC PRODUCT.**—Section 735 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g) is amended by adding at the end the following:

“(12) The term ‘skin-test diagnostic product’—

“(A) means a product—

“(i) for prick, scratch, intradermal, or subcutaneous administration;

“(ii) expected to produce a limited, local reaction at the site of administration (if positive), rather than a systemic effect;

“(iii) not intended to be a preventive or therapeutic intervention; and

“(iv) intended to detect an immediate- or delayed-type skin hypersensitivity reaction to aid in the diagnosis of—

“(I) an allergy to an antimicrobial agent;

“(II) an allergy that is not to an antimicrobial agent, if the diagnostic product was authorized for marketing prior to October 1, 2022; or

“(III) infection with fungal or mycobacterial pathogens; and

“(B) includes positive and negative controls required to interpret the results of a product described in subparagraph (A).”.

SEC. 1003. AUTHORITY TO ASSESS AND USE DRUG FEES.

(a) **TYPES OF FEES.**—

(1) **HUMAN DRUG APPLICATION FEE.**—Section 736(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)) is amended—

(A) in the matter preceding paragraph (1), by striking “fiscal year 2018” and inserting “fiscal year 2023”;

(B) in paragraph (1)(A), by striking “(c)(5)” each place it appears and inserting “(c)(6)”;

(C) in paragraph (1)(C), by inserting “prior to approval” after “or was withdrawn”; and

(D) in paragraph (1), by adding at the end the following:

“(H) **EXCEPTION FOR SKIN-TEST DIAGNOSTIC PRODUCTS.**—A human drug application for a skin-test diagnostic product shall not be subject to a fee under subparagraph (A).”.

(2) **PRESCRIPTION DRUG PROGRAM FEE.**—Section 736(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(a)(2)) is amended—

(A) in subparagraph (A)—

(i) by striking “Except as provided in subparagraphs (B) and (C)” and inserting the following:

“(i) **PAYMENT OF FEES.**—Except as provided in subparagraphs (B) and (C);

(ii) by striking “subsection (c)(5)” and inserting “subsection (c)(6)”;

(iii) by adding at the end the following:

“(ii) **SPECIAL RULE FOR PREVIOUSLY DISCONTINUED DRUG PRODUCTS.**—If a drug product that is identified in a human drug application approved as of October 1 of a fiscal year is not a prescription drug product as of that date because the drug product is in the discontinued section of a list referenced in section 735(3)(A)(iii), and on any subsequent day during such fiscal year the drug product is a prescription drug product, then except as provided in subparagraphs (B) and (C), each person who is named as the applicant in a human drug application with respect to such product, and who, after September 1, 1992, had pending before the Secretary a human drug application or supplement, shall pay the annual prescription drug program fee established for a fiscal year under subsection (c)(6) for such prescription drug product. Such fee shall be due on the last business

day of such fiscal year and shall be paid only once for each such product for a fiscal year in which the fee is payable.”; and

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

“(B) **EXCEPTION FOR CERTAIN PRESCRIPTION DRUG PRODUCTS.**—A prescription drug program fee shall not be assessed for a prescription drug product under subparagraph (A) if such product is—

“(i) a large volume parenteral product (a sterile aqueous drug product packaged in a single-dose container with a volume greater than or equal to 100 mL, not including powders for reconstitution or pharmacy bulk packages) identified on the list compiled under section 505(j)(7);

“(ii) pharmaceutically equivalent (as defined in section 314.3 of title 21, Code of Federal Regulations (or any successor regulation)) to another product on the list of products compiled under section 505(j)(7) (not including the discontinued section of such list); or

“(iii) a skin-test diagnostic product.”.

(b) **FEE REVENUE AMOUNTS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 736(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(b)) is amended to read as follows:

“(1) **IN GENERAL.**—For each of the fiscal years 2023 through 2027, fees under subsection (a) shall, except as provided in subsections (c), (d), (f), and (g), be established to generate a total revenue amount under such subsection that is equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the strategic hiring and retention adjustment for the fiscal year (as determined under subsection (c)(2));

“(D) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(3));

“(E) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(4));

“(F) the dollar amount equal to the additional direct cost adjustment for the fiscal year (as determined under subsection (c)(5)); and

“(G) additional dollar amounts for each fiscal year as follows:

“(i) \$65,773,693 for fiscal year 2023.

“(ii) \$25,097,671 for fiscal year 2024.

“(iii) \$14,154,169 for fiscal year 2025.

“(iv) \$4,864,860 for fiscal year 2026.

“(v) \$1,314,620 for fiscal year 2027.”.

(2) **ANNUAL BASE REVENUE.**—Paragraph (3) of section 736(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(b)) is amended to read as follows:

“(3) **ANNUAL BASE REVENUE.**—For purposes of paragraph (1), the dollar amount of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2023, \$1,151,522,958; and

“(B) for fiscal years 2024 through 2027, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, not including any adjustments made under subsection (c)(4) or (c)(5).”.

(c) **ADJUSTMENTS; ANNUAL FEE SETTING.**—

(1) **INFLATION ADJUSTMENT.**—Section 736(c)(1)(B)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)(1)(B)(ii)) is amended by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”.

(2) **STRATEGIC HIRING AND RETENTION ADJUSTMENT.**—Section 736(c) of the Federal

Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) STRATEGIC HIRING AND RETENTION ADJUSTMENT.—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall further increase the fee revenue and fees by the following amounts:

“(A) For fiscal year 2023, \$9,000,000.

“(B) For each of fiscal years 2024 through 2027, \$4,000,000.”

(3) CAPACITY PLANNING ADJUSTMENT.—Paragraph (3), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended to read as follows:

“(3) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—For each fiscal year, after the annual base revenue established in subsection (b)(1)(A) is adjusted in accordance with paragraphs (1) and (2), such revenue shall be adjusted further for such fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for the process for the review of human drug applications.

“(B) METHODOLOGY.—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the Secretary in setting fees for fiscal year 2021, as described in the notice titled ‘Prescription Drug User Fee Rates for Fiscal Year 2021’ published in the Federal Register on August 3, 2020 (85 Fed. Reg. 46651). The workload categories used in applying such methodology in forecasting shall include only the activities described in that notice and, as feasible, additional activities that are directly related to the direct review of applications and supplements, including additional formal meeting types, the direct review of postmarketing commitments and requirements, the direct review of risk evaluation and mitigation strategies, and the direct review of annual reports for approved prescription drug products. Subject to the exceptions in the preceding sentence, the Secretary shall not include as workload categories in applying such methodology in forecasting any non-core review activities, including those activities that the Secretary referenced for potential future use in such notice but did not utilize in setting fees for fiscal year 2021.

“(C) LIMITATION.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year), (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment for the fiscal year).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (6) of the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.”

(4) OPERATING RESERVE ADJUSTMENT.—Paragraph (4), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended—

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

“(A) INCREASE.—For fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees if such an adjustment is necessary to provide for operating reserves of

carryover user fees for the process for the review of human drug applications for each fiscal year in at least the following amounts:

“(i) For fiscal year 2023, at least 8 weeks of operating reserves.

“(ii) For fiscal year 2024, at least 9 weeks of operating reserves.

“(iii) For fiscal year 2025 and subsequent fiscal years, at least 10 weeks of operating reserves.”; and

(B) in subparagraph (C), by striking “paragraph (5)” and inserting “paragraph (6)”.

(5) ADDITIONAL DIRECT COST ADJUSTMENT.—Paragraph (5), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended to read as follows:

“(5) ADDITIONAL DIRECT COST ADJUSTMENT.—

“(A) INCREASE.—The Secretary shall, in addition to adjustments under paragraphs (1), (2), (3), and (4), further increase the fee revenue and fees—

“(i) for fiscal year 2023, by \$44,386,150; and

“(ii) for each of fiscal years 2024 through 2027, by the amount set forth in clauses (i) through (iv) of subparagraph (B), as applicable, multiplied by the Consumer Price Index for urban consumers (Washington-Arlington-Alexandria, DC-VA-MD-WV; Not Seasonally Adjusted; All Items; Annual Index) for the most recent year of available data, divided by such Index for 2021.

“(B) APPLICABLE AMOUNTS.—The amounts referred to in subparagraph (A)(ii) are the following:

“(i) For fiscal year 2024, \$60,967,993.

“(ii) For fiscal year 2025, \$35,799,314.

“(iii) For fiscal year 2026, \$35,799,314.

“(iv) For fiscal year 2027, \$35,799,314.”

(6) ANNUAL FEE SETTING.—Paragraph (6), as redesignated, of section 736(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(c)) is amended by striking “September 30, 2017” and inserting “September 30, 2022”.

