

(A) in consultation with representatives of consumer groups, clothing storage unit manufacturers, craft or handmade furniture manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for clothing storage units; and

(B) in accordance with section 553 of title 5, United States Code, and paragraph (2), promulgate a final consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury, that shall take effect 180 days after the date of promulgation or such a later date as the Commission determines appropriate.

(2) REQUIREMENTS.—The standard promulgated under paragraph (1) shall protect children from tip-over-related death or injury with—

(A) tests that simulate the weight of children up to 60 pounds;

(B) objective, repeatable, reproducible, and measurable tests or series of tests that simulate real-world use and account for impacts on clothing storage unit stability that may result from placement on carpeted surfaces, drawers with items in them, multiple open drawers, and dynamic force;

(C) testing of all clothing storage units, including those 27 inches and above in height; and

(D) warning requirements based on ASTM F2057–19, or its successor at the time of enactment, provided that the Consumer Product Safety Commission may strengthen the warning requirements of ASTM F2057–19, or its successor, if reasonably necessary to protect children from tip-over-related death or injury.

(3) TESTING CLARIFICATION.—Tests referred to in paragraph (2)(B) shall allow for the utilization of safety features (excluding tip restraints) to work as intended if the features cannot be overridden by consumers in normal use.

(4) TREATMENT OF STANDARD.—A consumer product safety standard promulgated under paragraph (1) shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

(d) ADOPTION OF VOLUNTARY STANDARD.—

(1) IN GENERAL.—If a voluntary standard exists that meets the requirements of paragraph (2), the Commission shall, not later than 180 days after the date on which such determination is made and in accordance with section 553 of title 5, United States Code, promulgate a final consumer product safety standard that adopts the applicable performance requirements of such voluntary standard related to protecting children from tip-over-related death or injury. A consumer product safety standard promulgated under this subsection shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058). Such standard shall take effect 180 days after the date of the promulgation of the rule, or such a later date as the Commission determines appropriate. Such standard will supersede any other existing consumer product safety standard for clothing storage units to protect children from tip-over-related death or injury.

(2) REQUIREMENTS.—The requirements of this paragraph with respect to a voluntary standard for clothing storage units are that such standard—

(A) includes performance requirements that meet the requirements described in subsection (c)(2);

(B) is, or will be, published not later than 120 days after the date of enactment of this Act; and

(C) is developed by ASTM International or such other standard development organization that the Commission determines is in compliance with the intent of this Act.

(3) NOTICE REQUIRED TO BE PUBLISHED IN THE FEDERAL REGISTER.—The Commission shall publish a notice in the Federal Register upon begin-

ning the promulgation of a rule under this subsection.

(e) REVISION OF VOLUNTARY STANDARD.—

(1) NOTICE TO COMMISSION.—If the performance requirements of a voluntary standard adopted under subsection (d) are subsequently revised, the organization that revised the performance requirements of such standard shall notify the Commission of such revision after final approval.

(2) TREATMENT OF REVISION.—Not later than 90 days after the date on which the Commission is notified of revised performance requirements of a voluntary standard described in paragraph (1) (or such later date as the Commission determines appropriate), the Commission shall determine whether the revised performance requirements meet the requirements of subsection (d)(2)(A), and if so, modify, in accordance with section 553 of title 5, United States Code, the standard promulgated under subsection (d) to include the revised performance requirements that the Commission determines meet such requirements. The modified standard shall take effect after 180 days or such later date as the Commission deems appropriate.

(f) SUBSEQUENT RULEMAKING.—

(1) IN GENERAL.—Beginning 5 years after the date of enactment of this Act, subsequent to the publication of a consumer product safety standard under this section, the Commission may, at any time, initiate rulemaking, in accordance with section 553 of title 5, United States Code, to modify the requirements of such standard or to include additional provisions if the Commission makes a determination that such modifications or additions are reasonably necessary to protect children from tip-over-related death or injury.

(2) PETITION FOR REVISION OF RULE.—

(A) IN GENERAL.—If the Commission receives a petition for a new or revised test that permits incorporated safety features (excluding tip restraints) to work as intended, if the features cannot be overridden by consumers in normal use and provide an equivalent or greater level of safety as the tests developed under subsection (c)(2) or the performance requirements described in subsection (d)(2)(A), as applicable, the Commission shall determine within 120 days—

(i) whether the petition meets the requirements for petitions set forth in section 1051.5 of title 16, Code of Federal Regulations, or any successor regulation implementing section 9(i) of the Consumer Product Safety Act (15 U.S.C. 2058(i)); and

(ii) whether the petition demonstrates that the test could reasonably meet the requirements of subsection (c)(2)(B), and if so, the Commission shall determine by recorded vote, within 60 days after the determination, whether to initiate rulemaking, in accordance with section 553 of title 5, United States Code, to revise a consumer product safety standard promulgated under this section to include the new or revised test.

(B) DEMONSTRATION OF COMPLIANCE.—Compliance with the testing requirements of a standard revised under paragraph (2)(A) may be demonstrated either through the performance of a new or revised test under paragraph (2)(A) or the performance of the tests otherwise required under a standard promulgated under this section.

(3) TREATMENT OF RULES.—Any rule promulgated under this subsection, including any modification or revision made under this subsection, shall be treated as a consumer product safety rule promulgated under section 9 of the Consumer Product Safety Act (15 U.S.C. 2058).

Mr. SCHUMER. I further ask that the committee-reported substitute be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment, in the nature of a substitute, was agreed to.

The bill (S. 3232), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

CHIP-IN IMPROVEMENT ACT OF 2022

Mr. SCHUMER. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 5059, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 5059) to improve the pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements to account for issues related to inflation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 5059) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 5059

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “CHIP-IN Improvement Act of 2022”.

SEC. 2. 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”;;

(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.

FTC COLLABORATION ACT OF 2021

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 1766, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 1766) to enhance cooperation between the Federal Trade Commission and State Attorneys General to combat unfair and deceptive practices, and for other purposes.

There being no objection, the committee was discharged and the Senate proceeded to consider the bill.

Mr. SCHUMER. I further ask that the bill be considered read a third time and passed, and that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1766) was ordered to a third reading, was read the third time, and passed.

HONORING THE ATHLETIC CAREER AND HUMANITARIAN AND CIVIC WORK OF ROBERTO ENRIQUE CLEMENTE WALKER, SR., ON THE 50TH ANNIVERSARY OF HIS 3,000TH REGULAR SEASON HIT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 769.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 769) honoring the athletic career and humanitarian and civic work of Roberto Enrique Clemente Walker, Sr., on the 50th anniversary of his 3,000th regular season hit.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 769) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 15, 2022, under “Submitted Resolutions.”)

RECOGNIZING THE SERIOUSNESS OF MYOTONIC DYSTROPHY AND EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 15, 2022, AS “INTERNATIONAL MYOTONIC DYSTROPHY AWARENESS DAY”

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration and the Senate now proceed to S. Res. 772.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 772) recognizing the seriousness of myotonic dystrophy and expressing support for the designation of September 15, 2022, as “International Myotonic Dystrophy Awareness Day”.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 772) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 19, 2022, under “Submitted Resolutions.”)

NATIONAL DEMOCRACY MONTH

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration and the Senate now proceed to S. Res. 774.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 774) designating September 2022 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world.

There being no objection, the committee was discharged, and the Senate proceeded to consider the resolution.

Mr. SCHUMER. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 774) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of September 19, 2022, under “Submitted Resolutions.”)

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate