be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 120. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 121. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 122. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 123. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 124. Mr. GRAHAM (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 125. Mr. SULLIVAN proposed an amendment to the bill H.R. 3746, supra.

SA 126. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 127. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 128. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 129. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 130. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 131. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 132. Mr. MERKLEY (for himself, Mr. WELCH, Mr. MARKEY, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 133. Mr. MERKLEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 3746, supra; which was ordered to lie on the table.

SA 134. Mr. BUDD proposed an amendment to the bill H.R. 3746, supra.

TEXT OF AMENDMENTS

SA 98. Mr. LEE (for himself and Mr. KENNEDY) proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 265 of title III of division B.

SA 99. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division B and insert the following:

TITLE III—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY

SEC. 261. SHORT TITLE.

This title may be cited as the ''Regulations from the Executive in Need of Scrutiny Act of 2023''.

SEC. 262. PURPOSE.

The purpose of this title is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the Constitution of the United States grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, this title will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 263. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

''CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall submit to each House of the Congress and to the Comptroller General a report containing—

''(i) a copy of the rule;

''(ii) a concise general statement relating to the rule;

''(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within subparagraphs (A) through (C) of section 804(2);

''(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

''(v) the proposed effective date of the rule.

''(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

''(i) a complete copy of the cost-benefit analysis of the rule, if any, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

''(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

''(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

''(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

''(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

''(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

''(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

''(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

''(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

''(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

''(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in subsection (a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

''(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

''(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

''(A) necessary because of an imminent threat to health or safety or other emergency;

''(B) necessary for the enforcement of criminal laws;

''(C) necessary for national security; or

''(D) issued pursuant to any statute implementing an international trade agreement.

''(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

''(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

''(A) in the case of the Senate, 60 session days; or

''(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

''(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

''(i) such rule were published in the Federal Register on—

''(I) in the case of the Senate, the 15th session day; or

''(II) in the case of the House of Representatives, the 15th legislative day,
after the succeeding session of Congress first convenes; and

''(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

''(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

''(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

''§ 802. Congressional approval procedure for major rules

''(a)(1) For purposes of this section, the term 'joint resolution' means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

''(A) bears no preamble;

''(B) bears the following title (with blanks filled as appropriate): 'Approving the rule submitted by _____ relating to _____.';

''(C) includes after its resolving clause only the following (with blanks filled as appropriate): 'That Congress approves the rule submitted by _____ relating to _____.'; and

''(D) is introduced pursuant to paragraph (2).

''(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

''(A) in the case of the House of Representatives, within 3 legislative days; and

''(B) in the case of the Senate, within 3 session days.

''(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

''(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

''(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

''(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

''(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

''(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

''(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

''(h) This section and section 803 are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such are deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

''§ 803. Congressional disapproval procedure for nonmajor rules

''(a) For purposes of this section, the term 'joint resolution' means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: 'That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.' (The blank spaces being appropriately filled in).

''(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

''(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

''(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

''(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

''(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

''(e) In the Senate, the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

''(1) after the expiration of the 60 session days beginning with the applicable submission or publication date; or

''(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

''(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

''(1) The joint resolution of the other House shall not be referred to a committee.

''(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

''(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

''(B) the vote on final passage shall be on the joint resolution of the other House.

''§ 804. Definitions

''For purposes of this chapter:

''(1) The term 'Federal agency' means any agency as that term is defined in section 551(1).

''(2) The term 'major rule' means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

''(A) an annual effect on the economy of $100 million or more;

''(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

''(3) The term 'nonmajor rule' means any rule that is not a major rule.

''(4) The term 'rule' has the meaning given such term in section 551, except that such term does not include—

''(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

''(B) any rule relating to agency management or personnel; or

''(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of nonagency parties.

''(5) The term 'submission or publication date', except as otherwise provided in this chapter, means—

''(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

''(B) in the case of a nonmajor rule, the later of—

''(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

''(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

''§ 805. Judicial review

''(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

''(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

''(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

''§ 806. Exemption for monetary policy

''Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

''§ 807. Effective date of certain rules

''Notwithstanding section 801—

''(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

''(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest,

shall take effect at such time as the Federal agency promulgating the rule determines.''.

SEC. 264. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2)) is amended by adding at the end the following new subparagraph:

''(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rule subject to the congressional approval procedure set forth in section 802 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.''.

SEC. 265. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains the findings of the study conducted under subsection (a).

SA 100. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike division D and insert the following:

DIVISION D—INCREASE IN THE DEBT LIMIT

SEC. 401. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) SUSPENSION.—Section 3101(b) of title 31, United States Code, shall not apply during the period beginning on the date of the enactment of this Act and ending on the applicable date.

(b) DOLLAR LIMITATION ON SUSPENSION.—Subsection (a) shall not apply to the extent that the application of such subsection would result in the face amount of obligations subject to limitation under section 3101(b) of title 31, United States Code, exceeding the sum of—

(1) the dollar limitation in effect under such section on the date of enactment of this Act; and

(2) $1,500,000,000,000.

(c) APPLICABLE DATE.—For purposes of this section, the term ''applicable date'' means the earlier of—

(1) March 31, 2024; or

(2) the first date on which subsection (a) does not apply by reason of subsection (b).

(d) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—Effective on the day after the applicable date, the limitation in effect under section 3101(b) of title 31, United States Code, is increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the day after the applicable date; exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(e) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (d)(1) unless the issuance of such obligation was necessary to fund a commitment incurred by the Federal Government that required payment on or before the applicable date.

SA 101. Mr. KAINE proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 324.

SA 102. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

In division C, after section 311, insert the following:

SEC. 312. WAIVERS.

Section 6(o)(4)(A)(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(4)(A)(i)) is amended by inserting '', as determined by the most up-to-date employment data'' before ''; or''.

SA 103. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 303 of division C and insert the following:

SEC. 303. ELIMINATION OF SMALL CHECKS SCHEME.

Section 407(b) of the Social Security Act (42 U.S.C. 607(b)) is amended by adding at the end the following:

''(6) SPECIAL RULE REGARDING CALCULATION OF THE MINIMUM PARTICIPATION RATE.—The Secretary shall determine participation rates under this section without regard to any individual engaged in work in a family that receives no assistance under this part and less than $75 in assistance funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).''.

SA 104. Mr. KENNEDY proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

In division C, in section 311, strike subsection (b) and insert the following:

(b) APPLICATION.—A State agency shall apply section 6(o)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(6)(o)(3)), as amended by subsection (a), to any application for initial certification or recertification received starting 90 days after the date of enactment of this Act.

SA 105. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 267, and insert the following:

SEC. 267. JUDICIAL REVIEW.

(a) IN GENERAL.—Subject to subsection (b), no determination, finding, action, or omission under this title shall be subject to judicial review.

(b) EXCEPTION.—Any waiver determination under section 265(a) shall be subject to judicial review.

SA 106. Mr. COTTON (for himself and Mr. SULLIVAN) proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike section 102 and insert the following:

SEC. 102. SPECIAL ADJUSTMENTS FOR FISCAL YEARS 2024 AND 2025.

Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following:

''(d) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2024.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2024, there is in effect an Act making continuing appropriations for part of fiscal year 2024 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(9) for fiscal year 2024 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) For the revised security category, the amount specified in subsection (c)(9)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(9)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2024, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2024.

''(3) REVERSAL.—If, after January 1, 2024, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.

''(e) REVISED DISCRETIONARY SPENDING LIMITS FOR FISCAL YEAR 2025.—

''(1) IN GENERAL.—Subject to paragraph (3), if on or after January 1, 2025, there is in effect an Act making continuing appropriations for part of fiscal year 2025 for any discretionary budget account, the discretionary spending limits specified in subsection (c)(10) for fiscal year 2025 shall be adjusted in the final sequestration report, in accordance with paragraph (2), as follows:

''(A) for the revised security category, the amount specified in subsection (c)(10)(A), reduced by one percent.

''(B) For the revised nonsecurity category, the amount specified in subsection (c)(10)(B), reduced by one percent.

''(2) FINAL REPORT; SEQUESTRATION ORDER.—If the conditions specified in paragraph (1) are met during fiscal year 2025, the final sequestration report for such fiscal year pursuant to section 254(f)(1) and any order pursuant to section 254(f)(5) shall be issued on the earlier of—

''(A) 10 days, not including weekends and holidays, for the Congressional Budget Office, and 15 days, not including weekends and holidays, for the Office of Management and Budget, after the enactment into law of annual full-year appropriations for all budget accounts that normally receive such annual appropriations (or the enactment of the applicable full-year appropriations Acts without any provision for such accounts); or

''(B) April 30, 2025.

''(3) REVERSAL.—If, after January 1, 2025, there are enacted into law each of the full year discretionary appropriation Acts, then the adjustment to the applicable discretionary spending limits in paragraph (1) shall have no force or effect, and the discretionary spending limits for the revised security category and revised nonsecurity category for the applicable fiscal year shall be such limits as in effect on December 31 of the applicable fiscal year.''.

SA 107. Mr. PAUL proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Five Penny Plan of 2023''.

SEC. 2. STATUTORY ENFORCEMENT OF OUTLAY LIMITS THROUGH SEQUESTRATION.

(a) IN GENERAL.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is amended by adding at the end the following:

''SEC. 258D. ENFORCING OUTLAY LIMITS.

''(a) ENFORCING OUTLAY LIMITS.—In this section, the term 'outlay limit' means an amount equal to—

''(1) for fiscal year 2024, $4,839,204,000,000 in outlays;

''(2) for fiscal year 2025, $4,597,244,000,000 in outlays;

''(3) for fiscal year 2026, $4,367,382,000,000 in outlays;

''(4) for fiscal year 2027, $4,149,013,000,000 in outlays; and

''(5) for fiscal year 2028, $3,941,562,000,000 in outlays.

''(b) TOTAL FEDERAL OUTLAYS.—In this section, total Federal outlays shall include all on-budget outlays.

''(c) SEQUESTRATION.—

''(1) OMB REPORT.—Not later than 15 days after the end of session for each of fiscal years 2024 through 2028, OMB shall prepare a report specifying whether outlays for the preceding fiscal year exceeded the outlay limit for that fiscal year.

''(2) SEQUESTRATION.—If a report under paragraph (1) shows that outlays for a fiscal year exceeded the outlay limits for that fiscal year, the President shall issue a sequestration order reducing direct spending and discretionary appropriations for the fiscal year after the fiscal year for which outlays exceeded the limit by the uniform percentage necessary to reduce outlays during that fiscal year by the amount of the excess outlays.

''(3) PROCEDURES.—In implementing the sequestration under paragraph (2), OMB shall follow the procedures specified in section 6 of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 935) and the special rules specified in section 256 of this Act.

''(d) CONSIDERATION IN HOUSE AND SENATE.—

''It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that would cause the most recently reported current outlay limits set forth in subsection (a) to be exceeded.''.

(b) TABLE OF CONTENTS.—The table of contents in section 250(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(a)) is amended by adding at the end the following:

''Sec. 258D. Enforcing outlay limits.''.

SEC. 3. LIMIT ON TOTAL SPENDING.

Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) through (21) as paragraphs (4) through (20), respectively.

SEC. 4. PUBLIC DEBT LIMIT.

Section 3101(b) of title 31, United States Code, is amended by striking ''$14,294,000,000,000'' and inserting ''$14,794,000,000,000''.

SA 108. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike division D and insert the following:

DIVISION D—INCREASE IN DEBT LIMIT

SEC. 401. LIMITED SUSPENSION OF DEBT CEILING.

(a) SUSPENSION.—Section 3101(b) of title 31, United States Code, shall not apply during the period beginning on the date of enactment of this Act and ending on the applicable date.

(b) DOLLAR LIMITATION ON SUSPENSION.—Subsection (a) shall not apply to the extent that the application of such subsection would result in the face amount of obligations subject to limitation under section 3101(b) of title 31, United States Code, to exceed the sum of—

(1) the dollar limitation in effect under such section on the date of the enactment of this Act; increased by

(2) $1,000,000,000,000.