(d) CREDITING AND AVAILABILITY OF FEES.—Section 736(g)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(g)(3)) is amended by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”.

(e) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, EXEMPTIONS, AND RETURNS; DISPUTES CONCERNING FEES.—Section 736(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(i)) is amended to read as follows:

“(i) WRITTEN REQUESTS FOR WAIVERS, REDUCTIONS, EXEMPTIONS, AND RETURNS; DISPUTES CONCERNING FEES.—To qualify for consideration for a waiver or reduction under subsection (d), an exemption under subsection (k), or the return of any fee paid under this section, including if the fee is claimed to have been paid in error, a person shall—

“(1) not later than 180 days after such fee is due, submit to the Secretary a written request justifying such waiver, reduction, exemption, or return; and

“(2) include in the request any legal authorities under which the request is made.”

(f) ORPHAN DRUGS.—Section 736(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h(k)) is amended—

(1) in paragraph (1)(B), by striking “during the previous year” and inserting “as determined under paragraph (2)”;

(2) by amending paragraph (2) to read as follows:

“(2) EVIDENCE OF QUALIFICATION.—An exemption under paragraph (1) applies with respect to a drug only if the applicant involved submits a certification that the applicant’s gross annual revenues did not exceed \$50,000,000 for the last calendar year ending prior to the fiscal year for which the exemp-

tion is requested. Such certification shall be supported by—

“(A) tax returns submitted to the United States Internal Revenue Service; or

“(B) as necessary, other appropriate financial information.”

SEC. 1004. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(2) by striking “Prescription Drug User Fee Amendments of 2017” each place it appears and inserting “Prescription Drug User Fee Amendments of 2022”;

(3) in subsection (a)(3)(A), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(4) in subsection (a)(4), by striking “Beginning with fiscal year 2020, the” and inserting “The”;

(5) in subsection (b), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, for” and inserting “For”; and

(7) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (5), by striking “January 15, 2022” and inserting “January 15, 2027”.

SEC. 1005. SUNSET DATES.

(a) AUTHORIZATION.—Sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g; 379h) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 736B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379h-2) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 104 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

SEC. 1006. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.) shall be assessed for all human drug applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

SEC. 1007. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 2 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to human drug applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE II—FEES RELATING TO DEVICES

SEC. 2001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Medical Device User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized under the amendments made by this title will be dedicated toward expediting the process for the review of device applications and for assuring the safety and effectiveness of devices, as set forth in the goals identified for purposes of part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 2002. DEFINITIONS.

Section 737 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i) is amended—

(1) in paragraph (9)—

(A) in the matter preceding subparagraph (A), by striking “and premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”;

(B) in subparagraph (D), by striking “and submissions” and inserting “submissions, and de novo classification requests”;

(C) in subparagraph (F), by striking “and premarket notification submissions” and inserting “premarket notification submissions, and de novo classification requests”;

(D) in each of subparagraphs (G) and (H), by striking “or submissions” and inserting “submissions, or requests”;

(E) in subparagraph (K), by striking “or premarket notification submissions” and inserting “premarket notification submissions, or de novo classification requests”;

(2) in paragraph (11), by striking “2016” and inserting “2021”.

SEC. 2003. AUTHORITY TO ASSESS AND USE DE-VICE FEES.

(a) TYPES OF FEES.—Section 738(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(a)) is amended—

(1) in paragraph (1), by striking “fiscal year 2018” and inserting “fiscal year 2023”; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “October 1, 2017” and inserting “October 1, 2022”;

(ii) in clause (iii), by striking “75 percent” and inserting “80 percent”; and

(iii) in clause (viii), by striking “3.4 percent” and inserting “4.5 percent”;

(B) in subparagraph (B)(iii), by striking “or premarket notification submission” and inserting “premarket notification submission, or de novo classification request”;

(C) in subparagraph (C), by striking “or periodic reporting concerning a class III device” and inserting “periodic reporting concerning a class III device, or de novo classification request”.

(b) FEE AMOUNTS.—Section 738(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(b)) is amended—

(1) in paragraph (1), by striking “2018 through 2022” and inserting “2023 through 2027”;

(2) by amending paragraph (2) to read as follows:

“(2) BASE FEE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the base fee amounts specified in this paragraph are as follows:

Fee Type	Fiscal Year 2023	Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027
Premarket Application	\$425,000	\$435,000	\$445,000	\$455,000	\$470,000
Establishment Registration	\$6,250	\$6,875	\$7,100	\$7,575	\$8,465” and

(3) by amending paragraph (3) to read as follows:

“(3) TOTAL REVENUE AMOUNTS SPECIFIED.—For purposes of paragraph (1), the total revenue amounts specified in this paragraph are as follows:

“(A) \$312,606,000 for fiscal year 2023.

“(B) \$335,750,000 for fiscal year 2024.

“(C) \$350,746,400 for fiscal year 2025.

“(D) \$366,486,300 for fiscal year 2026.

“(E) \$418,343,000 for fiscal year 2027.”.

(c) ANNUAL FEE SETTING; ADJUSTMENTS.—Section 738(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(c)) is amended—

(1) in paragraph (1), by striking “2017” and inserting “2022”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “2018” and inserting “2023”;

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking “fiscal year 2018” and inserting “fiscal year 2023”;

(ii) in clause (ii), by striking “fiscal year 2016” and inserting “fiscal year 2022”;

(C) in subparagraph (C), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”;

(D) in subparagraph (D), in the matter preceding clause (i), by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”;

(3) in paragraph (3), by striking “2018 through 2022” and inserting “2023 through 2027”;

(4) by redesignating paragraphs (4) and (5) as paragraphs (7) and (8), respectively; and

(5) by inserting after paragraph (3) the following:

“(4) PERFORMANCE IMPROVEMENT ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2025 through 2027, after the adjustments under paragraphs (2) and (3), the base establishment registration fee amounts for such fiscal year shall be increased to reflect changes in the resource needs of the Secretary due to improved review performance goals for the process for the review of device

applications identified in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022, as the Secretary determines necessary to achieve an increase in total fee collections for such fiscal year equal to the following amounts, as applicable:

“(I) For fiscal year 2025, the product of—

“(I) the amount determined under subparagraph (B)(i)(I); and

“(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.

“(ii) For fiscal year 2026, the product of—

“(I) the sum of the amounts determined under subparagraphs (B)(i)(II), (B)(ii)(I), and (B)(iii)(I); and

“(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.

“(iii) For fiscal year 2027, the product of—

“(I) the sum of the amounts determined under subparagraphs (B)(i)(III), (B)(ii)(II), and (B)(iii)(II); and

“(II) the applicable inflation adjustment under paragraph (2)(B) for such fiscal year.

“(B) AMOUNTS.—

“(i) PRE-SUBMISSION AMOUNT.—For purposes of subparagraph (A), with respect to the Pre-submission Written Feedback goal, the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2025, \$15,396,600 if such goal for fiscal year 2023 is met.

“(II) For fiscal year 2026:

“(aa) \$15,396,600 if such goal for fiscal year 2023 is met and such goal for fiscal year 2024 is not met.

“(bb) \$36,792,200 if such goal for fiscal year 2024 is met.

“(III) For fiscal year 2027:

“(aa) \$15,396,600 if such goal for fiscal year 2023 is met and such goal for each of fiscal years 2024 and 2025 is not met.

“(bb) \$36,792,200 if such goal for fiscal year 2024 is met and such goal for fiscal year 2025 is not met.

“(cc) \$40,572,600 if such goal for fiscal year 2025 is met.

“(ii) DE NOVO CLASSIFICATION REQUEST AMOUNT.—For purposes of subparagraph (A), with respect to the De Novo Decision goal,

the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2026, \$6,323,500 if such goal for fiscal year 2023 is met.

“(II) For fiscal year 2027:

“(aa) \$6,323,500 if such goal for fiscal year 2023 is met and such goal for fiscal year 2024 is not met.

“(bb) \$11,765,400 if such goal for fiscal year 2024 is met.

“(iii) PREMARKET NOTIFICATION AND PREMARKET APPROVAL AMOUNT.—For purposes of subparagraph (A), with respect to the 510(k) decision goal, 510(k) Shared Outcome Total Time to Decision goal, PMA decision goal, and PMA Shared Outcome Total Time to Decision goal, the amounts determined under this subparagraph are as follows:

“(I) For fiscal year 2026, \$1,020,000 if the 4 goals for fiscal year 2023 are met.

“(II) For fiscal year 2027:

“(aa) \$1,020,000 if the 4 goals for fiscal year 2023 are met and one or more of the 4 goals for fiscal year 2024 are not met.

“(bb) \$3,906,000 if the 4 goals for fiscal year 2024 are met.

