

“(A) not less than 10 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions; and

“(B) not more than 30 percent, in total, of what has been collected of the monetary sanctions imposed in the action or related actions.

“(2) PAYMENT OF AWARDS.—

“(A) IN GENERAL.—Any amount paid under paragraph (1) shall be paid from the Fund established under paragraph (3).

“(B) RELATED ACTIONS.—The Secretary may pay awards less than the amount described in paragraph (1)(A) for related actions in which a whistleblower may be paid by another whistleblower award program.

“(3) SOURCE OF AWARDS.—

“(A) IN GENERAL.—There shall be established in the Treasury of the United States a revolving fund to be known as the Financial Integrity Fund (referred to in this subsection as the ‘Fund’).

“(B) USE OF FUND.—The Fund shall be available to the Secretary, without further appropriation or fiscal year limitations, only for the payment of awards to whistleblowers as provided in subsection (b).

“(C) RESTRICTIONS ON USE OF FUND.—The Fund shall not be available to pay any personnel or administrative expenses.

“(4) DEPOSITS AND CREDITS.—

“(A) IN GENERAL.—There shall be deposited into or credited to the Fund an amount equal to—

“(i) any monetary sanction collected by the Secretary or Attorney General in any judicial or administrative action under this title, chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), unless the balance of the Fund at the time the monetary sanction is collected exceeds \$300,000,000; and

“(ii) all income from investments made under paragraph (5).

“(B) ADDITIONAL AMOUNTS.—If the amounts deposited into or credited to the Fund under subparagraph (A) are not sufficient to satisfy an award made under this subsection, there shall be deposited into or credited to the Fund an amount equal to the unsatisfied portion of the award from any monetary sanction collected by the Secretary of the Treasury or Attorney General in the covered judicial or administrative action on which the award is based.

“(C) EXCEPTION.—No amounts to be deposited or transferred into the United States Victims of State Sponsored Terrorism Fund pursuant to the Justice for United States Victims of State Sponsored Terrorism Act (34 U.S.C. 20144) or the Crime Victims Fund pursuant section 1402 of the Victims of Crime Act of 1984 (34 U.S.C. 20101) shall be deposited into or credited to the Fund.

“(5) INVESTMENTS.—

“(A) AMOUNTS IN FUND MAY BE INVESTED.—The Secretary of the Treasury may invest the portion of the Fund that is not required to meet the current needs of the Fund.

“(B) ELIGIBLE INVESTMENTS.—Investments shall be made by the Secretary of the Treasury in obligations of the United States or obligations that are guaranteed as to principal and interest by the United States, with maturities suitable to the needs of the Fund as determined by the Secretary.

“(C) INTEREST AND PROCEEDS CREDITED.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to, and form a part of, the Fund.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5323 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraphs (1) and (5), by striking “this subchapter or subchapter III” each place the term appears and inserting “this subchapter, chapter 35 or section 4305 or 4312 of title 50, the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.), or .), and for conspiracies to violate the aforementioned provisions”; and

(B) in paragraph (4)—

(i) by inserting “covered” after “respect to any”; and

(ii) by striking “under this subchapter or subchapter III”; and

(iii) by striking “action by the Secretary or the Attorney General” and inserting “covered action”; and

(2) in subsection (c)(1)(B)(iii)—

(A) by striking “subchapter and subchapter III” and inserting “this subchapter, chapter 35 or section 4305 or 4312 of title 50, and the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.)”; and

(B) by striking “either such subchapter” and inserting “the covered judicial or administrative action”; and

(3) in subsection (g)(4)(D)(i), by inserting “chapter 35 or section 4305 or 4312 of title 50, or the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.),” after “subchapter.”.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

Ms. HASSAN. I know of no further debate on the bill, as amended.

The PRESIDING OFFICER. Is there further debate on the bill?

Hearing none, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 3316), as amended, was passed.

Ms. HASSAN. I further ask that the motion to reconsider be considered made and laid upon the table.