(c) APPLICABLE DATE.—For purposes of this section, the term ''applicable date'' means the earlier of—

(1) November 1, 2023; or

(2) the first date on which subsection (a) does not apply by reason of subsection (b).

(d) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—Effective as of the close of the applicable date, the dollar limitation in section 3101(b) of title 31, United States Code, is increased to the extent that—

(1) the face amount of obligations subject to limitation under such section outstanding as of the close of the applicable date; exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(e) RESTORING CONGRESSIONAL AUTHORITY OVER THE NATIONAL DEBT.—

(1) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (d)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the applicable date.

(2) PROHIBITION ON CREATION OF CASH RESERVE DURING EXTENSION PERIOD.—The Secretary of the Treasury shall not issue obligations during the period specified in subsection (a) for the purpose of increasing the cash balance above normal operating balances in anticipation of the expiration of such period.

SA 109. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end of title I of division A, add the following:

SEC. 104. ENFORCING ADDITIONAL SPENDING LIMITS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)), as amended by section 101 of this division, is amended—

(1) in paragraph (9)(B), by striking ''and'' at the end; and

(2) by inserting after paragraph (10) the following:

''(11) for fiscal year 2026 $1,621,959,000,000 for the discretionary category;

''(12) for fiscal year 2027, $1,638,179,000,000 for the discretionary category;

''(13) for fiscal year 2028, $1,654,560,000,000 for the discretionary category; and

''(14) for fiscal year 2029, $1,671,106,000,000 for the discretionary category;''.

(b) CONFORMING AMENDMENT RELATING TO SEQUESTRATION REPORTS.—Section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904), as amended by section 101 of this division, is amended—

(1) in subsection (c)(2), by striking ''2025'' and inserting ''2029''; and

(2) in subsection (f)(2)(A), by striking ''2025'' and inserting ''2029''.

SA 110. Mr. MARSHALL proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

At the end of the bill, add the following:

DIVISION E—BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND FOREIGN AFFAIRS

SECTION 500. SHORT TITLE.

This division may be cited as the ''Secure the Border Act of 2023''.

TITLE I—BORDER SECURITY

SEC. 501. DEFINITIONS.

In this title:

(1) CBP.—The term ''CBP'' means U.S. Customs and Border Protection.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(4) OPERATIONAL CONTROL.—The term ''operational control'' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SITUATIONAL AWARENESS.—The term ''situational awareness'' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' has the meaning given such term in section 44801 of title 49, United States Code.

SEC. 502. BORDER WALL CONSTRUCTION.

(a) DEFINITIONS.—In this section:

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

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives;

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

(2) TACTICAL INFRASTRUCTURE.—The term ''tactical infrastructure'' includes boat ramps, access gates, checkpoints, lighting, and roads associated with a border wall.

(3) TECHNOLOGY.—The term ''technology'' includes border surveillance and detection technology, including linear ground detection systems, associated with a border wall.

(b) IN GENERAL.—

(1) IMMEDIATE RESUMPTION OF BORDER WALL CONSTRUCTION.—Not later than 7 days after the date of the enactment of this Act, the Secretary shall resume all activities related to the construction of the border wall along the border between the United States and Mexico that were underway or being planned for before January 20, 2021.

(2) USE OF FUNDS.—To carry out this section, the Secretary shall expend all unexpired funds appropriated or explicitly obligated for the construction of the border wall that were appropriated or obligated, as the case may be, for use beginning on October 1, 2019.

(3) USE OF MATERIALS.—Any unused materials purchased before the date of the enactment of this Act for the construction of the border wall may be used for activities related to the construction of the border wall in accordance with paragraph (1).

(c) PLAN TO COMPLETE TACTICAL INFRASTRUCTURE AND TECHNOLOGY.—Not later than 90 days after the date of the enactment of this Act and annually thereafter until construction of the border wall has been completed, the Secretary shall submit to the appropriate congressional committees—

(1) an implementation plan, including annual benchmarks for the construction of 200 miles of such wall; and

(2) associated cost estimates for satisfying all requirements of the construction of the border wall, including installation and deployment of tactical infrastructure, technology, and other elements as identified by the Department before January 20, 2021, through the expenditure of funds appropriated or explicitly obligated, as the case may be, for use, and any future funds appropriated or otherwise made available by Congress.

SEC. 503. STRENGTHENING THE REQUIREMENTS FOR BARRIERS ALONG THE SOUTHERN BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208; 8 U.S.C. 1103 note) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Secretary of Homeland Security shall take such actions as may be necessary (including the removal of obstacles to detection of illegal entrants) to design, test, construct, install, deploy, integrate, and operate physical barriers, tactical infrastructure, and technology in the vicinity of the southwest border to achieve situational awareness and operational control of the southwest border and deter, impede, and detect unlawful activity.'';

(2) in subsection (b)—

(A) in the subsection heading, by striking ''FENCING AND ROAD IMPROVEMENTS'' and inserting ''PHYSICAL BARRIERS'';

(B) in paragraph (1)—

(i) in the heading, by striking ''FENCING'' and inserting ''BARRIERS'';

(ii) by amending subparagraph (A) to read as follows:

''(A) REINFORCED BARRIERS.—In carrying out this section, the Secretary of Homeland Security shall construct a border wall, including physical barriers, tactical infrastructure, and technology, along not fewer than 900 miles of the southwest border until situational awareness and operational control of the southwest border is achieved.'';

(iii) by amending subparagraph (B) to read as follows:

''(B) PHYSICAL BARRIERS AND TACTICAL INFRASTRUCTURE.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective physical barriers, tactical infrastructure, and technology available for achieving situational awareness and operational control of the southwest border.'';

(iv) in subparagraph (C)—

(I) by amending clause (i) to read as follows:

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of the Interior, the Secretary of Agriculture, appropriate representatives of State, Tribal, and local governments, and appropriate private property owners in the United States to minimize the impact on natural resources, commerce, and sites of historical or cultural significance for the communities and residents located near the sites at which physical barriers, tactical infrastructure, and technology are to be constructed. Such consultation may not delay such construction for longer than 7 days.''; and

(II) in clause (ii)—

(aa) in subclause (I), by striking ''or'' after the semicolon at the end;

(bb) by amending subclause (II) to read as follows:

''(II) delay the transfer to the United States of the possession of property or affect the validity of any property acquisition by the United States by purchase or eminent domain, or to otherwise affect the eminent domain laws of the United States or of any State; or''; and

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

''(III) create any right or liability for any party.''; and

(v) by striking subparagraph (D);

(C) in paragraph (2)—

(i) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''this subsection'' and inserting ''this section''; and

(iii) by striking ''construction of fences'' and inserting ''the construction of physical barriers, tactical infrastructure, and technology'';

(D) by amending paragraph (3) to read as follows:

''(3) AGENT SAFETY.—In carrying out this section, the Secretary of Homeland Security,

when designing, testing, constructing, installing, deploying, integrating, and operating physical barriers, tactical infrastructure, or technology, shall incorporate such safety features into such design, test, construction, installation, deployment, integration, or operation of such physical barriers, tactical infrastructure, or technology, as the case may be, that the Secretary determines are necessary to maximize the safety and effectiveness of officers and agents of the Department of Homeland Security or of any other Federal agency deployed in the vicinity of such physical barriers, tactical infrastructure, or technology.''; and

(E) in paragraph (4), by striking ''this subsection'' and inserting ''this section'';

(3) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall waive all legal requirements necessary to ensure the expeditious design, testing, construction, installation, deployment, integration, operation, and maintenance of the physical barriers, tactical infrastructure, and technology under this section. The Secretary shall ensure the maintenance and effectiveness of such physical barriers, tactical infrastructure, or technology. Any such action by the Secretary shall be effective upon publication in the Federal Register.'';

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following new paragraph:

''(2) NOTIFICATION.—Not later than 7 days after the date on which the Secretary of Homeland Security exercises a waiver pursuant to paragraph (1), the Secretary shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such waiver.''; and

(4) by adding at the end the following:

''(e) TECHNOLOGY.—In carrying out this section, the Secretary of Homeland Security shall deploy along the southwest border the most practical and effective technology available for achieving situational awareness and operational control.

''(f) DEFINITIONS.—In this section:

''(1) ADVANCED UNATTENDED SURVEILLANCE SENSORS.—The term 'advanced unattended surveillance sensors' means sensors that utilize an onboard computer to analyze detections in an effort to discern between vehicles, humans, and animals, and ultimately filter false positives prior to transmission.

''(2) OPERATIONAL CONTROL.—The term 'operational control' has the meaning given such term in section 2(b) of the Secure Fence Act of 2006 (Public Law 109–367; 8 U.S.C. 1701 note).

''(3) PHYSICAL BARRIERS.—The term 'physical barriers' includes reinforced fencing, the border wall, and levee walls.

''(4) SITUATIONAL AWARENESS.—The term 'situational awareness' has the meaning given such term in section 1092(a)(7) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(7)).

''(5) TACTICAL INFRASTRUCTURE.—The term 'tactical infrastructure' includes boat ramps, access gates, checkpoints, lighting, and roads.

''(6) TECHNOLOGY.—The term 'technology' includes border surveillance and detection technology, including—

''(A) tower-based surveillance technology;

''(B) deployable, lighter-than-air ground surveillance equipment;

''(C) vehicle and Dismount Exploitation Radars (VADER);

''(D) 3-dimensional, seismic acoustic detection and ranging border tunneling detection technology;

''(E) advanced unattended surveillance sensors;

''(F) mobile vehicle-mounted and manportable surveillance capabilities;

''(G) unmanned aircraft systems;

''(H) tunnel detection systems and other seismic technology;

''(I) fiber-optic cable; and

''(J) other border detection, communication, and surveillance technology.

''(7) UNMANNED AIRCRAFT SYSTEM.—The term 'unmanned aircraft system' has the meaning given such term in section 44801 of title 49, United States Code.''.

SEC. 504. BORDER AND PORT SECURITY TECHNOLOGY INVESTMENT PLAN.

(a) DEFINITIONS.—In this section:

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

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

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

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

(2) COVERED OFFICIALS.—The term ''covered officials'' means—

(A) the Under Secretary for Management of the Department;

(B) the Under Secretary for Science and Technology of the Department; and

(C) the Chief Information Officer of the Department.

(3) UNLAWFULLY PRESENT.—The term ''unlawfully present'' has the meaning provided such term in section 212(a)(9)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(ii)).

(b) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Commissioner, in consultation with covered officials and border and port security technology stakeholders, shall submit to the appropriate congressional committees a strategic 5-year technology investment plan (referred to in this section as the ''Plan''). The Plan may include a classified annex, if appropriate.