“(C) PERFORMANCE CALCULATION.—For purposes of this paragraph, performance of the following goals shall be determined as specified in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022 and based on data available, as follows:

“(i) The performance of the Presubmission Written Feedback goal shall be based on data available as of—

“(I) for fiscal year 2023, March 31, 2024;

“(II) for fiscal year 2024, March 31, 2025; and

“(III) for fiscal year 2025, March 31, 2026.

“(ii) The performance of the De Novo Decision goal, 510(k) decision goal, 510(k) Shared Outcome Total Time to Decision goal, PMA decision goal, and PMA Shared Outcome Total Time to Decision goal shall be based on data available as of—

“(I) for fiscal year 2023, March 31, 2025; and

“(II) for fiscal year 2024, March 31, 2026.

“(D) GOALS DEFINED.—For purposes of this paragraph, the terms ‘Presubmission Written Feedback goal’, ‘De Novo Decision goal’, ‘510(k) decision goal’, ‘510(k) Shared Outcome Total Time to Decision goal’, ‘PMA decision goal’, and ‘PMA Shared Outcome Total Time to Decision goal’ refer to the goals identified by the same names in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022.

“(5) HIRING ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2025 through 2027, after the adjustments under paragraphs (2), (3), and (4), if applicable, if the number of hires to support the process for the review of device applications falls below the thresholds specified in subparagraph (B) for the applicable fiscal years, the base establishment registration fee amounts shall be decreased as the Secretary determines necessary to achieve a reduction in total fee collections equal to the hiring adjustment amount under subparagraph (C).

“(B) THRESHOLDS.—The thresholds specified in this subparagraph are as follows:

“(i) For fiscal year 2025, the threshold is 123 hires for fiscal year 2023.

“(ii) For fiscal year 2026, the threshold is 38 hires for fiscal year 2024.

“(iii) For fiscal year 2027, the threshold is—

“(I) 22 hires for fiscal year 2025 if the base establishment registration fees are not increased by the amount determined under paragraph (4)(A)(i); or

“(II) 75 hires for fiscal year 2025 if such fees are so increased.

“(C) HIRING ADJUSTMENT AMOUNT.—The hiring adjustment amount for fiscal year 2025 and each subsequent fiscal year is the product of—

“(i) the number of hires by which the hiring goal specified in subparagraph (D) for the fiscal year before the prior fiscal year was not met;

“(ii) \$72,877; and

“(iii) the applicable inflation adjustment under paragraph (2)(B) for the fiscal year for which the hiring goal was not met.

“(D) HIRING GOALS.—The hiring goals for each of fiscal years 2023 through 2025 are as follows:

“(i) For fiscal year 2023, 144 hires.

“(ii) For fiscal year 2024, 42 hires.

“(iii) For fiscal year 2025:

“(I) 24 hires if the base establishment registration fees are not increased by the amount determined under paragraph (4)(A)(i).

“(II) 83 hires if the base establishment registration fees are increased by the amount determined under paragraph (4)(A)(i).

“(E) NUMBER OF HIRES.—For purposes of this paragraph, the number of hires for a fiscal year shall be determined by the Secretary as set forth in the letters described in section 2001(b) of the Medical Device User Fee Amendments of 2022.

“(6) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For each of fiscal years 2023 through 2027, after the adjustments under paragraphs (2), (3), (4), and (5), if applicable, if the Secretary has operating reserves of carryover user fees for the process for the review of device applications in excess of the designated amount in subparagraph (B), the Secretary shall decrease the base establishment registration fee amounts to provide for not more than such designated amount of operating reserves.

“(B) DESIGNATED AMOUNT.—Subject to subparagraph (C), for each fiscal year, the designated amount in this subparagraph is equal to the sum of—

“(i) 13 weeks of operating reserves of carryover user fees; and

“(ii) 1 month of operating reserves maintained pursuant to paragraph (8).

“(C) EXCLUDED AMOUNT.—For the period of fiscal years 2023 through 2026, a total amount equal to \$118,000,000 shall not be considered part of the designated amount under subparagraph (B) and shall not be subject to the decrease under subparagraph (A).”

(d) CONDITIONS.—Section 738(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(g)) is amended—

(1) in paragraph (1)(A), by striking “\$320,825,000” and inserting “\$398,566,000”; and

(2) in paragraph (2), by inserting “de novo classification requests,” after “class III device.”

(e) CREDITING AND AVAILABILITY OF FEES.—Section 738(h)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j(h)(3)) is amended to read as follows:

“(3) AUTHORIZATION OF APPROPRIATIONS.—

“(A) IN GENERAL.—For each of fiscal years 2023 through 2027, there is authorized to be appropriated for fees under this section an amount equal to the revenue amount determined under subparagraph (B), less the amount of reductions determined under subparagraph (C).

“(B) REVENUE AMOUNT.—For purposes of this paragraph, the revenue amount for each fiscal year is the sum of—

“(i) the total revenue amount under subsection (b)(3) for the fiscal year, as adjusted under paragraphs (2) and (3) of subsection (c); and

“(ii) the performance improvement adjustment amount for the fiscal year under subsection (c)(4), if applicable.

“(C) AMOUNT OF REDUCTIONS.—For purposes of this paragraph, the amount of reductions for each fiscal year is the sum of—

“(i) the hiring adjustment amount for the fiscal year under subsection (c)(5), if applicable; and

“(ii) the operating reserve adjustment amount for the fiscal year under subsection (c)(6), if applicable.”

SEC. 2004. REAUTHORIZATION; REPORTING REQUIREMENTS.

(a) PERFORMANCE REPORTS.—Section 738A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(a)) is amended—

(1) by striking “fiscal year 2018” each place it appears and inserting “fiscal year 2023”; and

(2) by striking “Medical Device User Fee Amendments of 2017” each place it appears and inserting “Medical Device User Fee Amendments of 2022”;

(3) in paragraph (1)—

(A) in subparagraph (A), by redesignating the second clause (iv) (relating to analysis) as clause (v); and

(B) in subparagraph (A)(iv), by striking “fiscal year 2020” and inserting “fiscal year 2023”; and

(4) in paragraph (4), by striking “2018 through 2022” and inserting “2023 through 2027”.

(b) REAUTHORIZATION.—Section 738A(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1(b)) is amended—

(1) in paragraph (1), by striking “2022” and inserting “2027”; and

(2) in paragraph (5), by striking “2022” and inserting “2027”.

SEC. 2005. CONFORMITY ASSESSMENT PILOT PROGRAM.

Section 514(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360d(d)) is amended to read as follows:

“(d) ACCREDITATION SCHEME FOR CONFORMITY ASSESSMENT.—

“(1) IN GENERAL.—The Secretary shall establish a program under which—

“(A) testing laboratories meeting criteria specified in guidance by the Secretary may

be accredited, by accreditation bodies meeting criteria specified in guidance by the Secretary, to conduct testing to support the assessment of the conformity of a device to certain standards recognized under this section; and

“(B) subject to paragraph (2), results from tests conducted to support the assessment of conformity of devices as described in subparagraph (A) conducted by testing laboratories accredited pursuant to this subsection shall be accepted by the Secretary for purposes of demonstrating such conformity unless the Secretary finds that certain results of such tests should not be so accepted.

“(2) SECRETARIAL REVIEW OF ACCREDITED LABORATORY RESULTS.—The Secretary may—

“(A) review the results of tests conducted by testing laboratories accredited pursuant to this subsection, including by conducting periodic audits of such results or of the processes of accredited bodies or testing laboratories;

“(B) following such review, take additional measures under this Act, as the Secretary determines appropriate, such as—

“(i) suspension or withdrawal of accreditation of a testing laboratory or recognition of an accreditation body under paragraph (1)(A); or

“(ii) requesting additional information with respect to a device; and

“(C) if the Secretary becomes aware of information materially bearing on the safety or effectiveness of a device for which an assessment of conformity was supported by testing conducted by a testing laboratory accredited under this subsection, take such additional measures under this Act, as the Secretary determines appropriate, such as—

“(i) suspension or withdrawal of accreditation of a testing laboratory or recognition of an accreditation body under paragraph (1)(A); or

“(ii) requesting additional information with regard to such device.

“(3) REPORT.—The Secretary shall make available on the internet website of the Food and Drug Administration an annual report on the progress of the program under this subsection.”

SEC. 2006. REAUTHORIZATION OF THIRD-PARTY REVIEW PROGRAM.

Section 523(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360m(c)) is amended by striking “October 1” and inserting “December 17”.

SEC. 2007. SUNSET DATES.

(a) AUTHORIZATION.—Sections 737 and 738 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i; 379j) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 738A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-1) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISIONS.—Effective October 1, 2022, subsections (a) and (b) of section 210 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

SEC. 2008. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.) shall be assessed for all submissions listed in section 738(a)(2)(A) of such Act received on or after October 1, 2022, regardless of the date of the enactment of this Act.