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

FEMA IMPROVEMENT, REFORM, AND EFFICIENCY ACT OF 2022

Ms. HASSAN. Mr. President, I ask that the Chair lay before the Senate the message to accompany S. 3092.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 3092) entitled “An Act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve the provision of certain disaster assistance, and for other purposes.”, do pass with an amendment.

MOTION TO CONCUR

Ms. HASSAN. I move to concur in the House amendment, and I ask unanimous consent that the motion be agreed to and that the motion to reconsider be considered made and laid upon the table.

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

CLEAR AND CONCISE CONTENT ACT OF 2022

Ms. HASSAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 502, S. 4577.

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

The legislative clerk read as follows:

A bill (S. 4577) to improve plain writing and public experience, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 4577

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 “Clear and Concise Content Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term “agency” means an executive agency and a military department, as such terms are defined in sections 105 and 102 of title 5, United States Code, respectively.

(2) COVERED CONTENT.—The term “covered content”—

(A) means any content that—

(i) is necessary for obtaining any benefit or service from the Federal Government or for filing taxes; or

(ii) provides information about—

(I) any benefit or service from the Federal Government;

(II) any operations, policies, or guidance of an agency that are of material importance to the agency and are posted publicly by the agency, including any explanation of how to comply with a requirement the Federal Government administers or enforces;

(III) how to interact with or provide feedback to an agency regarding the operations, policies, or guidance of the agency; or

(IV) how to navigate or interact with any agency website, digital service, or office;

(B) includes—

(i) (whether in paper or electronic form) a letter, publication, form, notice, guidance, policy, instruction, or official correspondence of an agency;

(ii) all content necessary for public understanding, interaction, and use of an agency digital service or website; and

(iii) instructions on how to submit comments, feedback, or information in response to a regulation during any portion of the rulemaking or implementation process for a regulation; and

(C) subject to subparagraph (B)(iii), does not include a regulation.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(4) OPEN GOVERNMENT DATA ASSET.—The term “open Government data asset” has the meaning given that term in section 3502 of title 44, United States Code.

(5) PLAIN WRITING.—The term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience, including an audience who may be disabled, may not be proficient in English, or may otherwise be disadvantaged or traditionally underserved.

SEC. 3. RESPONSIBILITIES OF THE DIRECTOR.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall rescind outdated guidance and issue new guidance for the creation, maintenance, and use of covered content at agencies.

(b) REQUIREMENTS.—The guidance required under subsection (a) shall—

(1) establish procedures under which an agency shall review any content in use on the date of enactment of this Act to determine if it is covered content;

(2) establish policies for an agency to ensure that any content of the agency that is covered content, including any content created or updated after the date of enactment of this Act that is determined to be covered content, is drafted in plain writing;

(3) establish qualitative and quantitative metrics by which an agency shall be measured for compliance with the requirements to identify covered content, draft covered content in plain writing, and solicit and incorporate public feedback and data to improve public engagement and interaction with the agency;

(4) prescribe processes by which agencies shall submit agency reports required by the Director, in an appropriate manner and form, to support the governmentwide reports required under subsection (c); and

(5) require an agency to solicit public feedback, collect data, and routinely test the creation or modification of covered content of the agency.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on implementation of this Act by agencies, including the progress of agencies towards the metrics established under subsection (b)(3) and any other information or data determined by the Director to inform Congress and the public on implementation of plain writing in covered content by agencies.

(2) PUBLIC WEBSITE.—

(A) IN GENERAL.—The Director may make the reports submitted under paragraph (1) available on a public website determined by the Director.

(B) FORM.—If the Director makes reports available under subparagraph (A), the reports shall be maintained as open Government data assets.

(3) FEDERAL GOVERNMENT AND AGENCY PERFORMANCE PLANS.—

(A) FEDERAL GOVERNMENT.—The Director shall ensure that the information regarding the Federal Government performance plan and agency performance plans required to be made available under [subsection (b) or (c) of section 1122] subsection (a) or (b) of section 1115 of title 31, United States Code, is treated as covered content and published (whether in paper or electronic form) using plain writing.

