

## S. RES. 873

Whereas, the Secretary of the Senate and the Senate Sergeant at Arms have received subpoenas for Senate personnel records from the Department of Homeland Security for use as evidence in a pending administrative investigation and adjudication;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Secretary of the Senate and the Senate Sergeant at Arms are authorized to provide to the Department of Homeland Security records sought, respectively, by the subpoenas issued to them.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 6520. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table.

SA 6521. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 7776, *supra*; which was ordered to lie on the table.

SA 6522. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 7776, *supra*; which was ordered to lie on the table.

SA 6523. Mr. SCHUMER (for Mr. SULLIVAN) proposed an amendment to the bill S. 3429, to establish an Alaska Salmon Research Task Force.

SA 6524. Mr. SCHUMER (for Ms. HASSAN) proposed an amendment to the bill S. 2135, to amend title 31, United States Code, to require the Chief Operating Officer of each agency to compile a list of unnecessary programs, and for other purposes.

SA 6525. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill H.R. 1917, to modify eligibility requirements for certain hazard mitigation assistance programs, and for other purposes.

### TEXT OF AMENDMENTS

SA 6520. Mr. RUBIO (for himself and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

In section 5946(b)(3), strike “A person” and insert “A person may possess, acquire, receive, transport, offer for sale, sell, or purchase a shark fin or a product containing a shark fin of a shark species that, on the date of the possession, acquisition, receipt, transport, offer for sale, sale, or purchase, was permitted to be harvested under a fishery management plan or plan amendment ap-

proved by the Secretary of Commerce under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). In addition, a person”.

SA 6521. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title V, insert the following:

**SEC. 599C. PROHIBITION ON CONSIDERING STATE LAWS AND REGULATIONS WHEN DETERMINING INDIVIDUAL DUTY ASSIGNMENTS.**

The Secretary of Defense may not use the agreement or disagreement of a member of the Armed Forces with the State laws and regulations applicable to any duty station when determining the duty assignment of the member.

SA 6522. Mr. SULLIVAN submitted an amendment intended to be proposed by him to the bill H.R. 7776, to provide for improvements to the rivers and harbors of the United States, to provide for the conservation and development of water and related resources, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle G of title X of division A, insert the following:

**SEC. 10. PROTECT CAMP LEJEUNE VETS.**

(a) **SHORT TITLE.**—This section may be cited as the “Protect Camp Lejeune Victims Ensnared by Trial-lawyer’s Scams Act” or the “Protect Camp Lejeune VETS Act”.

(b) **ATTORNEYS FEES IN FEDERAL CAUSE OF ACTION RELATING TO WATER AT CAMP LEJEUNE, NORTH CAROLINA.**—The Camp Lejeune Justice Act of 2022 (28 U.S.C. 2671 note prec.) is amended—

(1) by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively; and

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

“(h) **ATTORNEYS FEES.**—

“(1) **LIMITATIONS.**—

“(A) **GENERAL RULE.**—Notwithstanding any contract, the attorney of an individual, or of the legal representative of an individual, may not receive, for services rendered in connection with an action filed under subsection (b) or any administrative action relating to such an action (as described in section 2675 of title 28, United States Code) (in this subsection referred to as an ‘administrative claim’), more than the percentage specified in paragraph (2) of a payment made in the action.

“(B) **AMOUNT OF PAYMENT DETERMINED AFTER OFFSET.**—For purposes of this subsection, the amount of the payment made in an action shall be the amount of the payment after any offsetting reduction under subsection (e)(2) is made.

“(C) **PROHIBITION ON ANCILLARY FEES.**—Attorneys fees paid in accordance with this subsection may not include any ancillary fees.

“(2) **APPLICABLE PERCENTAGE LIMITATIONS.**—The percentage specified in this paragraph is—

“(A) 2 percent for an administrative claim with respect to which a party entered a contract for services on or after August 10, 2022; or

“(B) 10 percent for—

“(i) an administrative claim with respect to which a party entered a contract for services before August 10, 2022;

“(ii) a resubmission of an administrative claim after the denial of an initial administrative claim, without regard to the date on which the party entered the applicable contract for services; or

“(iii) a judgment rendered or settlement entered in an action filed under subsection (b).

“(3) **PENALTY.**—Any attorney who violates paragraph (1) shall be fined not more than \$5,000.

“(4) **TERMS FOR PAYMENT OF FEES.**—Any judgment rendered, settlement entered, or other award made with respect to an action filed under subsection (b) or an administrative claim shall provide that—

“(A) the Government may not pay attorneys fees to an attorney directly; and

“(B) attorneys fees shall be payable to the attorney by an individual, or legal representative of an individual, after the individual or legal representative receives the amounts payable under the judgment, settlement, or award.