SEC. 2009. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 3 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379i et seq.), as in effect on the day before the date of the enactment of this

title, shall continue to be in effect with respect to the submissions listed in section 738(a)(2)(A) of such Act (as defined in such part as of such day) that on or after October 1, 2017, but before October 1, 2022, were received by the Food and Drug Administration with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE III—FEES RELATING TO GENERIC DRUGS

SEC. 3001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Generic Drug User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title will be dedicated to human generic drug activities, as set forth in the goals identified for purposes of part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 3002. AUTHORITY TO ASSESS AND USE HUMAN GENERIC DRUG FEES.

(a) TYPES OF FEES.—Section 744B(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(a)) is amended—

(1) in the matter preceding paragraph (1), by striking “2018” and inserting “2023”;

(2) in paragraph (2)(C), by striking “2018 through 2022” and inserting “2023 through 2027”;

(3) in paragraph (3)(B), by striking “2018 through 2022” and inserting “2023 through 2027”;

(4) in paragraph (4)(D), by striking “2018 through 2022” and inserting “2023 through 2027”;

(5) in paragraph (5)(D), by striking “2018 through 2022” and inserting “2023 through 2027”.

(b) FEE REVENUE AMOUNTS.—Section 744B(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the heading, by striking “2018” and inserting “2023”;

(ii) by striking “2018” and inserting “2023”;

(iii) by striking “\$493,600,000” and inserting “\$582,500,000”; and

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

“(B) FISCAL YEARS 2024 THROUGH 2027.—

“(i) IN GENERAL.—For each of the fiscal years 2024 through 2027, fees under paragraphs (2) through (5) of subsection (a) shall be established to generate a total estimated revenue amount under such subsection that is equal to the base revenue amount for the fiscal year under clause (ii), as adjusted pursuant to subsection (c).

“(ii) BASE REVENUE AMOUNT.—The base revenue amount for a fiscal year referred to in clause (i) is equal to the total revenue amount established under this paragraph for the previous fiscal year, not including any adjustments made for such previous fiscal year under subsection (c)(3).”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking “one-third the amount” and inserting “twenty-four percent”;

(B) in subparagraph (D), by striking “Seven percent” and inserting “Six percent”; and

(C) in subparagraph (E)(i), by striking “Thirty-five percent” and inserting “Thirty-six percent”.

(c) ADJUSTMENTS.—Section 744B(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “2019” and inserting “2024”;

(ii) by striking “to equal the product of the total revenues established in such notice for the prior fiscal year multiplied” and inserting “to equal the base revenue amount for the fiscal year (as specified in subsection (b)(1)(B)(ii)) multiplied”; and

(B) in subparagraph (C), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”; and

(2) by striking paragraph (2) and inserting the following:

“(2) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—Beginning with fiscal year 2024, the Secretary shall, in addition to the adjustment under paragraph (1), further increase the fee revenue and fees under this section for a fiscal year, in accordance with this paragraph, to reflect changes in the resource capacity needs of the Secretary for human generic drug activities.

“(B) CAPACITY PLANNING METHODOLOGY.—The Secretary shall establish a capacity planning methodology for purposes of this paragraph, which shall—

“(i) be derived from the methodology and recommendations made in the report titled ‘Independent Evaluation of the GDUFA Resource Capacity Planning Adjustment Methodology: Evaluation and Recommendations’ announced in the Federal Register on August 3, 2020 (85 Fed. Reg. 46658); and

“(ii) incorporate approaches and attributes determined appropriate by the Secretary, including approaches and attributes made in such report, except that in incorporating such approaches and attributes the workload categories used in forecasting resources shall only be the workload categories specified in section VIII.B.2.e. of the letters described in section 3001(b) of the Generic Drug User Fee Amendments of 2022.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsection (b)(1)(B)(ii) (the base revenue amount for the fiscal year) and paragraph (1) (the dollar amount of the inflation adjustment for the fiscal year).

“(ii) ADDITIONAL LIMITATION.—An adjustment under this paragraph shall not exceed 3 percent of the sum described in clause (i) for the fiscal year, except that such limitation shall be 4 percent if—

“(I) for purposes of a fiscal year 2024 adjustment, the Secretary determines that during the period from April 1, 2021, through March 31, 2023—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,000; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as that term is defined in section XI of the letters described in section 3001(b) of the Generic Drug User Fee Amendments of 2022);

“(II) for purposes of a fiscal year 2025 adjustment, the Secretary determines that during the period from April 1, 2022, through March 31, 2024—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined);

“(III) for purposes of a fiscal year 2026 adjustment, the Secretary determines that during the period from April 1, 2023, through March 31, 2025—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined); and

“(IV) for purposes of a fiscal year 2027 adjustment, the Secretary determines that during the period from April 1, 2024, through March 31, 2026—

“(aa) the total number of abbreviated new drug applications submitted was greater than or equal to 2,300; or

“(bb) thirty-five percent or more of abbreviated new drug applications submitted related to complex products (as so defined).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice referred to in subsection (a) the fee revenue and fees resulting from the adjustment and the methodology under this paragraph.

“(3) OPERATING RESERVE ADJUSTMENT.—

“(A) IN GENERAL.—For fiscal year 2024 and each subsequent fiscal year, the Secretary may, in addition to adjustments under paragraphs (1) and (2), further increase the fee revenue and fees under this section for such fiscal year if such an adjustment is necessary to provide operating reserves of carryover user fees for human generic drug activities for not more than the number of weeks specified in subparagraph (B) with respect to that fiscal year.

“(B) NUMBER OF WEEKS.—The number of weeks specified in this subparagraph is—

“(i) 8 weeks for fiscal year 2024;

“(ii) 9 weeks for fiscal year 2025; and

“(iii) 10 weeks for each of fiscal year 2026 and 2027.

“(C) DECREASE.—If the Secretary has carryover balances for human generic drug activities in excess of 12 weeks of the operating reserves referred to in subparagraph (A), the Secretary shall decrease the fee revenue and fees referred to in such subparagraph to provide for not more than 12 weeks of such operating reserves.

“(D) RATIONALE FOR ADJUSTMENT.—If an adjustment under this paragraph is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under subsection (a) publishing the fee revenue and fees for the fiscal year involved.”.

(d) ANNUAL FEE SETTING.—Section 744B(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(d)(1)) is amended—

(1) in the paragraph heading, by striking “2018 THROUGH 2022” and inserting “2023 THROUGH 2027”; and

(2) by striking “more than 60 days before the first day of each of fiscal years 2018 through 2022” and inserting “later than 60 days before the first day of each of fiscal years 2023 through 2027”.

(e) EFFECT OF FAILURE TO PAY FEES.—The heading of paragraph (3) of section 744B(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(g)) is amended by striking “AND PRIOR APPROVAL SUPPLEMENT FEE”.

(f) CREDITING AND AVAILABILITY OF FEES.—Section 744B(i)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-42(i)(3)) is amended by striking “fiscal years 2018 through 2022” and inserting “fiscal years 2023 through 2027”.

SEC. 3003. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-43) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(2) by striking “Generic Drug User Fee Amendments of 2017” each place it appears and inserting “Generic Drug User Fee Amendments of 2022”;

(3) in subsection (a)(2), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(4) in subsection (a)(3), by striking “Beginning with fiscal year 2020, the” and inserting “The”;

(5) in subsection (b), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, for” and inserting “For”; and

(7) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (5), by striking “January 15, 2022” and inserting “January 15, 2027”.

SEC. 3004. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744A and 744B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41; 379j-42) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 744C of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-43) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 305 of the FDA Reauthorization Act of 2017 (Public Law 115-52) are repealed.

SEC. 3005. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.) shall be assessed for all abbreviated new drug applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

SEC. 3006. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 7 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-41 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to abbreviated new drug applications (as defined in such part as of such day) that were received by the Food and Drug Administration within the meaning of section 505(j)(5)(A) of such Act (21 U.S.C. 355(j)(5)(A)), prior approval supplements that were submitted, and drug master files for Type II active pharmaceutical ingredients that were first referenced on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE IV—FEES RELATING TO BIOSIMILAR BIOLOGICAL PRODUCTS

SEC. 4001. SHORT TITLE; FINDING.

(a) SHORT TITLE.—This title may be cited as the “Biosimilar User Fee Amendments of 2022”.

(b) FINDING.—Congress finds that the fees authorized by the amendments made by this title will be dedicated to expediting the process for the review of biosimilar biological product applications, including postmarket safety activities, as set forth in the goals identified for purposes of part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51 et seq.), in the letters from the Secretary of Health and Human Services to the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate and the Chairman of the Committee on Energy and Commerce of the House of Representatives, as set forth in the Congressional Record.