(B) AGENCY PERFORMANCE PLANS.—Section 1115(b) of title 31, United States Code, is amended—

(i) in paragraph (9)(C), by striking “and” at the end;

(ii) in paragraph (10), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(11) incorporate the metrics established under section 3(b)(3) of the Clear and Concise Content Act of 2022.”.

SEC. 4. AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall ensure compliance with this Act, including through the designation of a senior officer at the agency (not lower than [the an Assistant Secretary or equivalent] to oversee implementation by the agency, including all bureaus, offices, or other subordinate components of the agency.

(b) REQUIREMENT TO USE PLAIN LANGUAGE IN COVERED CONTENT.—Except as provided in

the amendments made by section 5(1), on and after the date that is 1 year after the date of enactment of this Act, each agency shall use plain writing in all covered content made available by the agency, consistent with the guidance issued by the Director under section 3(a).

(c) REQUIREMENT FOR FEEDBACK FROM CUSTOMERS.—The head of each agency shall ensure that there are opportunities and mechanisms in place (whether in paper or electronic form) that incorporate plain writing instructions for feedback from individuals or entities obtaining services from or engaging in transactions with the agency.

(d) PUBLIC FEEDBACK.—The head of each agency shall maintain an accessible form, survey tool, or other portion of a website of the agency to solicit feedback from the public on compliance with this Act by the agency and to collect the feedback and data required under section 3(b) [(4)] (5).

SEC. 5. AMENDMENTS TO THE 21ST CENTURY IDEA ACT.

Section 3 of the 21st Century Integrated Digital Experience Act (44 U.S.C. 3501 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Not later” and inserting “Except as provided in paragraph (9), not later”; and

(B) in paragraph (7), by striking “and” at the end;

(C) in paragraph (8), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(9) is drafted using plain writing (as defined in section 2 of the Clear and Concise Content Act of 2022), as is required under section 4 of such Act for covered content (as defined in section 2 of such Act), by not later than 180 days after the date of enactment of such Act.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Not later” and inserting “Except as provided in paragraph (2), not later”; and

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

“(2) by not later than 1 year after the date of enactment of the Clear and Concise Content Act of 2022, comply with the requirements under subsection (a).”.

SEC. 6. LIMITATION ON JUDICIAL ENFORCEABILITY.

(a) JUDICIAL REVIEW.—No court shall have jurisdiction over any claim related to any act or omission arising out of any provision of this Act.

(b) ENFORCEABILITY.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 7. REPEAL.

Effective on the date that is 1 year after the date of enactment of this Act, the Plain Writing Act of 2010 (5 U.S.C. 301 note) is repealed.

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

The committee reported amendments were agreed to.

The bill (S. 4577), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 4577

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 “Clear and Concise Content Act of 2022”.

SEC. 2. DEFINITIONS.

In this Act:

(1) AGENCY.—The term “agency” means an executive agency and a military department, as such terms are defined in sections 105 and 102 of title 5, United States Code, respectively.

(2) COVERED CONTENT.—The term “covered content”—

(A) means any content that—

(i) is necessary for obtaining any benefit or service from the Federal Government or for filing taxes; or

(ii) provides information about—

(I) any benefit or service from the Federal Government;

(II) any operations, policies, or guidance of an agency that are of material importance to the agency and are posted publicly by the agency, including any explanation of how to comply with a requirement the Federal Government administers or enforces;

(III) how to interact with or provide feedback to an agency regarding the operations, policies, or guidance of the agency; or

(IV) how to navigate or interact with any agency website, digital service, or office;

(B) includes—

(i) (whether in paper or electronic form) a letter, publication, form, notice, guidance, policy, instruction, or official correspondence of an agency;

(ii) all content necessary for public understanding, interaction, and use of an agency digital service or website; and

(iii) instructions on how to submit comments, feedback, or information in response to a regulation during any portion of the rulemaking or implementation process for a regulation; and

(C) subject to subparagraph (B)(iii), does not include a regulation.

(3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(4) OPEN GOVERNMENT DATA ASSET.—The term “open Government data asset” has the meaning given that term in section 3502 of title 44, United States Code.