(c) CONTENTS OF PLAN.—The Plan shall include—

(1) an analysis of security risks at and between ports of entry along the northern and southern borders of the United States;

(2) the identification of capability gaps with respect to security at and between such ports of entry to be mitigated in order to—

(A) prevent terrorists and instruments of terror from entering the United States;

(B) combat and reduce cross-border criminal activity, including—

(i) the transport of illegal goods, such as illicit drugs; and

(ii) human smuggling and human trafficking; and

(C) facilitate the flow of legal trade across the southwest border;

(3) an analysis of current and forecast trends relating to the number of aliens who—

(A) unlawfully entered the United States by crossing the northern or southern border of the United States; or

(B) are unlawfully present in the United States;

(4) a description of security-related technology acquisitions, listed in order of priority, to address the security risks and capability gaps analyzed and identified pursuant to paragraphs (1) and (2), respectively;

(5) a description of each planned security-related technology program, including objectives, goals, and timelines for each such program;

(6) the identification of each deployed security-related technology that is at or near the end of the life cycle of such technology;

(7) a description of the test, evaluation, modeling, and simulation capabilities, including target methodologies, rationales, and timelines, necessary to support the acquisition of security-related technologies pursuant to paragraph (4);

(8) the identification and an assessment of ways to increase opportunities for communication and collaboration with the private sector, small and disadvantaged businesses, intragovernment entities, university centers of excellence, and Federal laboratories to ensure CBP is able to engage with the market for security-related technologies that are available to satisfy its mission needs before engaging in an acquisition of a security-related technology;

(9) an assessment of the management of planned security-related technology programs by the acquisition workforce of CBP;

(10) the identification of ways to leverage already-existing acquisition expertise within the Federal Government;

(11) a description of the security resources, including information security resources, required to protect security-related technology from physical or cyber theft, diversion, sabotage, or attack;

(12) a description of initiatives—

(A) to streamline the acquisition process of CBP; and

(B) to provide to the private sector greater predictability and transparency with respect to such process, including information relating to the timeline for testing and evaluation of security-related technology;

(13) an assessment of the privacy and security impact on border communities of security-related technology;

(14) in the case of a new acquisition leading to the removal of equipment from a port of entry along the northern or southern border of the United States, a strategy to consult with the private sector and community stakeholders affected by such removal;

(15) a strategy to consult with the private sector and community stakeholders with respect to security impacts at a port of entry described in paragraph (14); and

(16) the identification of recent technological advancements in—

(A) manned aircraft sensor, communication, and common operating picture technology;

(B) unmanned aerial systems and related technology, including counter-unmanned aerial system technology;

(C) surveillance technology, including—

(i) mobile surveillance vehicles;

(ii) associated electronics, including cameras, sensor technology, and radar;

(iii) tower-based surveillance technology;

(iv) advanced unattended surveillance sensors; and

(v) deployable, lighter-than-air, ground surveillance equipment;

(D) nonintrusive inspection technology, including non-x-ray devices utilizing muon tomography and other advanced detection technology;

(E) tunnel detection technology; and

(F) communications equipment, including—

(i) radios;

(ii) long-term evolution broadband; and

(iii) miniature satellites.

(d) LEVERAGING THE PRIVATE SECTOR.—To the extent practicable, the Plan shall—

(1) leverage emerging technological capabilities, and research and development trends, within the public and private sectors;

(2) incorporate input from the private sector, including from border and port security

stakeholders, through requests for information, industry day events, and other innovative means consistent with the Federal Acquisition Regulation (or any successor regulation); and

(3) identify security-related technologies that are in development or deployed, with or without adaptation, that may satisfy the mission needs of CBP.

(e) FORM.—To the extent practicable, the Plan shall be published in unclassified form on the website of the Department.

(f) DISCLOSURE.—The Plan shall identify individuals who contributed to the development of the Plan who are not employed by the Federal Government, and their professional affiliations.

(g) UPDATE AND REPORT.—Not later than 2 years after the date on which the Plan is submitted to the appropriate congressional committees pursuant to subsection (b) and biennially thereafter for the following 10 years, the Commissioner shall submit to the appropriate congressional committees—

(1) an update of the Plan, if appropriate; and

(2) a report that includes—

(A) the extent to which each security-related technology acquired by CBP since the initial submission of the plan or most recent update of the plan, as the case may be, is consistent with the planned technology programs and projects described pursuant to subsection (c)(5); and

(B) the type of contract and the reason for acquiring each such security-related technology.

SEC. 505. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

''SEC. 437. BORDER SECURITY TECHNOLOGY PROGRAM MANAGEMENT.

''(a) DEFINED TERM.—In this section, the term 'major acquisition program' means an acquisition program of the Department that is estimated by the Secretary to require an eventual total expenditure of at least $100,000,000 (based on fiscal year 2023 constant dollars) over its life-cycle cost.

''(b) PLANNING DOCUMENTATION.—For each border security technology acquisition program of the Department that is determined to be a major acquisition program, the Secretary shall—

''(1) ensure that each such program has a written acquisition program baseline approved by the relevant acquisition decision authority;

''(2) document that each such program is satisfying cost, schedule, and performance thresholds as specified in such baseline, in compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation; and

''(3) have a plan for satisfying program implementation objectives by managing contractor performance.

''(c) ADHERENCE TO STANDARDS.—The Secretary, acting through the Under Secretary for Management and the Commissioner of U.S. Customs and Border Protection, shall ensure border security technology acquisition program managers who are responsible for carrying out this section adhere to relevant internal control standards identified by the Comptroller General of the United States. The Commissioner shall provide information, as needed, to assist the Under Secretary in monitoring management of border security technology acquisition programs under this section.

''(d) PLAN.—The Secretary, acting through the Under Secretary for Management, in coordination with the Under Secretary for Science and Technology and the Commissioner of U.S. Customs and Border Protection, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a plan for testing, evaluating, and using independent verification and validation of resources relating to the proposed acquisition of border security technology. Under such plan, the proposed acquisition of new border security technologies shall be evaluated through a series of assessments, processes, and audits to ensure—

''(1) compliance with relevant departmental acquisition policies and the Federal Acquisition Regulation (or any successor regulation); and

''(2) the effective use of taxpayer dollars.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 436 the following:

''Sec. 437. Border security technology program management.''.

(c) PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.—No additional funds are authorized to be appropriated to carry out section 437 of the Homeland Security Act of 2002, as added by subsection (a).

SEC. 506. U.S. CUSTOMS AND BORDER PROTECTION TECHNOLOGY UPGRADES.

(a) SECURE COMMUNICATIONS.—The Commissioner shall ensure that each CBP officer or agent, as appropriate, is equipped with a secure radio or other 2-way communication device that allows each such officer or agent to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, Tribal, and local law enforcement entities.

(b) BORDER SECURITY DEPLOYMENT PROGRAM.—

(1) EXPANSION.—Not later than September 30, 2025, the Commissioner shall—

(A) fully implement the CBP Border Security Deployment Program; and

(B) expand the integrated surveillance and intrusion detection system at land ports of entry along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $33,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

(c) UPGRADE OF LICENSE PLATE READERS AT PORTS OF ENTRY.—

(1) UPGRADE.—Not later than 2 years after the date of the enactment of this Act, the Commissioner shall upgrade all existing license plate readers in need of upgrade, as determined by the Commissioner, along the northern and southern borders of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated for such purpose, there is authorized to be appropriated $125,000,000 for fiscal years 2024 and 2025 to carry out paragraph (1).

SEC. 507. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) RETENTION BONUS.—There is authorized to be appropriated up to $100,000,000 to the Commissioner to provide a retention bonus to any front-line U.S. Border Patrol law enforcement agent—

(1) whose position is equal to or below level GS-12 of the General Schedule;

(2) who has completed at least 5 years of service with the U.S. Border Patrol; and

(3) who commits to 2 years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

(b) BORDER PATROL AGENTS.—Not later than September 30, 2025, the Commissioner shall hire, train, and assign a sufficient number of Border Patrol agents to maintain an active duty presence of not fewer than 22,000 full-time equivalent Border Patrol agents, who may not perform the duties of processing coordinators.

(c) PROHIBITION AGAINST ALIEN TRAVEL.—Personnel and equipment of Air and Marine Operations may not be used for the transportation of nondetained aliens, or detained aliens expected to be administratively released upon arrival, from the southwest border to destinations within the United States.

(d) GAO REPORT.—If the staffing level required under this section is not achieved by the date associated with such level, the Comptroller General of the United States shall—

(1) conduct a review of the reasons why such level was not so achieved; and

(2) not later than September 30, 2027, publish a report on a publicly available website of the Government Accountability Office that contains the findings of the review conducted pursuant to paragraph (1).

SEC. 508. ANTI-BORDER CORRUPTION ACT REAUTHORIZATION.

(a) HIRING FLEXIBILITY.—Section 3 of the Anti-Border Corruption Act of 2010 (6 U.S.C. 221; Public Law 111–376) is amended by striking subsection (b) and inserting the following:

''(b) WAIVER REQUIREMENT.—Subject to subsection (c), the Commissioner of U.S. Customs and Border Protection shall waive the application of subsection (a)(1)—

''(1) to a current, full-time law enforcement officer employed by a State or local law enforcement agency who—

''(A) has continuously served as a law enforcement officer for not fewer than 3 years;

''(B) is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers for arrest or apprehension; and

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position;

''(2) to a current, full-time Federal law enforcement officer who—

''(A) has continuously served as a law enforcement officer for not fewer than three years;

''(B) is authorized to make arrests, conduct investigations, conduct searches, make seizures, carry firearms, and serve orders, warrants, and other processes;

''(C) is not currently under investigation, has not been found to have engaged in criminal activity or serious misconduct, has not resigned from a law enforcement officer position under investigation or in lieu of termination, and has not been dismissed from a law enforcement officer position; and

''(D) holds a current Tier 4 background investigation or current Tier 5 background investigation; or

''(3) to a member of the Armed Forces (or a reserve component thereof) or a veteran, if such individual—

''(A) has served in the Armed Forces for not fewer than three years;

''(B) holds, or has held within the past five years, a Secret, Top Secret, or Top Secret/Sensitive Compartmented Information clearance;

''(C) holds, or has undergone within the past five years, a current Tier 4 background investigation or current Tier 5 background investigation;

''(D) received, or is eligible to receive, an honorable discharge from service in the Armed Forces and has not engaged in criminal activity or committed a serious military or civil offense under the Uniform Code of Military Justice; and

''(E) was not granted any waivers to obtain the clearance referred to in subparagraph (B).

''(c) TERMINATION OF WAIVER REQUIREMENT; SNAP-BACK.—The requirement to issue a waiver under subsection (b) shall terminate if the Commissioner of U.S. Customs and Border Protection certifies to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that U.S. Customs and Border Protection has met all requirements pursuant to section 507 of the Secure the Border Act of 2023 relating to personnel levels. If at any time after such certification personnel levels fall below such requirements, the Commissioner shall waive the application of subsection (a)(1) until such time as the Commissioner recertifies to such congressional committees that U.S. Customs and Border Protection has so met all such requirements.''.

(b) SUPPLEMENTAL COMMISSIONER AUTHORITY; REPORTING; DEFINITIONS.—The Anti-Border Corruption Act of 2010 (Public Law 111–376) is amended by adding at the end the following:

''SEC. 5. SUPPLEMENTAL COMMISSIONER AUTHORITY.

''(a) NONEXEMPTION.—An individual who receives a waiver described in section 3(b) is not exempt from any other hiring requirements relating to suitability for employment and eligibility to hold a national security designated position, as determined by the Commissioner of U.S. Customs and Border Protection.

''(b) BACKGROUND INVESTIGATIONS.—An individual who receives a waiver described in section 3(b) who holds a current Tier 4 background investigation shall be subject to a Tier 5 background investigation.

''(c) ADMINISTRATION OF POLYGRAPH EXAMINATION.—The Commissioner of U.S. Customs and Border Protection is authorized to administer a polygraph examination to an applicant or employee who is eligible for or receives a waiver described in section 3(b) if information is discovered before the completion of a background investigation that results in a determination that a polygraph examination is necessary to make a final determination regarding suitability for employment or continued employment.

''SEC. 6. REPORTING.

''(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of the Secure the Border Act of 2023 and annually thereafter while the waiver authority under section 3(b) is in effect, the Commissioner of U.S. Customs and Border Protection shall submit a report to Congress that includes, with respect to each such reporting period—

''(1) information relating to the number of waivers granted under such section 3(b);

''(2) information relating to the percentage of applicants who were hired after receiving such a waiver;

''(3) information relating to the number of instances that a polygraph was administered to an applicant who initially received such a waiver and the results of such polygraph;

''(4) an assessment of the current impact of such waiver authority on filling law enforcement positions at U.S. Customs and Border Protection; and

''(5) the identification of additional authorities needed by U.S. Customs and Border Protection to better utilize such waiver authority for its intended goals.

''(b) ADDITIONAL INFORMATION.—The first report submitted pursuant to subsection (a) shall include—

''(1) an analysis of other methods of employment suitability tests that detect deception and could be used in conjunction with traditional background investigations to evaluate potential applicants or employees for suitability for employment or continued employment; and

''(2) a recommendation regarding whether a test referred to in paragraph (1) should be adopted by U.S. Customs and Border Protection when the polygraph examination requirement is waived pursuant to section 3(b).

''SEC. 7. DEFINITIONS.