“(5) **DISCLOSURE.**—

“(A) **IN GENERAL.**—Any judgment rendered, settlement entered, or other award made with respect to an action filed under subsection (b) or an administrative claim shall require disclosure to the Attorney General or to the court of the attorneys fees charged to an individual, or the legal representative of an individual.

“(B) **REPORTING.**—The Attorney General shall collect the disclosures under subparagraph (A) of attorneys fees charged and submit to Congress an annual report detailing—

“(i) the total amount paid under such judgments, settlements, and awards;

“(ii) the total amount of attorney fees paid in connection with such judgments, settlements, and awards; and

“(iii) for each such judgment, settlement, or award—

“(I) the name of the attorney for the individual or legal representative of the individual;

“(II) if applicable, the law firm of the attorney; and

“(III) the amount of fees paid to the attorney.”.

(c) **UPDATE OF REGULATIONS.**—The Secretary of Veterans Affairs shall amend section 14.636 of title 38, Code of Federal Regulations, and any other relevant regulations, to comply with the amendments made by subsection (b).

SA 6523. Mr. SCHUMER (for Mr. SULLIVAN) proposed an amendment to the bill S. 3429, to establish an Alaska Salmon Research Task Force; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Alaska Salmon Research Task Force Act”.

**SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to ensure that Pacific salmon trends in Alaska regarding productivity and abundance are characterized and that research needs are identified;

(2) to prioritize scientific research needs for Pacific salmon in Alaska;

(3) to address the increased variability or decline in Pacific salmon returns in Alaska by creating a coordinated salmon research strategy; and

(4) to support collaboration and coordination for Pacific salmon conservation efforts in Alaska.

**SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) salmon are an essential part of Alaska's fisheries, including subsistence, commercial, and recreational uses, and there is an urgent need to better understand the freshwater and marine biology and ecology of salmon, a migratory species that crosses many borders, and for a coordinated salmon research strategy to address salmon returns that are in decline or experiencing increased variability;

(2) salmon are an essential element for the well-being and health of Alaskans; and

(3) there is a unique relationship between people of Indigenous heritage and the salmon they rely on for subsistence and traditional and cultural practices.

**SEC. 4. ALASKA SALMON RESEARCH TASK FORCE.**

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce, in consultation with the Governor of Alaska, shall convene an Alaska Salmon Research Task Force (referred to in this section as the “Research Task Force”) to—

(1) review existing Pacific salmon research in Alaska;

(2) identify applied research needed to better understand the increased variability and declining salmon returns in some regions of Alaska; and

(3) support sustainable salmon runs in Alaska.

(b) **COMPOSITION AND APPOINTMENT.**—

(1) **IN GENERAL.**—The Research Task Force shall be composed of not fewer than 13 and not more than 19 members, who shall be appointed under paragraphs (2) and (3).

(2) **APPOINTMENT BY SECRETARY.**—The Secretary of Commerce shall appoint members to the Research Task Force as follows:

(A) One representative from each of the following:

(i) The National Oceanic and Atmospheric Administration who is knowledgeable about salmon and salmon research efforts in Alaska.

(ii) The North Pacific Fishery Management Council.

(iii) The United States section of the Pacific Salmon Commission.

(B) Not less than 2 and not more than 5 representatives from each of the following categories, at least 2 of whom shall represent Alaska Natives who possess personal knowledge of, and direct experience with, subsistence uses in rural Alaska, to be appointed with due regard to differences in regional perspectives and experience:

(i) Residents of Alaska who possess personal knowledge of, and direct experience with, subsistence uses in rural Alaska.

(ii) Alaska fishing industry representatives throughout the salmon supply chain, including from—

(I) directed commercial fishing;

(II) recreational fishing;

(III) charter fishing;

(IV) seafood processors;

(V) salmon prohibited species catch (bycatch) users; or

(VI) hatcheries.

(C) 5 representatives who are academic experts in salmon biology, salmon ecology (marine and freshwater), salmon habitat restoration and conservation, or comprehensive marine research planning in the North Pacific.

(3) **APPOINTMENT BY THE GOVERNOR OF ALASKA.**—The Governor of Alaska shall appoint to the Research Task Force one representative from the State of Alaska who is knowledgeable about the State of Alaska's salmon research efforts.

(c) **DUTIES.**—

(1) **REVIEW.**—The Research Task Force shall—

(A) conduct a review of Pacific salmon science relevant to understanding salmon returns in Alaska, including an examination of—

(i) traditional ecological knowledge of salmon populations and their ecosystems;

(ii) marine carrying capacity and density dependent constraints, including an examination of interactions with other salmon species, and with forage base in marine ecosystems;

(iii) life-cycle and stage-specific mortality;

(iv) genetic sampling and categorization of population structure within salmon species in Alaska;

(v) methods for predicting run-timing and stock sizes;

(vi) oceanographic models that provide insight into stock distribution, growth, and survival;

(vii) freshwater, estuarine, and marine processes that affect survival of smolts;

(viii) climate effects on freshwater and marine habitats;

(ix) predator/prey interactions between salmon and marine mammals or other predators; and

(x) salmon productivity trends in other regions, both domestic and international, that put Alaska salmon populations in a broader geographic context; and

(B) identify scientific research gaps in understanding the Pacific salmon life cycle in Alaska.