SEC. 4002. DEFINITIONS.

(a) ADJUSTMENT FACTOR.—Section 744G(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(1)) is amended to read as follows:

“(1) The term ‘adjustment factor’ applicable to a fiscal year is the Consumer Price Index for urban consumers (Washington-Arlington-Alexandria, DC-VA-MD-WV; Not Seasonally Adjusted; All items) for September of the preceding fiscal year divided by such Index for September 2011.”.

(b) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION.—Section 744G(4)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-51(4)(B)(iii)) is amended—

(1) by striking subclause (II) (relating to an allergenic extract product); and

(2) by redesignating subclauses (III) and (IV) as subclauses (II) and (III), respectively.

SEC. 4003. AUTHORITY TO ASSESS AND USE BIOSIMILAR BIOLOGICAL PRODUCT FEES.

(a) TYPES OF FEES.—

(1) IN GENERAL.—The matter preceding paragraph (1) in section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) is amended by striking “fiscal year 2018” and inserting “fiscal year 2023”.

(2) INITIAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—Clauses (iv)(I) and (v)(II) of section 744H(a)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(A)) are each amended by striking “5 days” and inserting “7 days”.

(3) ANNUAL BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT FEE.—Section 744H(a)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(B)) is amended—

(A) in clause (i), by inserting before the period at the end the following: “, except that, in the case that such product (including, where applicable, ownership of the relevant investigational new drug application) is transferred to a licensee, assignee, or successor of such person, and written notice of such transfer is provided to the Secretary, such licensee, assignee, or successor shall pay the annual biosimilar biological product development fee”;

(B) in clause (iii)—

(i) in subclause (I), by striking “or” at the end;

(ii) in subclause (II), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following:

“(III) been administratively removed from the biosimilar biological product development program for the product under subparagraph (E)(v).”; and

(C) in clause (iv), by striking “is accepted for filing on or after October 1 of such fiscal year” and inserting “is subsequently accepted for filing”.

(4) REACTIVATION FEE.—Section 744H(a)(1)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(D)) is amended to read as follows:

“(D) REACTIVATION FEE.—

“(i) IN GENERAL.—A person that has discontinued participation in the biosimilar bio-

logical product development program for a product under subparagraph (C), or who has been administratively removed from such program for a product under subparagraph (E)(v), shall, if the person seeks to resume participation in such program, pay all annual biosimilar biological product development fees previously assessed for such product and still owed and a fee (referred to in this section as ‘reactivation fee’) by the earlier of the following:

“(I) Not later than 7 days after the Secretary grants a request by such person for a biosimilar biological product development meeting for the product (after the date on which such participation was discontinued or the date of administrative removal, as applicable).

“(II) Upon the date of submission (after the date on which such participation was discontinued or the date of administrative removal, as applicable) by such person of an investigational new drug application describing an investigation that the Secretary determines is intended to support a biosimilar biological product application for that product.

“(ii) APPLICATION OF ANNUAL FEE.—A person that pays a reactivation fee for a product shall pay for such product, beginning in the next fiscal year, the annual biosimilar biological product development fee under subparagraph (B), except that, in the case that such product (including, where applicable, ownership of the relevant investigational new drug application) is transferred to a licensee, assignee, or successor of such person, and written notice of such transfer is provided to the Secretary, such licensee, assignee, or successor shall pay the annual biosimilar biological product development fee.”.

(5) EFFECT OF FAILURE TO PAY FEES.—Section 744H(a)(1)(E) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(1)(E)) is amended by adding at the end the following:

“(v) ADMINISTRATIVE REMOVAL FROM THE BIOSIMILAR BIOLOGICAL PRODUCT DEVELOPMENT PROGRAM.—If a person has failed to pay an annual biosimilar biological product development fee for a product as required under subparagraph (B) for a period of 2 consecutive fiscal years, the Secretary may administratively remove such person from the biosimilar biological product development program for the product. At least 30 days prior to administratively removing a person from the biosimilar biological product development program for a product under this clause, the Secretary shall provide written notice to such person of the intended administrative removal.”.

(6) BIOSIMILAR BIOLOGICAL PRODUCT APPLICATION FEE.—Section 744H(a)(2)(D) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(2)(D)) is amended by inserting after “or was withdrawn” the following: “prior to approval”.

(7) BIOSIMILAR BIOLOGICAL PRODUCT PROGRAM FEE.—Section 744H(a)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)(3)) is amended—

(A) in subparagraph (A)—

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

(ii) by redesignating clause (ii) as clause (iii); and

(iii) by inserting after clause (i) the following:

“(ii) may be dispensed only under prescription pursuant to section 503(b); and”;

(B) by adding at the end the following:

“(E) MOVEMENT TO DISCONTINUED LIST.—

“(i) DATE OF INCLUSION.—If a written request to place a product on the list referenced in subparagraph (A) of discontinued biosimilar biological products is submitted to the Secretary on behalf of an applicant,

and the request identifies the date the product is, or will be, withdrawn from sale, then for purposes of assessing the biosimilar biological product program fee, the Secretary shall consider such product to have been included on such list on the later of—

“(I) the date such request was received; or

“(II) if the product will be withdrawn from sale on a future date, such future date when the product is withdrawn from sale.

“(ii) TREATMENT AS WITHDRAWN FROM SALE.—For purposes of clause (i), a product shall be considered withdrawn from sale once the applicant has ceased its own distribution of the product, whether or not the applicant has ordered recall of all previously distributed lots of the product, except that a routine, temporary interruption in supply shall not render a product withdrawn from sale.

“(iii) SPECIAL RULE FOR PRODUCTS REMOVED FROM DISCONTINUED LIST.—If a biosimilar biological product that is identified in a biosimilar biological product application approved as of October 1 of a fiscal year appears, as of October 1 of such fiscal year, on the list referenced in subparagraph (A) of discontinued biosimilar biological products, and on any subsequent day during such fiscal year the biosimilar biological product does not appear on such list, except as provided in subparagraph (D), each person who is named as the applicant in a biosimilar biological product application with respect to such product shall pay the annual biosimilar biological product program fee established for a fiscal year under subsection (c)(5) for such biosimilar biological product. Notwithstanding subparagraph (B), such fee shall be due on the last business day of such fiscal year and shall be paid only once for each such product for each fiscal year.”

(8) BIOSIMILAR BIOLOGICAL PRODUCT FEE.—Section 744H(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(a)) is amended by striking paragraph (4).

(b) FEE REVENUE AMOUNTS.—Subsection (b) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively;

(3) by amending paragraph (1) (as so redesignated) to read as follows:

“(1) IN GENERAL.—For each of the fiscal years 2023 through 2027, fees under subsection (a) shall, except as provided in subsection (c), be established to generate a total revenue amount equal to the sum of—

“(A) the annual base revenue for the fiscal year (as determined under paragraph (3));

“(B) the dollar amount equal to the inflation adjustment for the fiscal year (as determined under subsection (c)(1));

“(C) the dollar amount equal to the strategic hiring and retention adjustment (as determined under subsection (c)(2));

“(D) the dollar amount equal to the capacity planning adjustment for the fiscal year (as determined under subsection (c)(3));

“(E) the dollar amount equal to the operating reserve adjustment for the fiscal year, if applicable (as determined under subsection (c)(4));

“(F) for fiscal year 2023 an additional amount of \$4,428,886; and

“(G) for fiscal year 2024 an additional amount of \$320,569.”

(4) in paragraph (2) (as so redesignated)—

(A) in the paragraph heading, by striking “; LIMITATIONS ON FEE AMOUNTS”;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(5) by amending paragraph (3) (as so redesignated) to read as follows:

“(3) ANNUAL BASE REVENUE.—For purposes of paragraph (1), the dollar amount of the annual base revenue for a fiscal year shall be—

“(A) for fiscal year 2023, \$43,376,922; and

“(B) for fiscal years 2024 through 2027, the dollar amount of the total revenue amount established under paragraph (1) for the previous fiscal year, excluding any adjustments to such revenue amount under subsection (c)(4).”

(c) ADJUSTMENTS; ANNUAL FEE SETTING.—Section 744H(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “subsection (b)(2)(B)” and inserting “subsection (b)(1)(B)”; and

(ii) in clause (i), by striking “subsection (b)” and inserting “subsection (b)(1)(A)”; and (B) in subparagraph (B)(ii), by striking “Washington-Baltimore, DC-MD-VA-WV” and inserting “Washington-Arlington-Alexandria, DC-VA-MD-WV”;

(2) by striking paragraphs (2) through (4) and inserting the following:

“(2) STRATEGIC HIRING AND RETENTION ADJUSTMENT.—For each fiscal year, after the annual base revenue under subsection (b)(1)(A) is adjusted for inflation in accordance with paragraph (1), the Secretary shall further increase the fee revenue and fees by \$150,000.