''In this Act:

''(1) FEDERAL LAW ENFORCEMENT OFFICER.—The term 'Federal law enforcement officer' means a 'law enforcement officer', as such term is defined in section 8331(20) or 8401(17) of title 5, United States Code.

''(2) SERIOUS MILITARY OR CIVIL OFFENSE.—The term 'serious military or civil offense' means an offense for which—

''(A) a member of the Armed Forces may be discharged or separated from service in the Armed Forces; and

''(B) a punitive discharge is, or would be, authorized for the same or a closely related offense under the Manual for Court-Martial, as pursuant to Army Regulation 635–200, chapter 14–12.

''(3) TIER 4; TIER 5.—The terms 'Tier 4' and 'Tier 5', with respect to background investigations, have the meaning given such terms under the 2012 Federal Investigative Standards.

''(4) VETERAN.—The term 'veteran' has the meaning given such term in section 101(2) of title 38, United States Code.''.

(c) POLYGRAPH EXAMINERS.—Not later than September 30, 2025, the Secretary shall increase to not fewer than 150 the number of trained full-time equivalent polygraph examiners for administering polygraphs under the Anti-Border Corruption Act of 2010, as amended by this section.

SEC. 509. ESTABLISHMENT OF WORKLOAD STAFFING MODELS FOR U.S. BORDER PATROL AND AIR AND MARINE OPERATIONS OF CBP.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

(2) the Committee on Homeland Security of the House of Representatives.

(b) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in coordination with the Under Secretary for Management, the Chief Human Capital Officer, and the Chief Financial Officer of the Department, shall implement a workload staffing model for—

(1) the U.S. Border Patrol; and

(2) CBP Air and Marine Operations.

(c) RESPONSIBILITIES OF THE COMMISSIONER.—Section 411(c) of the Homeland Security Act of 2002 (6 U.S.C. 211(c)), is amended—

(1) by redesignating paragraphs (18) and (19) as paragraphs (20) and (21), respectively; and

(2) by inserting after paragraph (17) the following:

''(18) implement a staffing model for the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations that includes consideration for essential frontline operator activities and functions, variations in operating environments, present and planned infrastructure, present and planned technology, and required operations support levels to enable such entities to manage and assign personnel of such entities to ensure field and support posts possess adequate resources to carry out duties specified in this section;

''(19) develop standard operating procedures for a workforce tracking system within the U.S. Border Patrol, Air and Marine Operations, and the Office of Field Operations, train the workforce of each of such entities on the use, capabilities, and purpose of such system, and implement internal controls to ensure timely and accurate scheduling and reporting of actual completed work hours and activities;''.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act with respect to subsection (b) and paragraphs (18) and (19) of section 411(c) of the Homeland Security Act of 2002, as amended by subsection (c), and annually thereafter with respect to such paragraphs (18) and (19), the Secretary shall submit a report to the appropriate congressional committees a report that includes a status update regarding—

(A) the implementation of subsection (b) and such paragraphs (18) and (19); and

(B) each relevant workload staffing model.

(2) DATA SOURCES AND METHODOLOGY REQUIRED.—Each report required under paragraph (1) shall include information relating to the data sources and methodology used to generate each relevant staffing model.

(e) INSPECTOR GENERAL REVIEW.—Not later than 90 days after the Commissioner develops the workload staffing models pursuant to subsection (b), the Inspector General of the Department shall review such models and provide feedback to the Secretary and the appropriate congressional committees with respect to the degree to which such models are responsive to the recommendations of the Inspector General, including—

(1) recommendations from the Inspector General's February 2019 audit; and

(2) any further recommendations to improve such models.

SEC. 510. OPERATION STONEGARDEN.

(a) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 2010. OPERATION STONEGARDEN.

''(a) ESTABLISHMENT.—There is established in the Department a program, to be known as 'Operation Stonegarden', under which the Secretary, acting through the Administrator, shall work through State administrative agencies to award grants to eligible law enforcement agencies, which shall be expended to enhance border security in accordance with this section.

''(b) ELIGIBLE RECIPIENTS.—A law enforcement agency is eligible to receive a grant under this section if the agency—

''(1) is located in—

''(A) a State bordering Canada or Mexico; or

''(B) a State or territory with a maritime border;

''(2) is involved in an active, ongoing, U.S. Customs and Border Protection operation coordinated through a U.S. Border Patrol sector office; and

''(3) has an agreement with U.S. Immigration and Customs Enforcement to support enforcement operations.

''(c) PERMITTED USES.—A recipient of a grant under this section may expend grant funds for costs associated with—

''(1) equipment, including maintenance and sustainment;

''(2) personnel, including overtime and backfill, in support of enhanced border law enforcement activities; and

''(3) any activity permitted for Operation Stonegarden under the most recent fiscal year Department of Homeland Security's Homeland Security Grant Program Notice of Funding Opportunity.

''(d) PERIOD OF PERFORMANCE.—The Secretary shall award grants under this section to grant recipients for a period that is not shorter than 3 years.

''(e) NOTIFICATION.—Immediately after denying a grant to a law enforcement agency, the Administrator shall provide written notice to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that describes the reasons for such denial.

''(f) REPORT.—For each of the fiscal years 2024 through 2028 the Administrator 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 contains—

''(1) information regarding the expenditures of grant funding under this section by each grant recipient; and

''(2) recommendations for other uses of such grant funding to further support eligible law enforcement agencies.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $110,000,000 for each of the fiscal years 2024 through 2028 for grants under this section.''.

(b) CONFORMING AMENDMENT.—Section 2002(a) of the Homeland Security Act of 2002 (6 U.S.C. 603(a)) is amended to read as follows:

''(a) GRANTS AUTHORIZED.—The Secretary, through the Administrator, may award grants under sections 2003, 2004, 2009, and 2010 to State, local, and Tribal governments, as appropriate.''.

(c) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended by inserting after the item relating to section 2009 the following:

''Sec. 2010. Operation Stonegarden.''.

SEC. 511. AIR AND MARINE OPERATIONS FLIGHT HOURS.

(a) DEFINITIONS.—In this section:

(1) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a)(3) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(3)).

(2) TRANSIT ZONE.—The term ''transit zone'' has the meaning given such term in section 1092(a)(8) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328; 6 U.S.C. 223(a)(8)).

(b) AIR AND MARINE OPERATIONS FLIGHT HOURS.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall ensure that not fewer than 110,000 annual flight hours are carried out by CBP Air and Marine Operations.

(c) UNMANNED AIRCRAFT SYSTEMS.—The Secretary, after coordination with the Administrator of the Federal Aviation Administration, shall ensure that Air and Marine Operations continuously operate unmanned aircraft systems along the southern border of the United States.

(d) PRIMARY MISSIONS.—The Commissioner shall ensure that—

(1) the primary missions for Air and Marine Operations are to directly support—

(A) U.S. Border Patrol activities along the borders of the United States; and

(B) Joint Interagency Task Force South and Joint Interagency Task Force East operations in the transit zone; and

(2) the Executive Assistant Commissioner, Air and Marine Operations assigns the greatest priority to support missions specified in paragraph (1).

(e) HIGH DEMAND FLIGHT HOUR REQUIREMENTS.—The Commissioner shall—

(1) ensure that U.S. Border Patrol Sector Chiefs identify air support mission-critical hours; and

(2) direct Air and Marine Operations to support requests from such Sector Chiefs as a component of the primary mission of Air and Marine Operations in accordance with subsection (d)(1)(A).

(f) CONTRACT AIR SUPPORT AUTHORIZATIONS.—The Commissioner shall contract for air support mission-critical hours to meet the requests for such hours, as identified pursuant to subsection (e).

(g) SMALL UNMANNED AIRCRAFT SYSTEMS.—

(1) IN GENERAL.—The Chief, U.S. Border Patrol shall be the executive agent with respect to the use of small unmanned aircraft by CBP for the purposes of—

(A) meeting the unmet flight hour operational requirements of U.S. Border Patrol; and

(B) achieving situational awareness and operational control of the borders of the United States.

(2) COORDINATION.—In carrying out paragraph (1), the Chief, U.S. Border Patrol shall coordinate—

(A) flight operations with the Administrator of the Federal Aviation Administration to ensure the safe and efficient operation of the national airspace system; and

(B) with the Executive Assistant Commissioner for CBP Air and Marine Operations—

(i) to ensure the safety of other CBP aircraft flying in the vicinity of small unmanned aircraft operated by U.S. Border Patrol; and

(ii) to establish a process to include data from flight hours in the calculation of got away statistics.

(3) CONFORMING AMENDMENT.—Section 411(e)(3) of the Homeland Security Act of 2002 (6 U.S.C. 211(e)(3)) is amended—

(A) in subparagraph (B), by striking ''and'' after the semicolon at the end;

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

(C) by inserting after subparagraph (B) the following:

''(C) carry out the small unmanned aircraft (as such term is defined in section 44801 of title 49, United States Code) requirements pursuant to section 511(g) of the Secure the Border Act of 2023; and''.

(h) RULE OF CONSTRUCTION.—Nothing in this section may be construed as conferring, transferring, or delegating to the Secretary, the Commissioner, the Executive Assistant Commissioner for Air and Marine Operations, or the Chief, U.S. Border Patrol any authority of the Secretary of Transportation or the Administrator of the Federal Aviation Administration relating to the use of airspace or aviation safety.

SEC. 512. ERADICATION OF CARRIZO CANE AND SALT CEDAR.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary, in coordination with the heads of relevant Federal, State, and local agencies, shall hire contractors to begin eradicating the carrizo cane plant and any salt cedar along the Rio Grande River that impedes border security operations. Such eradication shall be completed—

(1) by not later than September 30, 2027, except for required maintenance; and

(2) in the most expeditious and cost-effective manner possible to maintain clear fields of view.

(b) APPLICATION.—The waiver authority under section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by section 503, shall apply to activities carried out pursuant to subsection (a).

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a strategic plan to eradicate all carrizo cane plant and salt cedar along the Rio Grande River that impedes border security operations by not later than September 30, 2027.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $7,000,000 to the Secretary for each of the fiscal years 2024 through 2028 to carry out this section.

SEC. 513. BORDER PATROL STRATEGIC PLAN.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act and biennially thereafter, the Commissioner, acting through the Chief, U.S. Border Patrol, shall issue a Border Patrol Strategic Plan (referred to in this section as the ''Plan'') to enhance the security of the borders of the United States.

(b) ELEMENTS.—The Plan shall include—

(1) the consideration of Border Patrol Capability Gap Analysis reporting, Border Security Improvement Plans, and any other strategic document authored by U.S. Border Patrol to address security gaps between ports of entry, including efforts to mitigate threats identified in such analyses, plans, and documents;

(2) information relating to the dissemination of information relating to border security or border threats with respect to the efforts of the Department and other appropriate Federal agencies;

(3) information relating to efforts by U.S. Border Patrol—

(A) to increase situational awareness, including—

(i) surveillance capabilities, such as capabilities developed or utilized by the Department of Defense, and any appropriate technology determined to be excess by the Department of Defense; and

(ii) the use of manned aircraft and unmanned aircraft;

(B) to detect and prevent terrorists and instruments of terrorism from entering the United States;

(C) to detect, interdict, and disrupt between ports of entry aliens unlawfully present in the United States;

(D) to detect, interdict, and disrupt human smuggling, human trafficking, drug trafficking, and other illicit cross-border activity;

(E) to focus intelligence collection to disrupt transnational criminal organizations outside of the international and maritime borders of the United States; and

(F) to ensure that any new border security technology can be operationally integrated with existing technologies in use by the Department;

(4) information relating to initiatives of the Department with respect to operational coordination, including any relevant task forces of the Department;

(5) information gathered from the lessons learned by the deployments of the National Guard to the southern border of the United States;

(6) a description of cooperative agreements relating to information sharing with State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States;

(7) information relating to border security information received from—

(A) State, local, Tribal, territorial, and other Federal law enforcement agencies that have jurisdiction on the borders of the United States or in the maritime environment;

(B) border community stakeholders, including representatives from—

(i) border agricultural and ranching organizations;

(ii) business and civic organizations;
(iii) hospitals and rural clinics within 150 miles of a United States border;
(iv) victims of crime committed by aliens unlawfully present in the United States;
(v) victims impacted by drugs, transnational criminal organizations, cartels, gangs, or other criminal activity;
(vi) farmers, ranchers, and property owners along the border; and
(vii) other individuals negatively impacted by illegal immigration;
(8) information relating to the staffing requirements with respect to border security for the Department;
(9) a prioritized list of Department research and development objectives to enhance the security of the borders of the United States; and
(10) an assessment of training programs, including programs relating to—
(A) identifying and detecting fraudulent documents;
(B) understanding the scope of CBP enforcement authorities and appropriate use of force policies; and
(C) screening, identifying, and addressing vulnerable populations, such as children and victims of human trafficking.