(2) **REPORT.**—Not later than 1 year after the date the Research Task Force is convened, the Research Task Force shall submit to the Secretary of Commerce, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Environment and Public Works of the Senate, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives, and the Alaska State Legislature, and make publicly available, a report—

(A) describing the review conducted under paragraph (1); and

(B) that includes—

(i) recommendations on filling knowledge gaps that warrant further scientific inquiry; and

(ii) findings from the reports of work groups submitted under subsection (d)(2)(C).

(d) **ADMINISTRATIVE MATTERS.**—

(1) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Research Task Force shall select a Chair and Vice Chair by vote from among the members of the Research Task Force.

(2) **WORK GROUPS.**—

(A) **IN GENERAL.**—The Research Task Force—

(i) not later than 30 days after the date of the establishment of the Research Task Force, shall establish a work group focused specifically on the research needs associated with salmon returns in the AYK (Arctic-Yukon-Kuskokwim) regions of Western Alaska; and

(ii) may establish additional regionally or stock focused work groups within the Research Task Force, as members determine appropriate.

(B) **COMPOSITION.**—Each work group established under this subsection shall—

(i) consist of not less than 5 individuals who—

(I) are knowledgeable about the stock or region under consideration; and

(II) need not be members of the Research Task Force; and

(ii) be balanced in terms of stakeholder representation, including commercial, rec-

reational, and subsistence fisheries, as well as experts in statistical, biological, economic, social, or other scientific information as relevant to the work group's focus.

(C) **REPORTS.**—Not later than 9 months after the date the Research Task Force is convened, each work group established under this subsection shall submit a report with the work group's findings to the Research Task Force.

(3) **COMPENSATION.**—Each member of the Research Task Force shall serve without compensation.

(4) **ADMINISTRATIVE SUPPORT.**—The Secretary of Commerce shall provide such administrative support as is necessary for the Research Task Force and its work groups to carry out their duties, which may include support for virtual or in-person participation and travel expenses.

(e) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Research Task Force.

**SEC. 5. DEFINITION OF PACIFIC SALMON.**

In this Act, the term “Pacific salmon” means salmon that originates in Alaskan waters.

**SA 6524.** Mr. SCHUMER (for Ms. HASSAN) proposed an amendment to the bill S. 2135, to amend title 31, United States Code, to require the Chief Operating Officer of each agency to compile a list of unnecessary programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Identifying and Eliminating Wasteful Programs Act”.

**SEC. 2. IDENTIFICATION AND ELIMINATION OF UNNECESSARY AGENCY PROGRAMS OR PROGRAM ACTIVITIES.**

(a) **TRANSPARENCY OF PROGRAMS, PRIORITY GOALS, AND RESULTS.**—Section 1122(a)(3)(D) of title 31, United States Code, is amended—

(1) by redesignating clauses (vi) and (vii) as clauses (vii) and (viii), respectively;

(2) by inserting after clause (v) the following:

“(vi) to the extent practicable and consistent with guidance issued by the Director of the Office of Management and Budget, budget justification materials described in section 3(b)(2)(B) of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note);” and

(3) in clause (vii), as so redesignated, by striking “accountability; and” and inserting “accountability, including information included in the list compiled under section 1127(b)(1); and”.

(b) **IDENTIFICATION OF UNNECESSARY AGENCY PROGRAMS OR PROGRAM ACTIVITIES.**—Chapter 11 of title 31, United States Code, is amended by adding at the end the following:

**“§ 1127. Identification of unnecessary agency programs or program activities**

“(a) **DEFINITIONS.**—In this section:

“(1) **AGENCY.**—The term ‘agency’ has the meaning given the term in section 1108(a).

“(2) **PROGRAM.**—The term ‘program’ has the meaning given the term in section 1122(a)(1).

“(3) **PROGRAM ACTIVITY.**—The term ‘program activity’ has the meaning given the term in section 1115(h).