“(3) CAPACITY PLANNING ADJUSTMENT.—

“(A) IN GENERAL.—For each fiscal year, the Secretary shall, in addition to the adjustments under paragraphs (1) and (2), further adjust the fee revenue and fees under this section for a fiscal year to reflect changes in the resource capacity needs of the Secretary for the process for the review of biosimilar biological product applications.

“(B) METHODOLOGY.—For purposes of this paragraph, the Secretary shall employ the capacity planning methodology utilized by the Secretary in setting fees for fiscal year 2021, as described in the notice titled ‘Biosimilar User Fee Rates for Fiscal Year 2021’ published in the Federal Register on August 4, 2020 (85 Fed. Reg. 47220). The workload categories used in applying such methodology in forecasting shall include only the activities described in that notice and, as feasible, additional activities that are directly related to the direct review of biosimilar biological product applications and supplements, including additional formal meeting types, the direct review of postmarketing commitments and requirements, the direct review of risk evaluation and mitigation strategies, and the direct review of annual reports for approved biosimilar biological products. Subject to the exceptions in the preceding sentence, the Secretary shall not include as workload categories in applying such methodology in forecasting any non-core review activities, including those activities that the Secretary referenced for potential future use in such notice but did not utilize in setting fees for fiscal year 2021.

“(C) LIMITATIONS.—Under no circumstances shall an adjustment under this paragraph result in fee revenue for a fiscal year that is less than the sum of the amounts under subsections (b)(1)(A) (the annual base revenue for the fiscal year), (b)(1)(B) (the dollar amount of the inflation adjustment for the fiscal year), and (b)(1)(C) (the dollar amount of the strategic hiring and retention adjustment).

“(D) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish in the Federal Register notice under paragraph (5) the fee revenue and fees resulting from the adjustment and the methodologies under this paragraph.

“(4) OPERATING RESERVE ADJUSTMENT.—

“(A) INCREASE.—For fiscal year 2023 and subsequent fiscal years, the Secretary shall, in addition to adjustments under paragraphs (1), (2), and (3), further increase the fee revenue and fees if such an adjustment is necessary to provide for at least 10 weeks of operating reserves of carryover user fees for the process for the review of biosimilar biological product applications.

“(B) DECREASE.—

“(i) FISCAL YEAR 2023.—For fiscal year 2023, if the Secretary has carryover balances for such process in excess of 33 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 33 weeks of such operating reserves.

“(ii) FISCAL YEAR 2024.—For fiscal year 2024, if the Secretary has carryover balances for such process in excess of 27 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 27 weeks of such operating reserves.

“(iii) FISCAL YEAR 2025 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2025 and subsequent fiscal years, if the Secretary has carryover balances for such process in excess of 21 weeks of such operating reserves, the Secretary shall decrease such fee revenue and fees to provide for not more than 21 weeks of such operating reserves.

“(C) FEDERAL REGISTER NOTICE.—If an adjustment under subparagraph (A) or (B) is made, the rationale for the amount of the increase or decrease (as applicable) in fee revenue and fees shall be contained in the annual Federal Register notice under paragraph (5)(B) establishing fee revenue and fees for the fiscal year involved.”; and

(3) in paragraph (5), in the matter preceding subparagraph (A), by striking “2018” and inserting “2023”.

(d) CREDITING AND AVAILABILITY OF FEES.—Subsection (f)(3) of section 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(f)(3)) is amended by striking “2018 through 2022” and inserting “2023 through 2027”.

(e) WRITTEN REQUESTS FOR WAIVERS AND RETURNS; DISPUTES CONCERNING FEES.—Section 744H(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-52(h)) is amended to read as follows:

“(h) WRITTEN REQUESTS FOR WAIVERS AND RETURNS; DISPUTES CONCERNING FEES.—To qualify for consideration for a waiver under subsection (d), or for the return of any fee paid under this section, including if the fee is claimed to have been paid in error, a person shall submit to the Secretary a written request justifying such waiver or return and, except as otherwise specified in this section, such written request shall be submitted to the Secretary not later than 180 days after such fee is due. A request submitted under this paragraph shall include any legal authorities under which the request is made.”

SEC. 4004. REAUTHORIZATION; REPORTING REQUIREMENTS.

Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j-53) is amended—

(1) in subsection (a)(1), by striking “Beginning with fiscal year 2018, not” and inserting “Not”;

(2) by striking “Biosimilar User Fee Amendments of 2017” each place it appears and inserting “Biosimilar User Fee Amendments of 2022”;

(3) in subsection (a)(2), by striking “Beginning with fiscal year 2018, the” and inserting “The”;

(4) in subsection (a)(3)(A), by striking “Not later than 30 calendar days after the end of the second quarter of fiscal year 2018, and not later than 30 calendar days after the end

of each quarter of each fiscal year thereafter” and inserting “Not later than 30 calendar days after the end of each quarter of each fiscal year for which fees are collected under this part”;

(5) in subsection (b), by striking “Not later than 120 days after the end of fiscal year 2018 and each subsequent fiscal year for which fees are collected under this part” and inserting “Not later than 120 days after the end of each fiscal year for which fees are collected under this part”;

(6) in subsection (c), by striking “Beginning with fiscal year 2018, and for” and inserting “For”; and

(7) in subsection (f)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “fiscal year 2022” and inserting “fiscal year 2027”; and

(B) in paragraph (3), by striking “January 15, 2022” and inserting “January 15, 2027”.

SEC. 4005. SUNSET DATES.

(a) AUTHORIZATION.—Sections 744G and 744H of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51, 379j–52) shall cease to be effective October 1, 2027.

(b) REPORTING REQUIREMENTS.—Section 744I of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–53) shall cease to be effective January 31, 2028.

(c) PREVIOUS SUNSET PROVISION.—Effective October 1, 2022, subsections (a) and (b) of section 405 of the FDA Reauthorization Act of 2017 (Public Law 115–52) are repealed.

SEC. 4006. EFFECTIVE DATE.

The amendments made by this title shall take effect on October 1, 2022, or the date of the enactment of this Act, whichever is later, except that fees under part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51 et seq.) shall be assessed for all biosimilar biological product applications received on or after October 1, 2022, regardless of the date of the enactment of this Act.

SEC. 4007. SAVINGS CLAUSE.

Notwithstanding the amendments made by this title, part 8 of subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379j–51 et seq.), as in effect on the day before the date of the enactment of this title, shall continue to be in effect with respect to biosimilar biological product applications and supplements (as defined in such part as of such day) that were accepted by the Food and Drug Administration for filing on or after October 1, 2017, but before October 1, 2022, with respect to assessing and collecting any fee required by such part for a fiscal year prior to fiscal year 2023.

TITLE V—REAUTHORIZATION OF OTHER PROVISIONS

SEC. 5001. REAUTHORIZATION OF THE BEST PHARMACEUTICALS FOR CHILDREN PROGRAM.

Section 409I(d)(1) of the Public Health Service Act (42 U.S.C. 284m(d)(1)) is amended by striking “\$25,000,000 for each of fiscal years 2018 through 2022” and inserting “\$5,273,973 for the period beginning on October 1, 2022 and ending on December 16, 2022”.

SEC. 5002. REAUTHORIZATION OF THE HUMANITARIAN DEVICE EXEMPTION INCENTIVE.

Section 520(m)(6)(A)(iv) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j(m)(6)(A)(iv)) is amended by striking “October 1” and inserting “December 17”.

SEC. 5003. REAUTHORIZATION OF THE PEDIATRIC DEVICE CONSORTIA PROGRAM.

Section 305(e) of the Food and Drug Administration Amendments Act of 2007 (Public Law 110–85; 42 U.S.C. 282 note) is amended by striking “\$5,250,000 for each of fiscal years 2018 through 2022” and inserting “\$1,107,534

for the period beginning on October 1, 2022, and ending on December 16, 2022”.

SEC. 5004. REAUTHORIZATION OF PROVISION PERTAINING TO DRUGS CONTAINING SINGLE ENANTIOMERS.

Section 505(u)(4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(u)(4)) is amended by striking “October 1” and inserting “December 17”.

SEC. 5005. REAUTHORIZATION OF THE CRITICAL PATH PUBLIC-PRIVATE PARTNERSHIP.

Section 566(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–5(f)) is amended by striking “\$6,000,000 for each of fiscal years 2018 through 2022” and inserting “\$1,265,753 for the period beginning on October 1, 2022 and ending on December 16, 2022”.

SEC. 5006. REAUTHORIZATION OF ORPHAN DRUG GRANTS.