SEC. 514. U.S. CUSTOMS AND BORDER PROTECTION SPIRITUAL READINESS.

Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 5 years, the Commissioner 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 regarding—
(1) the availability and usage of the assistance of chaplains, prayer groups, houses of worship, and other spiritual resources for members of CBP who identify as religiously affiliated and have attempted suicide, have suicidal ideation, or are at risk of suicide; and
(2) metrics on the impact such resources have in assisting religiously affiliated members who have access to and utilize such resources compared to religiously affiliated members who do not have such access.

SEC. 515. RESTRICTIONS ON FUNDING.

(a) ARRIVING ALIENS.—No funds are authorized to be appropriated to the Department to process the entry into the United States of aliens arriving in between ports of entry.
(b) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION SUPPORT FOR UNLAWFUL ACTIVITY.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization that facilitates or encourages unlawful activity, including unlawful entry, human trafficking, human smuggling, drug trafficking, and drug smuggling.
(c) RESTRICTION ON NONGOVERNMENTAL ORGANIZATION FACILITATION OF ILLEGAL IMMIGRATION.—No funds are authorized to be appropriated to the Department for disbursement to any nongovernmental organization to provide, or facilitate the provision of, transportation, lodging, or immigration legal services to inadmissible aliens who enter the United States after the date of the enactment of this Act.

SEC. 516. COLLECTION OF DNA AND BIOMETRIC INFORMATION AT THE BORDER.

Not later than 14 days after the date of the enactment of this Act, the Secretary shall ensure and certify to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that CBP is fully compliant with Federal DNA and biometric collection requirements at United States land borders.

SEC. 517. ERADICATION OF NARCOTIC DRUGS AND FORMULATING EFFECTIVE NEW TOOLS TO ADDRESS YEARLY LOSSES OF LIFE; ENSURING TIMELY UPDATES TO U.S. CUSTOMS AND BORDER PROTECTION FIELD MANUALS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than triennially thereafter, the Commissioner of U.S. Customs and Border Protection shall review and update, as necessary, the current policies and manuals of the Office of Field Operations related to inspections at ports of entry, and of U.S. Border Patrol related to inspections between ports of entry, to ensure the uniform implementation of inspection practices that will effectively respond to technological and methodological changes designed to disguise unlawful activity, such as the smuggling of drugs and humans, along the border.
(b) REPORTING REQUIREMENT.—Not later than 90 days after each update required under subsection (a), the Commissioner of U.S. Customs and Border Protection 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 summarizes any policy and manual changes pursuant to subsection (a).

SEC. 518. PUBLICATION OF OPERATIONAL STATISTICS BY U.S. CUSTOMS AND BORDER PROTECTION.

(a) DEFINITIONS.—In this section:
(1) ALIEN ENCOUNTERS.—The term ''alien encounters'' means aliens apprehended, determined inadmissible, or processed for removal by U.S. Customs and Border Protection.
(2) GOT AWAY.—The term ''got away'' has the meaning given such term in section 1092(a) of the National Defense Authorization Act for Fiscal Year 2017 (6 U.S.C. 223(a)).
(3) TERRORIST SCREENING DATABASE.—The term ''terrorist screening database'' has the meaning given such term in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621).
(4) UNACCOMPANIED ALIEN CHILD.—The term ''unaccompanied alien child'' has the meaning given such term in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).
(b) IN GENERAL.—Not later than the seventh day of each month beginning with the second full month after the date of the enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall publish on a publicly available website of the Department of Homeland Security information for the immediately preceding month relating to—
(1) the total number of alien encounters and nationalities;
(2) unique alien encounters and nationalities;
(3) gang affiliated apprehensions and nationalities;
(4) drug seizures;
(5) alien encounters included in the terrorist screening database and nationalities;
(6) arrests of criminal aliens or individuals wanted by law enforcement and nationalities;
(7) known got aways;
(8) encounters with deceased aliens; and
(9) all other related or associated statistics recorded by U.S. Customs and Border Protection.
(c) CONTENTS.—Each monthly publication required under subsection (b) shall include—
(1) the aggregate such number, and such number disaggregated by geographic regions, of such recordings and encounters, including specifications relating to whether such recordings and encounters were at the southwest, northern, or maritime border;
(2) the identification of the Office of Field Operations field office, U.S. Border Patrol sector, or Air and Marine Operations branch making each recording or encounter;
(3) information relating to whether each recording or encounter of an alien was of a single adult, an unaccompanied alien child, or an individual in a family unit;
(4) information relating to the processing disposition of each alien recording or encounter;
(5) information relating to the nationality of each alien who is the subject of each recording or encounter;
(6) the total number of individuals included in the terrorist screening database (as such term is defined in section 2101 of the Homeland Security Act of 2002 (6 U.S.C. 621)) who have repeatedly attempted to cross unlawfully into the United States; and
(7) the total number of individuals included in the terrorist screening database who have been apprehended, including information relating to whether such individuals were released into the United States or removed.
(d) EXCEPTIONS.—If the Commissioner of U.S. Customs and Border Protection does not publish the information required under subsections (a) and (b) in any month by the date specified in subsection (a), the Commissioner shall brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives regarding the reason for such nonpublication by not later than the date that is 2 business days after the tenth day of such month.

SEC. 519. ALIEN CRIMINAL BACKGROUND CHECKS.

(a) IN GENERAL.—Not later than 7 days after the date of the enactment of this Act, the Commissioner shall submit a certification to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that CBP has real-time access to the criminal history databases of all countries of origin and transit for aliens encountered by CBP to perform criminal history background checks for such aliens.
(b) STANDARDS.—The certification required under subsection (a) shall include a determination whether the criminal history databases of a country are accurate, up to date, digitized, searchable, and otherwise meet the standards of the Federal Bureau of Investigation for criminal history databases maintained by State and local governments.
(c) CERTIFICATION.—The Secretary shall annually submit a certification to the congressional committees listed in subsection (a) that each database referred to in subsection (b) that the Secretary accessed or sought to access pursuant to this section met the standards described in subsection (b).

SEC. 520. PROHIBITED IDENTIFICATION DOCUMENTS AT AIRPORT SECURITY CHECKPOINTS; NOTIFICATION TO IMMIGRATION AGENCIES.

(a) DEFINITIONS.—In this section:
(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Transportation Security Administration.
(2) BIOMETRIC INFORMATION.—The term ''biometric information'' means—
(A) a fingerprint;
(B) a palm print;
(C) a photograph, including—
(i) a photograph of an individual's face for use with facial recognition technology; and
(ii) a photograph of any physical or anatomical feature, such as a scar, skin mark, or tattoo;
(D) a signature;

(E) a voice print; and
(F) an iris image.
(3) COVERED IDENTIFICATION DOCUMENT.—The term ''covered identification document'' means a valid and unexpired—
(A) United States passport or passport card;
(B) biometrically secure card issued by a trusted traveler program of the Department, including—
(i) Global Entry;
(ii) Nexus;
(iii) Secure Electronic Network for Travelers Rapid Inspection (SENTRI); and
(iv) Free and Secure Trade (FAST);
(C) identification card issued by the Department of Defense, including such a card issued to a dependent;
(D) document required for admission to the United States under section 211(a) of the Immigration and Nationality Act (8 U.S.C. 1181(a));
(E) enhanced driver's license issued by a State;
(F) photo identification card issued by a federally recognized Indian Tribe;
(G) personal identity verification credential issued in accordance with Homeland Security Presidential Directive 12;
(H) driver's license issued by a province of Canada;
(I) Secure Certificate of Indian Status issued by the Government of Canada;
(J) Transportation Worker Identification Credential (TWIC);
(K) Merchant Mariner Credential (MMC) issued by the Coast Guard;
(L) Veteran Health Identification Card (VHIC) issued by the Department of Veterans Affairs; and
(M) document that the Administrator determines, pursuant to a rulemaking in accordance with section 553 of title 5, United States Code, will satisfy the identity verification procedures of the Transportation Security Administration.
(4) IMMIGRATION LAWS.—The term ''immigration laws'' has the meaning given such term in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
(5) PROHIBITED IDENTIFICATION DOCUMENT.—The term ''prohibited identification document'' means—
(A) a U.S. Immigration and Customs Enforcement Form I–200, Warrant for Arrest of Alien;
(B) a U.S. Immigration and Customs Enforcement Form I–205, Warrant of Removal/Deportation;
(C) a U.S. Immigration and Customs Enforcement Form I–220A, Order of Release on Recognizance;
(D) a U.S. Immigration and Customs Enforcement Form I–220B, Order of Supervision;
(E) a Department of Homeland Security Form I–862, Notice to Appear;
(F) a U.S. Customs and Border Protection Form I–94, Arrival/Departure Record (including a print-out of an electronic record);
(G) a Department of Homeland Security Form I–385, Notice to Report;
(H) any document that directs an individual to report to the Department of Homeland Security;
(I) any Department of Homeland Security work authorization or employment verification document; and
(J) any applicable successor form to any form listed in subparagraphs (A) through (I).
(6) STERILE AREA.—The term ''sterile area'' has the meaning given such term in section 1540.5 of title 49, Code of Federal Regulations, or in any successor regulation.
(b) IN GENERAL.—The Administrator may not accept as valid proof of identification a prohibited identification document at an airport security checkpoint.
(c) NOTIFICATION TO IMMIGRATION AGENCIES.—If an individual presents a prohibited identification document to a Transportation Security Administration officer at an airport security checkpoint, the Administrator shall promptly notify the Director of U.S. Immigration and Customs Enforcement, the Director of U.S. Customs and Border Protection, and the head of the appropriate local law enforcement agency to determine whether the individual is in violation of any term of release from the custody of any such agency.
(d) ENTRY INTO STERILE AREAS.—
(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is found to be in violation of any term of release under subsection (c), the Administrator may not permit such individual to enter a sterile area.
(2) EXCEPTION.—An individual presenting a prohibited identification document under this section may enter a sterile area if the individual—
(A) is leaving the United States for the purposes of removal or deportation; or
(B) presents a covered identification document.
(e) COLLECTION OF BIOMETRIC INFORMATION FROM CERTAIN INDIVIDUALS SEEKING ENTRY INTO THE STERILE AREA OF AN AIRPORT.—
(1) IN GENERAL.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator shall collect biometric information from an individual described in paragraph (2) before authorizing such individual to enter into a sterile area.
(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who—
(A) is seeking entry into the sterile area of an airport;
(B) does not present a covered identification document; and
(C) the Administrator cannot verify is a national of the United States.
(f) PARTICIPATION IN IDENT.—Beginning not later than 120 days after the date of the enactment of this Act, the Administrator, in coordination with the Secretary, shall submit biometric data collected under this section to the Automated Biometric Identification System (IDENT).

SEC. 521. PROHIBITION AGAINST ANY COVID–19 VACCINE MANDATE OR ADVERSE ACTION AGAINST DEPARTMENT OF HOMELAND SECURITY EMPLOYEES.