“(b) **AGENCY IDENTIFICATION OF UNNECESSARY PROGRAMS OR PROGRAM ACTIVITIES.**—Not later than 20 days after the date on which the President transmits the budget of the United States Government under section 1105(a) each year, and based on guidance provided by the Director of the Office of Management and Budget, the Chief Operating Officer of each agency shall—

“(1) compile a list that identifies any program or program activity of the agency that—

“(A) is unnecessary, defunct, or unnecessarily duplicative of another program or program activity of the agency;

“(B) another agency could administer more effectively; or

“(C) could operate more effectively if the program or activity were consolidated with other programs or activities;

“(2) publish the list compiled under paragraph (1) in—

“(A) with respect to each list compiled before the date of the implementation described in section 9601(b)(3) of title XCVI of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (31 U.S.C. 1122 note) of the program inventory described in section 1122(a)(2)(B)(i) of this title, the pilot program described in section 9601(b)(2)(B) of title XCVI of that Act; and

“(B) with respect to each successive list, the program inventory described in section 1122(a)(2)(B)(i); and

“(3) submit the list compiled under paragraph (1) to—

“(A) the relevant congressional committees of jurisdiction of the agency;

“(B) the Committee on Appropriations of the Senate;

“(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

“(D) the Committee on Appropriations of the House of Representatives; and

“(E) the Committee on Oversight and Reform of the House of Representatives.

“(c) RECOMMENDATIONS.—Based on guidance issued by the Director of the Office of Management and Budget, the head of an agency may submit to Congress recommendations for statutory changes to eliminate or consolidate programs or program activities identified under subsection (b)(1).”

(c) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 31, United States Code, is amended by adding at the end the following:

“1127. Identification of unnecessary agency programs or program activities”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 120 days after the date of enactment of this Act.

**SA 6525.** Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill H.R. 1917, to modify eligibility requirements for certain hazard mitigation assistance programs, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Hazard Eligibility and Local Projects Act”.

#### **SEC. 2. AUTHORITY TO BEGIN IMPLEMENTATION OF ACQUISITION AND DEMOLITION ASSISTANCE PROJECTS.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(2) COVERED PROJECT.—The term “covered project” means a project that—

(A) is an acquisition and demolition project for which an entity began implementation, including planning or construction, before or after requesting assistance for the project under a hazard mitigation assistance program; and

(B) qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) HAZARD MITIGATION ASSISTANCE PROGRAM.—The term “hazard mitigation assistance program” means—

(A) any grant program authorized under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133);

(B) the hazard mitigation grant program authorized under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c); and

(C) the flood mitigation assistance program authorized under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(b) ELIGIBILITY FOR ASSISTANCE FOR COVERED PROJECTS.—

(1) IN GENERAL.—An entity seeking assistance under a hazard mitigation assistance program may be eligible to receive that assistance for a covered project if—

(A) the entity—

(i) complies with all other eligibility requirements of the hazard mitigation assistance program for acquisition or demolition projects, including extinguishing all incompatible encumbrances; and

(ii) complies with all Federal requirements for the covered project; and

(B) the Administrator determines that the covered project—

(i) qualifies for a categorical exclusion under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) is compliant with applicable floodplain management and protection of wetland regulations and criteria; and

(iii) does not require consultation under any other environmental or historic preservation law or regulation or involve any extraordinary circumstances.

(2) COSTS INCURRED.—An entity seeking assistance under a hazard mitigation assistance program shall be responsible for any project costs incurred by the entity for a covered project if the covered project is not awarded, or is determined to be ineligible for, assistance.

(c) APPLICABILITY.—This Act shall apply to covered projects started on or after the date of enactment of this Act.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, and annually thereafter for 3 years, the Administrator shall submit to Congress a report on use of the authority under this Act, including—

(1) how many applicants used the authority;

(2) how many applicants using the authority successfully obtained a grant;

(3) how many applicants were not able to successfully obtain a grant;

(4) the reasons applicants were not able to obtain a grant; and

(5) the extent to which applicants using the authority were able to comply with all necessary Federal environmental, historic preservation, and other related laws and regulations.

(e) TERMINATION.—The authority provided under this Act shall cease to be effective on the date that is 3 years after the date of enactment of this Act.

#### **AUTHORITY FOR COMMITTEES TO MEET**

Mr. SCHUMER. Mr. President, I have four requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:

#### **COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS**

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Wednesday, December 14, 2022, at 10 a.m., to conduct a hearing.

#### **COMMITTEE ON INDIAN AFFAIRS**

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, December 14, 2022, at 2:30 p.m., to conduct a business meeting.

#### **COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP**

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, December 14, 2022, at 2:30 p.m., to conduct a hearing.

#### **SELECT COMMITTEE ON INTELLIGENCE**

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, December 14, 2022, at 2:30 p.m., to conduct a closed briefing.

#### **ORDERS FOR THURSDAY, DECEMBER 15, 2022**

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Thursday, December 15, and that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session for the consideration of the Johnson nomination; further, that at 12 noon the Senate vote on confirmation of the Johnson nomination; finally, that if any nominations are confirmed during Thursday’s session, the motions to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

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

#### **ADJOURNMENT UNTIL 10 A.M. TOMORROW**

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Thursday, December 15, 2022, at 10 a.m.