(5) PLAIN WRITING.—The term “plain writing” means writing that is clear, concise, well-organized, and follows other best practices appropriate to the subject or field and intended audience, including an audience who may be disabled, may not be proficient in English, or may otherwise be disadvantaged or traditionally underserved.

SEC. 3. RESPONSIBILITIES OF THE DIRECTOR.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall rescind outdated guidance and issue new guidance for the creation, maintenance, and use of covered content at agencies.

(b) REQUIREMENTS.—The guidance required under subsection (a) shall—

(1) establish procedures under which an agency shall review any content in use on the date of enactment of this Act to determine if it is covered content;

(2) establish policies for an agency to ensure that any content of the agency that is covered content, including any content created or updated after the date of enactment of this Act that is determined to be covered content, is drafted in plain writing;

(3) establish qualitative and quantitative metrics by which an agency shall be measured for compliance with the requirements to identify covered content, draft covered

content in plain writing, and solicit and incorporate public feedback and data to improve public engagement and interaction with the agency;

(4) prescribe processes by which agencies shall submit agency reports required by the Director, in an appropriate manner and form, to support the governmentwide reports required under subsection (c); and

(5) require an agency to solicit public feedback, collect data, and routinely test the creation or modification of covered content of the agency.

(c) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on implementation of this Act by agencies, including the progress of agencies towards the metrics established under subsection (b)(3) and any other information or data determined by the Director to inform Congress and the public on implementation of plain writing in covered content by agencies.

(2) PUBLIC WEBSITE.—

(A) IN GENERAL.—The Director may make the reports submitted under paragraph (1) available on a public website determined by the Director.

(B) FORM.—If the Director makes reports available under subparagraph (A), the reports shall be maintained as open Government data assets.

(3) FEDERAL GOVERNMENT AND AGENCY PERFORMANCE PLANS.—

(A) FEDERAL GOVERNMENT.—The Director shall ensure that the information regarding the Federal Government performance plan and agency performance plans required to be made available under subsection (a) or (b) of section 1115 of title 31, United States Code, is treated as covered content and published (whether in paper or electronic form) using plain writing.

(B) AGENCY PERFORMANCE PLANS.—Section 1115(b) of title 31, United States Code, is amended—

(i) in paragraph (9)(C), by striking “and” at the end;

(ii) in paragraph (10), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(11) incorporate the metrics established under section 3(b)(3) of the Clear and Concise Content Act of 2022.”.

SEC. 4. AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall ensure compliance with this Act, including through the designation of a senior officer at the agency (not lower than an Assistant Secretary or equivalent) to oversee implementation by the agency, including all bureaus, offices, or other subordinate components of the agency.

(b) REQUIREMENT TO USE PLAIN LANGUAGE IN COVERED CONTENT.—Except as provided in the amendments made by section 5(1), on and after the date that is 1 year after the date of enactment of this Act, each agency shall use plain writing in all covered content made available by the agency, consistent with the guidance issued by the Director under section 3(a).

(c) REQUIREMENT FOR FEEDBACK FROM CUSTOMERS.—The head of each agency shall ensure that there are opportunities and mechanisms in place (whether in paper or electronic form) that incorporate plain writing instructions for feedback from individuals or entities obtaining services from or engaging in transactions with the agency.

(d) PUBLIC FEEDBACK.—The head of each agency shall maintain an accessible form,

survey tool, or other portion of a website of the agency to solicit feedback from the public on compliance with this Act by the agency and to collect the feedback and data required under section 3(b)(5).

SEC. 5. AMENDMENTS TO THE 21ST CENTURY IDEA ACT.

Section 3 of the 21st Century Integrated Digital Experience Act (44 U.S.C. 3501 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Not later” and inserting “Except as provided in paragraph (9), not later”; and

(B) in paragraph (7), by striking “and” at the end;

(C) in paragraph (8), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(9) is drafted using plain writing (as defined in section 2 of the Clear and Concise Content Act of 2022), as is required under section 4 of such Act for covered content (as defined in section 2 of such Act), by not later than 180 days after the date of enactment of such Act.”; and

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Not later” and inserting “Except as provided in paragraph (2), not later”; and

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

“(2) by not later than 1 year after the date of enactment of the Clear and Concise Content Act of 2022, comply with the requirements under subsection (a).”.