(a) LIMITATION ON IMPOSITION OF NEW MANDATE.—The Secretary may not issue any COVID–19 vaccine mandate unless Congress expressly authorizes such a mandate.
(b) PROHIBITION ON ADVERSE ACTION.—The Secretary may not take any adverse action against a Department employee based solely on the refusal of such employee to receive a vaccine for COVID–19.
(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary 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 regarding—
(1) the number of Department employees who were terminated or resigned due to the COVID–19 vaccine mandate;
(2) an estimate of the cost to reinstate such employees; and
(3) how the Department would effectuate reinstatement of such employees.
(d) RETENTION AND DEVELOPMENT OF UNVACCINATED EMPLOYEES.—The Secretary shall make every effort—
(1) to retain Department employees who are not vaccinated against COVID–19; and
(2) to provide such employees with professional development, promotion, leadership opportunities, and consideration equal to that of their peers.

SEC. 522. U.S. CUSTOMS AND BORDER PROTECTION ONE MOBILE APPLICATION LIMITATION.

(a) LIMITATION.—The Department may use the CBP One Mobile Application or any other similar program, application, internet-based portal, website, device, or initiative only for the inspection of perishable cargo.
(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Commissioner 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 regarding—
(1) the date on which CBP began using CBP One to allow aliens to schedule interviews at land ports of entry;
(2) how many aliens have scheduled interviews at land ports of entry using CBP One;
(3) the nationalities of such aliens; and
(4) the stated final destinations of such aliens within the United States, if applicable.

SEC. 523. REPORT ON MEXICAN DRUG CARTELS.

Not later than 60 days after the date of the enactment of this Act, Congress shall commission a report that contains—
(1) a national strategy to address Mexican drug cartels;
(2) a determination regarding whether there should be a designation established to address such cartels; and
(3) information relating to actions by such cartels that causes harm to the United States.

SEC. 524. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON COSTS INCURRED BY STATES TO SECURE THE SOUTHWEST BORDER.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study to examine—
(1) the costs incurred by individual States as a result of actions taken by such States in support of the Federal mission to secure the southwest border; and
(2) the feasibility of a program to reimburse such States for such costs.
(b) CONTENTS.—The study required under subsection (a) shall consider—
(1) actions taken by the Department that have contributed to costs described in such subsection incurred by States to secure the border in the absence of Federal action, including the termination of the Migrant Protection Protocols and cancellation of border wall construction;
(2) actions taken by individual States along the southwest border to secure their respective borders, and the costs associated with such actions; and
(3) the feasibility of a program within the Department to reimburse States for the costs incurred in support of the Federal mission to secure the southwest border.

SEC. 525. REPORT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY.

(a) ANNUAL REPORT.—Not later than 1 year after the date of the enactment of this Act and annually thereafter for the following 5 years, the Inspector General of the Department 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 examines the economic and security impact of mass migration to municipalities and States along the southwest border.
(b) CONTENTS.—Each report required under subsection (a) shall include information regarding costs incurred by—
(1) State and local law enforcement to secure the southwest border;

(2) public school districts to educate students who are aliens unlawfully present in the United States;

(3) healthcare providers to provide care to aliens unlawfully present in the United States who have not paid for such care; and

(4) farmers and ranchers due to migration impacts to their properties.

(c) CONSULTATION.—In compiling the report required under subsection (a), the Inspector General of the Department shall consult with the individuals and representatives of the entities described in paragraphs (1) through (4) of subsection (b).

SEC. 526. OFFSETTING AUTHORIZATIONS OF APPROPRIATIONS.

(a) INTELLIGENCE, ANALYSIS, AND SITUATIONAL AWARENESS.—There is authorized to be appropriated $216,000,000 for Intelligence, Analysis, and Situational Awareness of the Department.

(b) OFFICE OF THE SECRETARY AND EMERGENCY MANAGEMENT.—No funds are authorized to be appropriated—

(1) to U.S. Immigration and Customs Enforcement for the Alternatives to Detention Case Management Pilot Program; or

(2) to the Office of the Secretary of the Department for the Immigration Detention Ombudsman.

(c) MANAGEMENT DIRECTORATE.—No funds are authorized to be appropriated to the Management Directorate of the Department for electric vehicles or the construction of the St. Elizabeths Campus.

(d) U.S. CUSTOMS AND BORDER PROTECTION.—No funds are authorized to be appropriated for the Shelter Services Program for U.S. Customs and Border Protection.

SEC. 527. REPORT TO CONGRESS ON FOREIGN TERRORIST ORGANIZATIONS.

(a) DEFINED TERM.—In this section, the term ''foreign terrorist organization'' means an organization described in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

(b) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter for the following 5 years, the Secretary 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 assesses attempts by foreign terrorist organizations to move their members or affiliates into the United States through the southern, northern, or maritime border.

SEC. 528. ASSESSMENT BY INSPECTOR GENERAL OF THE DEPARTMENT OF HOMELAND SECURITY REGARDING THE MITIGATION OF UNMANNED AIRCRAFT SYSTEMS AT THE SOUTHWEST BORDER.

Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Department 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 assesses the ability of U.S. Customs and Border Protection to mitigate unmanned aircraft systems at the southwest border, including information regarding any intervention between January 1, 2021 and the date of the enactment of this Act by any Federal agency affecting U.S. Customs and Border Protection's authority to so mitigate such systems.

TITLE II—ASYLUM REFORM AND BORDER PROTECTION

SEC. 531. SAFE THIRD COUNTRY.

Section 208(a)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)(A)) is amended—

(1) by striking ''if the Attorney General determines that'' and inserting ''if the Attorney General or the Secretary of Homeland Security determines that—'';

(2) by striking ''the alien may be removed, pursuant to a bilateral or multilateral agreement,'' and inserting the following:

''(i) the alien may be removed'';

(3) by inserting ''or the Secretary, on a case by case basis,'' before ''finds that'';

(4) by striking the period at the end and inserting ''; or''; and

(5) by adding at the end the following:

''(ii) the alien entered, attempted to enter, or arrived in the United States after transiting through at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence en route to the United States, unless—

''(I) the alien demonstrates that he or she applied for protection from persecution or torture in at least one country outside the alien's country of citizenship, nationality, or last lawful habitual residence through which the alien transited en route to the United States, and the alien received a final judgment denying the alien protection in each country;

''(II) the alien demonstrates that he or she was—

''(aa) a victim of a severe form of trafficking in which—

''(AA) a commercial sex act was induced by force, fraud, or coercion;

''(BB) the person induced to perform such act was younger than 18 years of age; or

''(CC) the trafficking included the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery; and

''(bb) unable to apply for protection from persecution in each country through which the alien transited en route to the United States as a result of such severe form of trafficking; or

''(III) the only countries through which the alien transited en route to the United States were, at the time of the transit, not parties to the 1951 United Nations Convention relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, or the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.''.

SEC. 532. CREDIBLE FEAR INTERVIEWS.

Section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)) is amended by striking ''there is a significant possibility'' and all that follows, and inserting '', taking into account the credibility of the statements made by the alien in support of the alien's claim, as determined pursuant to section 208(b)(1)(B)(iii), and such other facts as are known to the officer, the alien more likely than not could establish eligibility for asylum under section 208, and it is more likely than not that the statements made by, and on behalf of, the alien in support of the alien's claim are true.''.

SEC. 533. CLARIFICATION OF ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—Any alien who is physically present in the United States and has arrived in the United States at a port of entry (including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 235(b).''; and

(2) in subsection (b)(1)(A), by inserting ''(in accordance with the rules under this section), and is eligible to apply for asylum under subsection (a)'' after ''section 101(a)(42)(A)''.

SEC. 534. EXCEPTIONS.

Section 208(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)) is amended to read as follows:

''(2) EXCEPTIONS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) BATTERY OR EXTREME CRUELTY.—The term 'battery or extreme cruelty' includes—

''(I) any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury;

''(II) psychological or sexual abuse or exploitation, including rape, molestation, incest, or forced prostitution, shall be considered acts of violence; and

''(III) other abusive acts, including acts that, in and of themselves, may not initially appear violent, but that are a part of an overall pattern of violence.

''(ii) FELONY.—The term 'felony' means—

''(I) any crime defined as a felony by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(II) any crime punishable by more than one year of imprisonment.

''(iii) MISDEMEANOR.—The term 'misdemeanor' means—

''(I) any crime defined as a misdemeanor by the relevant jurisdiction (Federal, State, tribal, or local) of conviction; or

''(II) any crime not punishable by more than 1 year of imprisonment.

''(B) IN GENERAL.—Paragraph (1) shall not apply to an alien if the Secretary of Homeland Security or the Attorney General determines that—

''(i) the alien ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

''(ii) the alien has been convicted of any felony under Federal, State, tribal, or local law;

''(iii) the alien has been convicted of any misdemeanor offense under Federal, State, tribal, or local law involving—

''(I) the unlawful possession or use of an identification document, authentication feature, or false identification document (as those terms and phrases are defined in the jurisdiction where the conviction occurred), unless the alien can establish that the conviction resulted from circumstances showing that—

''(aa) the document or feature was presented before boarding a common carrier;

''(bb) the document or feature related to the alien's eligibility to enter the United States;

''(cc) the alien used the document or feature to depart a country wherein the alien has claimed a fear of persecution; and

''(dd) the alien claimed a fear of persecution without delay upon presenting himself or herself to an immigration officer upon arrival at a United States port of entry;

''(II) the unlawful receipt of a Federal public benefit (as defined in section 401(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c))), from a Federal entity, or the unlawful receipt of similar public benefits from a State, tribal, or local entity; or

''(III) possession or trafficking of a controlled substance or controlled substance paraphernalia, as such terms are defined under the law of the jurisdiction where the conviction occurred, other than a single offense involving possession for one's own use of 30 grams or less of marijuana (as marijuana is defined under the law of the jurisdiction where the conviction occurred);

''(iv) the alien has been convicted of an offense arising under section 274(a)(1)(A), 274(a)(2), or 276;

''(v) the alien has been convicted of a Federal, State, tribal, or local crime that the Attorney General or Secretary of Homeland Security knows, or has reason to believe, was committed in support, promotion, or furtherance of the activity of a criminal street gang (as defined under the law of the jurisdiction where the conviction occurred or in section 521(a) of title 18, United States Code);

''(vi) the alien has been convicted of an offense for driving while intoxicated or impaired, as such terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law, in which such intoxicated or impaired driving was a cause of serious bodily injury or death of another person;

''(vii) the alien has been convicted of more than 1 offense for driving while intoxicated or impaired, as those terms are defined under the law of the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs), without regard to whether the conviction is classified as a misdemeanor or felony under Federal, State, tribal, or local law;

''(viii) the alien has been convicted of a crime—

''(I) that involves conduct amounting to a crime of stalking;

''(II) of child abuse, child neglect, or child abandonment; or

''(III) that involves conduct amounting to a domestic assault or battery offense, including—

''(aa) a misdemeanor crime of domestic violence, as described in section 921(a)(33) of title 18, United States Code;

''(bb) a crime of domestic violence, as described in section 40002(a)(12) of the Violence Against Women Act of 1994 (34 U.S.C. 12291(a)(12)); or

''(cc) any crime based on conduct in which the alien harassed, coerced, intimidated, voluntarily or recklessly used (or threatened to use) force or violence against, or inflicted physical injury or physical pain, however slight, upon a person—

''(AA) who is a current or former spouse of the alien;

''(BB) with whom the alien shares a child;

''(CC) who is cohabitating with, or who has cohabitated with, the alien as a spouse;

''(DD) who is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(EE) who is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(ix) the alien has engaged in acts of battery or extreme cruelty upon a person and the person—

''(I) is a current or former spouse of the alien;

''(II) shares a child with the alien;

''(III) cohabitates or has cohabitated with the alien as a spouse;

''(IV) is similarly situated to a spouse of the alien under the domestic or family violence laws of the jurisdiction where the offense occurred; or

''(V) is protected from that alien's acts under the domestic or family violence laws of the United States or of any State, tribal government, or unit of local government;

''(x) the alien, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of the United States;

''(xi) there are serious reasons for believing that the alien has committed a serious nonpolitical crime outside of the United States before arriving in the United States;

''(xii) there are reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiii) the alien is described in subclause (I), (II), (III), (IV), or (VI) of section 212(a)(3)(B)(i) or section 237(a)(4)(B) (relating to terrorist activity), unless, in the case only of an alien inadmissible under subclause (IV) of section 212(a)(3)(B)(i), the Secretary of Homeland Security or the Attorney General determines, in the Secretary's or the Attorney General's discretion, that there are not reasonable grounds for regarding the alien as a danger to the security of the United States;

''(xiv) the alien was firmly resettled in another country before arriving in the United States; or

''(xv) there are reasonable grounds for concluding the alien could avoid persecution by relocating to another part of the alien's country of nationality or, in the case of an alien having no nationality, another part of the alien's country of last habitual residence.