Section 5(c) of the Orphan Drug Act (21 U.S.C. 360ee(c)) is amended by striking “\$30,000,000 for each of fiscal years 2018 through 2022” and inserting “\$6,328,767 for the period beginning on October 1, 2022, and ending on December 16, 2022”.

SEC. 5007. REAUTHORIZATION OF CERTAIN DEVICE INSPECTIONS.

Section 704(g)(11) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(g)(11)) is amended by striking “October 1” and inserting “December 17”.

SEC. 5008. REAUTHORIZATION OF REPORTING REQUIREMENTS RELATED TO PENDING GENERIC DRUG APPLICATIONS AND PRIORITY REVIEW APPLICATIONS.

Section 807 of the FDA Reauthorization Act of 2017 (Public Law 115–52) is amended, in the matter preceding paragraph (1), by striking “October 1” and inserting “December 16”.

DIVISION G—HERMIT'S PEAK/CALF CANYON FIRE ASSISTANCE ACT

SEC. 101. SHORT TITLE.

This division may be cited as the “Hermit's Peak/Calf Canyon Fire Assistance Act”.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) on April 6, 2022, the Forest Service initiated the Las Dispensas-Gallinas prescribed burn on Federal land in the Santa Fe National Forest in San Miguel County, New Mexico, when erratic winds were prevalent in the area that was also suffering from severe drought after many years of insufficient precipitation;

(2) on April 6, 2022, the prescribed burn, which became known as the “Hermit's Peak Fire”, exceeded the containment capabilities of the Forest Service, was declared a wildfire, and spread to other Federal and non-Federal land;

(3) on April 19, 2022, the Calf Canyon Fire, also in San Miguel County, New Mexico, began burning on Federal land and was later identified as the result of a pile burn in January 2022 that remained dormant under the surface before reemerging;

(4) on April 27, 2022, the Hermit's Peak Fire and the Calf Canyon Fire merged, and both fires were reported as the Hermit's Peak Fire or the Hermit's Peak/Calf Canyon Fire, which shall be referred to hereafter as the Hermit's Peak/Calf Canyon Fire;

(5) by May 2, 2022, the fire had grown in size and caused evacuations in multiple villages and communities in San Miguel County and Mora County, including in the San Miguel county jail, the State's psychiatric hospital, the United World College, and New Mexico Highlands University;

(6) on May 4, 2022, the President issued a major disaster declaration for the counties of Colfax, Mora, and San Miguel, New Mexico;

(7) on May 20, 2022, U.S. Forest Service Chief Randy Moore ordered a 90-day review of prescribed burn policies to reduce the risk of wildfires and ensure the safety of the communities involved;

(8) the U.S. Forest Service has assumed responsibility for the Hermit's Peak/Calf Canyon Fire;

(9) the fire resulted in the loss of Federal, State, local, Tribal, and private property; and

(10) the United States should compensate the victims of the Hermit's Peak/Calf Canyon Fire.

(b) PURPOSES.—The purposes of this Act are—

(1) to compensate victims of the Hermit's Peak/Calf Canyon Fire, for injuries resulting from the fire; and

(2) to provide for the expeditious consideration and settlement of claims for those injuries.

SEC. 103. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term “Administrator” means—

(A) the Administrator of the Federal Emergency Management Agency; or

(B) if a Manager is appointed under section 104(a)(3), the Manager.

(2) HERMIT'S PEAK/CALF CANYON FIRE.—The term “Hermit's Peak/Calf Canyon Fire” means—

(A) the fire resulting from the initiation by the Forest Service of a prescribed burn in the Santa Fe National Forest in San Miguel County, New Mexico, on April 6, 2022;

(B) the pile burn holdover resulting from the prescribed burn by the Forest Service, which reemerged on April 19, 2022; and

(C) the merger of the two fires described in subparagraphs (A) and (B), reported as the Hermit's Peak Fire or the Hermit's Peak Fire/Calf Canyon Fire.

(3) INDIAN TRIBE.—The term “Indian Tribe” means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(4) INJURED PERSON.—The term “injured person” means—

(A) an individual, regardless of the citizenship or alien status of the individual; or

(B) an Indian Tribe, corporation, Tribal corporation, partnership, company, association, county, township, city, State, school district, or other non-Federal entity (including a legal representative) that suffered injury resulting from the Hermit's Peak/Calf Canyon Fire.

(5) INJURY.—The term “injury” has the same meaning as the term “injury or loss of property, or personal injury or death” as used in section 1346(b)(1) of title 28, United States Code.

(6) MANAGER.—The term “Manager” means an Independent Claims Manager appointed under section 104(a)(3).

(7) OFFICE.—The term “Office” means the Office of Hermit's Peak/Calf Canyon Fire Claims established by section 104(a)(2).

(8) TRIBAL ENTITY.—The term “Tribal entity” includes any Indian Tribe, tribal organization, Indian-controlled organization serving Indians, Native Hawaiian organization, or Alaska Native entity, as such terms are defined or used in section 166 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3221).

SEC. 104. COMPENSATION FOR VICTIMS OF HERMIT'S PEAK/CALF CANYON FIRE.

(a) IN GENERAL.—

(1) **COMPENSATION.**—Each injured person shall be eligible to receive from the United States compensation for injury suffered by the injured person as a result of the Hermit's Peak/Calf Canyon Fire, subject to the availability of appropriations and subject to the Administrator making the determinations required under subsection (d).

(2) **OFFICE OF HERMIT'S PEAK/CALF CANYON FIRE CLAIMS.**—

(A) **IN GENERAL.**—There is established within the Federal Emergency Management Agency an Office of Hermit's Peak/Calf Canyon Fire Claims.

(B) **PURPOSE.**—The Office shall receive, process, and pay claims in accordance with this Act.

(C) **FUNDING.**—The Office—

(i) shall be funded from funds made available to the Administrator for carrying out this section;

(ii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and

(iii) may reimburse other Federal agencies for claims processing support and assistance.

(3) **OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.**—The Administrator may appoint an Independent Claims Manager to—

(A) head the Office; and

(B) assume the duties of the Administrator under this Act.

(4) **DETAIL.**—Upon the request of the Administrator, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Federal Emergency Management Agency to assist the Agency in carrying out the duties under this Act.

(b) **SUBMISSION OF CLAIMS.**—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Administrator a written claim for 1 or more injuries suffered by the injured person in accordance with such requirements as the Administrator determines to be appropriate.

(c) **INVESTIGATION OF CLAIMS.**—

(1) **IN GENERAL.**—In accordance with subsection (d), the Administrator shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) **APPLICABILITY OF STATE LAW.**—Except as otherwise provided in this Act, the laws of the State of New Mexico shall apply to the calculation of damages under subsection (d)(4).

(3) **EXTENT OF DAMAGES.**—Any payment under this Act—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) **PAYMENT OF CLAIMS.**—

(1) **DETERMINATION AND PAYMENT OF AMOUNT.**—

(A) **IN GENERAL.**—

(i) **PAYMENT.**—Not later than 180 days after the date on which a claim is submitted under this Act, the Administrator shall determine and fix the amount, if any, to be paid for the claim.

(ii) **PRIORITY.**—The Administrator, to the maximum extent practicable, shall pay subrogation claims submitted under this Act only after paying claims submitted by injured parties that are not insurance companies seeking payment as subrogees.

(B) **PARAMETERS OF DETERMINATION.**—In determining and settling a claim under this

Act, the Administrator shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from the Hermit's Peak/Calf Canyon Fire;

(iii) whether the person or persons are otherwise eligible to receive any amount determined under clause (iv); and

(iv) whether sufficient funds are available for payment and, if so, the amount, if any, to be allowed and paid under this Act.

(C) **INSURANCE AND OTHER BENEFITS.**—

(i) **IN GENERAL.**—In determining the amount of, and paying, a claim under this Act, to prevent recovery by a claimant in excess of actual compensatory damages, the Administrator shall reduce the amount to be paid for the claim by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature that were paid, or will be paid, with respect to the claim.

(ii) **GOVERNMENT LOANS.**—This subparagraph shall not apply to the receipt by a claimant of any government loan that is required to be repaid by the claimant.

(2) **PARTIAL PAYMENT.**—

(A) **IN GENERAL.**—At the request of a claimant, the Administrator may make 1 or more advance or partial payments, subject to the determination required under paragraph (1)(B), before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) **JUDICIAL DECISION.**—If a claimant receives a partial payment on a claim under this Act, but further payment on the claim is subsequently denied by the Administrator, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Administrator determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) **RIGHTS OF INSURER OR OTHER THIRD PARTY.**—If an insurer or other third party pays any amount to a claimant to compensate for an injury described in subsection (a), the insurer or other third party shall be subrogated to any right that the claimant has to receive any payment under this Act or any other law.