SEC. 6. LIMITATION ON JUDICIAL ENFORCEABILITY.

(a) JUDICIAL REVIEW.—No court shall have jurisdiction over any claim related to any act or omission arising out of any provision of this Act.

(b) ENFORCEABILITY.—No provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any administrative or judicial action.

SEC. 7. REPEAL.

Effective on the date that is 1 year after the date of enactment of this Act, the Plain Writing Act of 2010 (5 U.S.C. 301 note) is repealed.

NATIONAL WARRIOR CALL DAY

Ms. HASSAN. 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. 754.

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

The legislative clerk read as follows:

A resolution (S. Res. 754) designating November 13, 2022, as “National Warrior Call Day” in recognition of the importance of connecting warriors in the United States to support structures necessary to transition from the battlefield.

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

Ms. HASSAN. Mr. President, I ask unanimous consent that the resolution be agreed to; the Shaheen amendment at the desk to the preamble be agreed to; the preamble, as amended, be agreed to; and that the motions to reconsider be considered made and laid upon the table.

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

The resolution (S. Res. 754) was agreed to.

The amendment (No. 6508) to the preamble was agreed to as follows:

(Purpose: To amend the preamble)

Strike the preamble and insert the following:

Whereas establishing an annual “National Warrior Call Day” will draw attention to the members of the Armed Forces whose connection to one another is key to the veterans and first responders in the United States who may be dangerously disconnected from family, friends, and support systems;

Whereas the rate of suicide for members of the Armed Forces serving on active duty increased from 20.3 per 100,000 individuals in 2015 to 28.7 per 100,000 individuals in 2020;

Whereas the suicide rate for veterans has steadily increased since 2006, with 6,261 veterans dying by suicide in 2019;

Whereas, after adjusting for sex and age, the rate of veteran suicide in 2019 was 31.6 per 100,000 individuals, substantially higher than the rate among adults in the United States who are not veterans at 16.8 per 100,000 individuals;

Whereas more veterans have died by suicide in the last 10 years than members of the Armed Forces who died from combat in Vietnam;

Whereas many of the veterans who died by suicide had no contact with the Department of Veterans Affairs;

Whereas the Coronavirus Disease 2019 (COVID-19) pandemic continues to lead to increased isolation and disconnection, further exacerbating mental and physical ailments such as post-traumatic stress disorder and traumatic brain injury;

Whereas invisible wounds linked to an underlying and undiagnosed traumatic brain injury can mirror many mental health conditions, a problem that can be addressed through appropriate medical treatment;

Whereas additional research is needed to highlight the connection between traumatic brain injury as a root cause of invisible wounds and suicide by members of the Armed Forces and veterans; and

Whereas November 13, 2022, would be an appropriate day to designate as “National Warrior Call Day”: Now, therefore, be it

The preamble, as amended, was agreed to.

The resolution with its preamble, as amended, reads as follows:

S. RES. 754

Whereas establishing an annual “National Warrior Call Day” will draw attention to the members of the Armed Forces whose connection to one another is key to the veterans and first responders in the United States who may be dangerously disconnected from family, friends, and support systems;

Whereas the rate of suicide for members of the Armed Forces serving on active duty increased from 20.3 per 100,000 individuals in 2015 to 28.7 per 100,000 individuals in 2020;

Whereas the suicide rate for veterans has steadily increased since 2006, with 6,261 veterans dying by suicide in 2019;

Whereas, after adjusting for sex and age, the rate of veteran suicide in 2019 was 31.6 per 100,000 individuals, substantially higher than the rate among adults in the United States who are not veterans at 16.8 per 100,000 individuals;

Whereas more veterans have died by suicide in the last 10 years than members of the Armed Forces who died from combat in Vietnam;

Whereas many of the veterans who died by suicide had no contact with the Department of Veterans Affairs;