''(C) SPECIAL RULES.—

''(i) PARTICULARLY SERIOUS CRIME; SERIOUS NONPOLITICAL CRIME OUTSIDE THE UNITED STATES.—

''(I) IN GENERAL.—For purposes of subparagraph (B)(x), the Attorney General or Secretary of Homeland Security may determine that a conviction constitutes a particularly serious crime based on—

''(aa) the nature of the conviction;

''(bb) the type of sentence imposed; or

''(cc) the circumstances and underlying facts of the conviction.

''(II) DETERMINATION.—In making a determination under subclause (I), the Attorney General or Secretary of Homeland Security may consider all reliable information and are not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) TREATMENT OF FELONIES.—In making a determination under subclause (I), an alien who has been convicted of a felony or an aggravated felony (as defined in section 101(a)(43)), shall be considered to have been convicted of a particularly serious crime.

''(IV) INTERPOL RED NOTICE.—In making a determination under subparagraph (B)(xi), an Interpol Red Notice may constitute reliable evidence that the alien has committed a serious nonpolitical crime outside the United States.

''(ii) CRIMES AND EXCEPTIONS.—

''(I) DRIVING WHILE INTOXICATED OR IMPAIRED.—A finding under subparagraph (B)(vi) does not require the Attorney General or Secretary of Homeland Security to find the first conviction for driving while intoxicated or impaired (including a conviction for driving while under the influence of or impaired by alcohol or drugs) as a predicate offense. The Attorney General or Secretary of Homeland Security need only make a factual determination that the alien previously was convicted for driving while intoxicated or impaired as those terms are defined under the jurisdiction where the conviction occurred (including a conviction for driving while under the influence of or impaired by alcohol or drugs).

''(II) STALKING AND OTHER CRIMES.—In making a determination under subparagraph (B)(viii), including determining the existence of a domestic relationship between the alien and the victim, the underlying conduct of the crime may be considered, and the Attorney General or Secretary of Homeland Security is not limited to facts found by the criminal court or provided in the underlying record of conviction.

''(III) EXCEPTION FOR VICTIMS OF DOMESTIC VIOLENCE.—An alien who was convicted of an offense described in clause (viii) or (ix) of subparagraph (B) is not ineligible for asylum on that basis if the alien satisfies the criteria under section 237(a)(7)(A).

''(D) SPECIFIC CIRCUMSTANCES.—Paragraph (1) shall not apply to an alien whose claim is based on—

''(i) personal animus or retribution, including personal animus in which the alleged persecutor has not targeted, or manifested an animus against, other members of an alleged particular social group in addition to the member who has raised the claim at issue;

''(ii) the applicant's generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations absent expressive behavior in furtherance of a discrete cause against such organizations related to control of a State or expressive behavior that is antithetical to the State or a legal unit of the State;

''(iii) the applicant's resistance to recruitment or coercion by guerrilla, criminal, gang, terrorist, or other non-state organizations;

''(iv) the targeting of the applicant for criminal activity for financial gain based on wealth or affluence or perceptions of wealth or affluence;

''(v) the applicant's criminal activity; or

''(vi) the applicant's perceived, past or present, gang affiliation.

''(E) CLARIFICATIONS.—

''(i) CONSTRUCTION.—For purposes of this paragraph, whether any activity or conviction also may constitute a basis for removal is immaterial to a determination of asylum eligibility.

''(ii) ATTEMPT, CONSPIRACY, OR SOLICITATION.—For purposes of this paragraph, all references to a criminal offense or criminal conviction shall be deemed to include any attempt, conspiracy, or solicitation to commit the offense or any other inchoate form of the offense.

''(iii) EFFECT OF CERTAIN ORDERS.—

''(I) IN GENERAL.—No order vacating a conviction, modifying a sentence, clarifying a sentence, or otherwise altering a conviction or sentence shall have any effect under this paragraph unless the Attorney General or Secretary of Homeland Security determines that—

''(aa) the court issuing the order had jurisdiction and authority to do so; and

''(bb) the order was not entered for rehabilitative purposes or for purposes of ameliorating the immigration consequences of the conviction or sentence.

''(II) AMELIORATING IMMIGRATION CONSEQUENCES.—For purposes of subclause (I)(bb), the order shall be presumed to be for the purpose of ameliorating immigration consequences if—

''(aa) the order was entered after the initiation of any proceeding to remove the alien from the United States; or

''(bb) the alien moved for the order more than 1 year after the later of—

''(AA) the date of the original order of conviction; or

''(BB) the date of the original order of sentencing.

''(III) AUTHORITY OF IMMIGRATION JUDGE.—An immigration judge is not limited to consideration only of material included in any order vacating a conviction, modifying a sentence, or clarifying a sentence to determine whether such order should be given any

effect under this paragraph, but may consider such additional information as the immigration judge determines appropriate.

''(F) ADDITIONAL LIMITATIONS.—The Secretary of Homeland Security or the Attorney General may by regulation establish additional limitations and conditions, consistent with this section, under which an alien shall be ineligible for asylum under paragraph (1).

''(G) NO JUDICIAL REVIEW.—There shall be no judicial review of a determination of the Secretary of Homeland Security or the Attorney General under subparagraph (B)(xiii).''.

SEC. 535. EMPLOYMENT AUTHORIZATION.

Section 208(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(2)) is amended to read as follows:

''(2) EMPLOYMENT AUTHORIZATION.—

''(A) AUTHORIZATION PERMITTED.—An applicant for asylum is not entitled to employment authorization, but such authorization may be provided under regulation by the Secretary of Homeland Security. An applicant who is not otherwise eligible for employment authorization shall not be granted such authorization before the date that is 180 days after the date on which the alien filed an application for asylum.

''(B) TERMINATION.—Each employment authorization granted pursuant to subparagraph (A), and any renewal or extension of such authorization, shall be valid until the earlier of—

''(i) the date that is 6 months after such authorization, renewal, or extension;

''(ii) the date on which the asylum application is denied by an asylum officer, unless the case is referred to an immigration judge;

''(iii) the date that is 30 days after the date on which an immigration judge denies an asylum application, unless the alien timely appeals to the Board of Immigration Appeals; or

''(iv) the date on which the Board of Immigration Appeals denies an appeal of a denial of an asylum application.

''(C) RENEWAL.—The Secretary of Homeland Security may not grant, renew, or extend employment authorization to an alien if the alien was previously granted employment authorization under subparagraph (A), and the employment authorization was terminated pursuant to a circumstance described in clause (ii), (iii), or (iv) of subparagraph (B) unless a Federal court of appeals remands the alien's case to the Board of Immigration Appeals.

''(D) INELIGIBILITY.—The Secretary of Homeland Security may not grant employment authorization to an alien under this paragraph if the alien—

''(i) is ineligible for asylum under subsection (b)(2)(A); or

''(ii) entered or attempted to enter the United States at a place and time other than lawfully through a United States port of entry.''.

SEC. 536. ASYLUM FEES.

Section 208(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(3)) is amended to read as follows:

''(3) FEES.—

''(A) APPLICATION FEE.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary of Homeland Security shall impose a fee for each application for asylum that—

''(I) except as provided in subclause (II), is not less than $50; and

''(II) does not exceed the cost of adjudicating the application.

''(ii) WAIVER.—The fee under clause (i) shall be waived for an application filed on behalf of an unaccompanied alien child in proceedings under section 240.

''(B) EMPLOYMENT AUTHORIZATION.—Separate fees may be imposed for an application for employment authorization under this section and for an application for adjustment of status under section 209(b). Such fees may not exceed the costs of processing and adjudicating such applications.

''(C) PAYMENT.—Fees under this paragraph may be assessed and paid by installments.

''(D) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to limit the authority of the Attorney General or the Secretary of Homeland Security to set adjudication and naturalization fees in accordance with section 286(m).''.

SEC. 537. RULES FOR DETERMINING ASYLUM ELIGIBILITY.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 536, is further amended by adding at the end the following:

''(f) RULES FOR DETERMINING ASYLUM ELIGIBILITY.—

''(1) DEFINITIONS.—In this subsection:

''(A) MEMBERSHIP IN A PARTICULAR SOCIAL GROUP.—The term 'membership in a particular social group' means membership in a group that is—

''(i) composed of members who share a common immutable characteristic;

''(ii) defined with particularity; and

''(iii) socially distinct within the society in question.

''(B) PERSECUTION.—The term 'persecution'—

''(i) means the infliction of a severe level of harm constituting an exigent threat by the government of a country or by persons or an organization that the government was unable or unwilling to control; and

''(ii) does not include—

''(I) generalized harm or violence that arises out of civil, criminal, or military strife in a country;

''(II) all treatment that the United States regards as unfair, offensive, unjust, unlawful, or unconstitutional;

''(III) intermittent harassment, including brief detentions;

''(IV) threats with no actual effort to carry out the threats, except that particularized threats of severe harm of an immediate and menacing nature made by an identified entity may constitute persecution; or

''(V) nonsevere economic harm or property damage.

''(C) POLITICAL OPINION.—The term 'political opinion' means an ideal or conviction in support of the furtherance of a discrete cause related to political control of a state or a unit thereof.

''(2) PARTICULAR SOCIAL GROUP.—In making a determination under subsection (b)(1)(A) with respect to whether an alien is a refugee within the meaning of section 101(a)(42)(A), the Secretary of Homeland Security or the Attorney General may not determine that an alien is a member of a particular social group unless the alien articulates on the record, or provides a basis on the record for determining, the definition and boundaries of the alleged particular social group, establishes that the particular social group exists independently from the alleged persecution, and establishes that the alien's claim of membership in a particular social group does not involve—

''(A) past or present criminal activity or association (including gang membership);

''(B) presence in a country with generalized violence or a high crime rate;

''(C) being the subject of a recruitment effort by criminal, terrorist, or persecutory groups;

''(D) the targeting of the applicant for criminal activity for financial gain based on perceptions of wealth or affluence;

''(E) interpersonal disputes of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(F) private criminal acts of which governmental authorities in the relevant society or region were unaware or uninvolved;

''(G) past or present terrorist activity or association;

''(H) past or present persecutory activity or association; or

''(I) status as an alien returning from the United States.

''(3) POLITICAL OPINION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien holds a political opinion with respect to which the alien is subject to persecution if the political opinion is constituted solely by generalized disapproval of, disagreement with, or opposition to criminal, terrorist, gang, guerilla, or other non-state organizations and does not include expressive behavior in furtherance of a cause against such organizations related to efforts by the State to control such organizations or behavior that is antithetical to or otherwise opposes the ruling legal entity of the State or a unit of such State.

''(4) PERSECUTION.—The Secretary of Homeland Security or the Attorney General may not determine that an alien has been subject to persecution or has a well-founded fear of persecution based only on—

''(A) the existence of laws or government policies that are unenforced or infrequently enforced, unless there is credible evidence that such a law or policy has been or would be applied to the applicant personally; or

''(B) the conduct of rogue foreign government officials acting outside the scope of their official capacity.

''(5) DISCRETIONARY DETERMINATION.—

''(A) ADVERSE DISCRETIONARY FACTORS.—The Secretary of Homeland Security or the Attorney General may only grant asylum to an alien if the alien establishes that he or she warrants a favorable exercise of discretion. In making such a determination, the Attorney General or the Secretary of Homeland Security shall consider, if applicable, an alien's use of fraudulent documents to enter the United States, unless the alien arrived in the United States by air, sea, or land directly from the applicant's home country without transiting through any other country.