(4) **ALLOWABLE DAMAGES.**—

(A) **LOSS OF PROPERTY.**—A claim that is paid for loss of property under this Act may include otherwise uncompensated damages resulting from the Hermit's Peak/Calf Canyon Fire for—

(i) an uninsured or underinsured property loss;

(ii) a decrease in the value of real property;

(iii) damage to physical infrastructure, including irrigation infrastructure such as acequia systems;

(iv) a cost resulting from lost subsistence from hunting, fishing, firewood gathering, timbering, grazing, or agricultural activities conducted on land damaged by the Hermit's Peak/Calf Canyon Fire;

(v) a cost of reforestation or revegetation on Tribal or non-Federal land, to the extent that the cost of reforestation or revegetation is not covered by any other Federal program; and

(vi) any other loss that the Administrator determines to be appropriate for inclusion as loss of property.

(B) **BUSINESS LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Hermit's Peak/Calf

Canyon Fire for the following types of otherwise uncompensated business loss:

(i) Damage to tangible assets or inventory, including natural resources.

(ii) Business interruption losses.

(iii) Overhead costs.

(iv) Employee wages for work not performed.

(v) Loss of business net income.

(vi) Any other loss that the Administrator determines to be appropriate for inclusion as business loss.

(C) **FINANCIAL LOSS.**—A claim that is paid for injury under this Act may include damages resulting from the Hermit's Peak/Calf Canyon Fire for the following types of otherwise uncompensated financial loss:

(i) Increased mortgage interest costs.

(ii) An insurance deductible.

(iii) A temporary living or relocation expense.

(iv) Lost wages or personal income.

(v) Emergency staffing expenses.

(vi) Debris removal and other cleanup costs.

(vii) Costs of reasonable efforts, as determined by the Administrator, to reduce the risk of wildfire, flood, or other natural disaster in the counties impacted by the Hermit's Peak/Calf Canyon Fire to risk levels prevailing in those counties before the Hermit's Peak/Calf Canyon Fire, that are incurred not later than the date that is 3 years after the date on which the regulations under subsection (f) are first promulgated.

(viii) A premium for flood insurance that is required to be paid on or before May 31, 2024, if, as a result of the Hermit's Peak/Calf Canyon Fire, a person that was not required to purchase flood insurance before the Hermit's Peak/Calf Canyon Fire is required to purchase flood insurance.

(ix) A disaster assistance loan received from the Small Business Administration.

(x) Any other loss that the Administrator determines to be appropriate for inclusion as financial loss.

(e) **ACCEPTANCE OF AWARD.**—The acceptance by a claimant of any payment under this Act, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant, with respect to all claims arising out of or relating to the same subject matter; and

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"), or any other Federal or State law, arising out of or relating to the same subject matter.

(f) **REGULATIONS AND PUBLIC INFORMATION.**—

(1) **REGULATIONS.**—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Administrator shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this Act.

(2) **PUBLIC INFORMATION.**—

(A) **IN GENERAL.**—At the time at which the Administrator promulgates regulations under paragraph (1), the Administrator shall publish, online and in print, in newspapers of general circulation in the State of New Mexico, a clear, concise, and easily understandable explanation, in English and Spanish, of—

(i) the rights conferred under this Act; and

(ii) the procedural and other requirements of the regulations promulgated under paragraph (1).

(B) **DISSEMINATION THROUGH OTHER MEDIA.**—The Administrator shall disseminate the explanation published under subparagraph (A)

through websites, blogs, social media, brochures, pamphlets, radio, television, and other media that the Administrator determines are likely to reach prospective claimants.

(g) CONSULTATION.—In administering this Act, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Secretary of Agriculture, the Administrator of the Small Business Administration, other Federal agencies, and State, local, and Tribal authorities, as determined to be necessary by the Administrator, to—

(1) ensure the efficient administration of the claims process; and

(2) provide for local concerns.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for 1 or more injuries resulting from the Hermit's Peak/Calf Canyon Fire by—

(A) submitting a claim under this Act;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code (commonly known as the "Federal Tort Claims Act"); or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—In accordance with subsection (e), an election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from the Hermit's Peak/Calf Canyon Fire that are suffered by the claimant upon acceptance of an award.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of enactment of this Act, the Administrator shall establish by regulation procedures under which a dispute regarding a claim submitted under this Act may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this Act may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (1).

(4) NO EFFECT ON ENTITLEMENTS.—The value of compensation that may be provided under this Act shall not be considered income or resources for any purpose under any Federal, State, or local laws, including laws relating to taxation, welfare, and public assistance programs, and no State or political subdivision thereof shall decrease any assistance otherwise provided to an injured person because of the receipt of benefits under this Act.

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Administrator under this Act may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of New Mexico, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Administrator.

(3) STANDARD.—The decision of the Administrator incorporating the findings of the Administrator shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY'S AND AGENT'S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in con-

nection with a claim submitted under this Act, fees in excess of the limitations established under section 2678 of title 28, United States Code.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) WAIVER OF REQUIREMENT FOR MATCHING FUNDS.—

(1) STATE AND LOCAL PROJECT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a State or local project that is determined by the Administrator to be carried out in response to the Hermit's Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit's Peak/Calf Canyon Fire shall not be subject to any requirement for State or local matching funds to pay the cost of the project under the Federal program.

(B) FEDERAL SHARE.—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(2) OTHER NEEDS PROGRAM ASSISTANCE.—Notwithstanding section 408(g)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(g)(2)), for any emergency or major disaster declared by the President under that Act for the Hermit's Peak/Calf Canyon Fire, the Federal share of assistance provided under that section shall be 100 percent.

(3) AGRICULTURAL PROGRAM ASSISTANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, a State, local, or individual project that is determined by the Secretary of Agriculture to be carried out in response to the Hermit's Peak/Calf Canyon Fire under any Federal program that applies to an area affected by the Hermit's Peak/Calf Canyon Fire shall not be subject to any requirement for State, local, or individual matching funds to pay the cost of the project under the Federal program.

(B) FEDERAL SHARE.—The Federal share of the costs of a project described in subparagraph (A) shall be 100 percent.

(1) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3711(a) of title 31, United States Code, shall not apply to any payment under this Act, unless—

(1) there is evidence of civil or criminal fraud, misrepresentation, presentation of a false claim; or

(2) a claimant was not eligible under subsection (d)(2) of this Act to any partial payment.

(m) INDIAN COMPENSATION.—Notwithstanding any other provision of law, in the case of an Indian Tribe, a Tribal entity, or a member of an Indian Tribe that submits a claim under this Act—

(1) the Bureau of Indian Affairs shall have no authority over, or any trust obligation regarding, any aspect of the submission of, or any payment received for, the claim;

(2) the Indian Tribe, Tribal entity, or member of an Indian Tribe shall be entitled to proceed under this Act in the same manner and to the same extent as any other injured person; and

(3) except with respect to land damaged by the Hermit's Peak/Calf Canyon Fire that is the subject of the claim, the Bureau of Indian Affairs shall have no responsibility to restore land damaged by the Hermit's Peak/Calf Canyon Fire.

(n) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f)(1), and annually thereafter, the Administrator shall submit to Congress a report that describes the claims submitted under this Act during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

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

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

SEC. 1276. STRATEGY TO ENHANCE COOPERATION WITH CANADA AND MEXICO WITH RESPECT TO THE RESILIENCY OF NORTH AMERICAN SUPPLY CHAINS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the United States Trade Representative, in consultation with the Secretary of State, the Secretary of Commerce, the Commissioner of U.S. Customs and Border Protection, and the heads of other relevant agencies, shall submit to the appropriate congressional committees a strategy for how the United States will work with the governments of Canada and Mexico to improve the resiliency of North American supply chains, including by reducing overdependence on, and concentration of critical supply chains in, countries that are foreign adversaries of the United States.

(b) ELEMENTS.—The strategy required by subsection (a) shall—

(1) include a summary of initiatives carried out with counterparts in Canada and Mexico to enhance cooperation between the United States, Canada, and Mexico with respect to supply chain resiliency, including through the USMCA (as defined in section 3 of the United States-Mexico-Canada Agreement Implementation Act (19 U.S.C. 4502));

(2) identify critical sectors for which cooperation with Canada and Mexico can strengthen the resiliency of supply chains; and

(3) identify challenges to improving the resiliency of supply chains.

(c) CONSULTATIONS.—Not later than one year after the date of enactment of this Act, the United States Trade Representative shall consult with the appropriate congressional committees regarding the development and implementation of the strategy required by subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

AUTHORITY FOR COMMITTEES TO MEET

Mr. MURPHY. Mr. President, I have two requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority Leaders.