''(B) FAVORABLE EXERCISE OF DISCRETION NOT PERMITTED.—Except as provided in subparagraph (C), the Attorney General or the Secretary of Homeland Security may not favorably exercise discretion under this section for any alien who—

''(i) has accrued more than 1 year of unlawful presence in the United States (as defined in clauses (ii) and (iii) of section 212(a)(9)(B)), before filing an application for asylum;

''(ii) at the time the asylum application is filed with the immigration court or is referred from the Department of Homeland Security—

''(I) has failed to timely file (or timely file a request for an extension of time to file) any required Federal, State, or local income tax returns;

''(II) has failed to satisfy any outstanding Federal, State, or local tax obligations; or

''(III) earned income that would result in tax liability under section 1 of the Internal Revenue Code of 1986 and that was not reported to the Internal Revenue Service;

''(iii) has had 2 or more prior asylum applications denied for any reason;

''(iv) has withdrawn a prior asylum application with prejudice or been found to have abandoned a prior asylum application;

''(v) failed to attend an interview regarding his or her asylum application with the Department of Homeland Security, unless the

alien shows by a preponderance of the evidence that—

''(I) exceptional circumstances prevented the alien from attending the interview; or

''(II) the interview notice was not mailed to the last address provided by the alien or the alien's representative and neither the alien nor the alien's representative received notice of the interview; or

''(vi) was subject to a final order of removal, deportation, or exclusion and did not file a motion to reopen to seek asylum based on changed country conditions within one year of the change in country conditions.

''(C) EXCEPTIONS.—Notwithstanding subparagraph (B), if there are 1 or more of the adverse discretionary factors described in such subparagraph (B), the Attorney General or the Secretary of Homeland Security, may favorably exercise discretion under section 208—

''(i) in extraordinary circumstances, such as those involving national security or foreign policy considerations; or

''(ii) if the alien, by clear and convincing evidence, demonstrates that the denial of the application for asylum would result in exceptional and extremely unusual hardship to the alien.

''(6) LIMITATION.—

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien fails to satisfy the requirement under paragraph (2), the alien may not—

''(i) be granted asylum based on membership in a particular social group or

''(ii) appeal the determination of the Secretary or the Attorney General, as applicable.

''(B) NO BASIS FOR MOTION TO REOPEN OR RECONSIDER.—A determination under this paragraph shall not serve as the basis for any motion to reopen or reconsider an application for asylum or withholding of removal for any reason, including a claim of ineffective assistance of counsel, unless the alien—

''(i) complies with the procedural requirements for such a motion; and

''(ii) demonstrates that counsel's failure to define, or provide a basis for defining, a formulation of a particular social group was not a strategic choice and constituted egregious conduct.

''(7) STEREOTYPES.—Evidence offered in support of an application for asylum that promotes cultural stereotypes about a country, its inhabitants, or an alleged persecutor, including stereotypes based on race, religion, nationality, or gender, shall not be admissible in adjudicating that application, except that evidence that an alleged persecutor holds stereotypical views of the applicant shall be admissible.''.

SEC. 538. FIRM RESETTLEMENT.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 537, is further amended by adding at the end the following:

''(g) FIRM RESETTLEMENT.—

''(1) IN GENERAL.—In determining whether an alien was firmly resettled in another country before arriving in the United States under subsection (b)(2)(B)(xiv), the alien shall be considered to have firmly resettled in another country if, after the events giving rise to the alien's asylum claim—

''(A) the alien—

''(i) resided in a country through which the alien transited before arriving in or entering the United States; and

''(ii)(I) received or was eligible for any permanent legal immigration status in that country;

''(II) resided in such a country with any nonpermanent, but indefinitely renewable, legal immigration status (including asylee, refugee, or similar status, but excluding the status of a tourist); or

''(III) resided in such a country and could have applied for and obtained an immigration status described in subclause (II);

''(B) the alien physically resided voluntarily, and without continuing to suffer persecution or torture, in any country for 1 year or more after departing his or her country of nationality or last habitual residence and before arriving in or entering into the United States, except for any time spent in Mexico by an alien who is not a native or citizen of Mexico solely as a direct result of being returned to Mexico pursuant to section 235(b)(3) or of being subject to metering; or

''(C) the alien—

''(i) is a citizen of a country other than the country in which the alien alleges a fear of persecution, or was a citizen of such a country in the case of an alien who renounces such citizenship; and

''(ii) was present in such country after departing his or her country of nationality or last habitual residence and before arriving in or entering into the United States.

''(2) BURDEN OF PROOF.—If an immigration judge determines pursuant to paragraph (1) that an alien has firmly resettled in another country, the alien shall bear the burden of proving the bar does not apply.

''(3) FIRM RESETTLEMENT OF PARENT.—An alien shall be presumed to have been firmly resettled in another country if—

''(A) the alien's parent was firmly resettled in another country;

''(B) the parent's resettlement occurred before the alien attained 18 years of age; and

''(C) the alien resided with such parent at the time of the firm resettlement, unless the alien establishes that he or she could not have derived any permanent legal immigration status or any nonpermanent, but indefinitely renewable, legal immigration status (including asylum, refugee, or similar status, but excluding the status of a tourist) from the alien's parent.''.

SEC. 539. NOTICE CONCERNING FRIVOLOUS ASYLUM APPLICATIONS.

(a) IN GENERAL.—Section 208(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1158(d)(4)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subparagraph (A), by striking ''and of the consequences, under paragraph (6), of knowingly filing a frivolous application for asylum; and'' and inserting a semicolon;

(3) in subparagraph (B), by striking the period and inserting ''; and''; and

(4) by adding at the end the following:

''(C) ensure that a written warning appears on the asylum application advising the alien of the consequences of filing a frivolous application and serving as notice to the alien of the consequence of filing a frivolous application.''.

(b) CONFORMING AMENDMENT.—Section 208(d)(6) of such Act (8 U.S.C. 1158(d)(6)) is amended to read as follows:

''(6) FRIVOLOUS APPLICATIONS.—

''(A) IN GENERAL.—If the Secretary of Homeland Security or the Attorney General determines that an alien has knowingly made a frivolous application for asylum and the alien has received the notice described in paragraph (4)(C), the alien shall be permanently ineligible for any benefits under this chapter, effective as the date of the final determination of such an application.

''(B) CRITERIA.—An application is frivolous if the Secretary of Homeland Security or the Attorney General determines, consistent with subparagraph (C), that—

''(i) the application is so insufficient in substance that it is clear that the applicant knowingly filed the application solely or in part—

''(I) to delay removal from the United States;

''(II) to seek employment authorization as an applicant for asylum pursuant to regulations issued pursuant to paragraph (2); or

''(III) to seek issuance of a Notice to Appear in order to pursue Cancellation of Removal under section 240A(b); or

''(ii) any of the material elements in the application are knowingly fabricated.

''(C) SUFFICIENT OPPORTUNITY TO CLARIFY.—An application may not be determined to be frivolous unless the Secretary of Homeland Security or the Attorney General is satisfied that the applicant, during the course of the proceedings, has had sufficient opportunity to clarify any discrepancies or implausible aspects of his or her claim.

''(D) WITHHOLDING OF REMOVAL NOT PRECLUDED.—For purposes of this section, a finding that an alien filed a frivolous asylum application shall not preclude the alien from seeking withholding of removal under section 241(b)(3) or protection under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.''.

SEC. 540. TECHNICAL AMENDMENTS.

Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), as amended by section 531 and sections 533 through 539, is further amended—

(1) in subsection (a)—

(A) in paragraph (2)(D), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(B) in paragraph (3), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(C) in paragraph (3), by inserting ''the Secretary of Homeland Security or'' before ''the Attorney General''; and

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General'' each place such term appears; and

(B) in paragraph (5)—

(i) in subparagraph (A)(i), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (B), by inserting ''Secretary of Homeland Security or the'' before ''Attorney General''.

SEC. 541. REQUIREMENT FOR PROCEDURES RELATING TO CERTAIN ASYLUM APPLICATIONS.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall establish procedures to expedite the adjudication of asylum applications for aliens—

(1) who are subject to removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a); and

(2) who are nationals of a Western Hemisphere country sanctioned by the United States, as described in subsection (b), as of January 1, 2023.

(b) WESTERN HEMISPHERE COUNTRY SANCTIONED BY THE UNITED STATES.—Subsection (a) shall only apply to an asylum application filed by an alien who is a national of a Western Hemisphere country subject to sanctions pursuant to—

(1) the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 note);

(2) section 5 of the Reinforcing Nicaragua's Adherence to Conditions for Electoral Reform Act of 2021 (50 U.S.C. 1701 note); or

(3) Executive Order 13692 (80 Fed. Reg. 12747; declaring a national emergency with respect to the situation in Venezuela).

(c) APPLICABILITY.—This section shall only apply to an alien who files an application for asylum after the date of the enactment of this Act.

TITLE III—BORDER SAFETY AND MIGRANT PROTECTION

SEC. 546. INSPECTION OF APPLICANTS FOR ADMISSION.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in clauses (i) and (ii), by striking ''section 212(a)(6)(C) or 212(a)(7)'' and inserting ''paragraph (6)(A), (6)(C) or (7) of section 212(a)''; and

(II) by adding at the end the following:

''(iv) INELIGIBILITY FOR PAROLE.—An alien described in clause (i) or (ii) is not eligible for parole except as expressly authorized under section 212(d)(5), or for parole or release under section 236(a).''; and

(ii) in subparagraph (B)—

(I) in clause (ii), by inserting ''and may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized under section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).''; and

(II) in clause (iii)(IV)—

(aa) in the clause header by inserting '', RETURN, OR REMOVAL'' after ''DETENTION''; and

(bb) by adding at the end the following: ''The alien may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Subject to subparagraphs (B) and (C),'' and inserting ''Subject to subparagraph (B) and paragraph (3),''; and

(II) by adding at the end the following: ''The alien may not be released (including parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5)) other than to be removed or returned to a country in accordance with paragraph (3).''; and

(ii) by striking subparagraph (C);

(C) by redesignating paragraph (3) as paragraph (5); and

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

''(3) RETURN TO FOREIGN TERRITORY CONTIGUOUS TO THE UNITED STATES.—

''(A) IN GENERAL.—The Secretary of Homeland Security may return any alien arriving on land from a foreign territory contiguous to the United States (whether or not at a designated port of entry) to such territory pending a proceeding under section 240 or a review of a determination under subsection (b)(1)(B)(iii)(III).

''(B) MANDATORY RETURN.—If the Secretary of Homeland Security is unable—

''(i) to comply with statutory obligations to detain an alien in accordance with clauses (ii) and (iii)(IV) of subsection (b)(1)(B) and subsection (b)(2)(A); or

''(ii) remove an alien to a country described in section 208(a)(2)(A),

the Secretary of Homeland Security shall, without exception, including pursuant to parole or release pursuant to section 236(a), but excluding as expressly authorized pursuant to section 212(d)(5), return any alien arriving on land from a foreign territory contiguous to the United States (whether or not at a designated port of entry) to such territory pending a proceeding under section 240 or a review of a determination under subsection (b)(1)(B)(iii)(III).

''(4) ENFORCEMENT BY STATE ATTORNEYS GENERAL.—The attorney general of a State, or other authorized State officer, alleging a violation of the detention, return, or removal requirements under paragraph (1), (2), or (3) that affects such State or its residents, may bring an action against the Secretary of Homeland Security on behalf of the residents of the State in an appropriate United States district court to obtain appropriate injunctive relief.''; and

(2) by adding at the end the following:

''(e) AUTHORITY TO PROHIBIT INTRODUCTION OF CERTAIN ALIENS.—If the Secretary of Homeland Security determines, in the discretion of the Secretary, that prohibiting the introduction of aliens who are inadmissible under paragraph (6)(A), (6)(C), or (7) of section 212(a) at an international land or maritime border of the United States is necessary to achieve operational control (as defined in section 2 of the Secure Fence Act of 2006 (8 U.S.C. 1701 note)) of such border, the Secretary may prohibit, in whole or in part, the introduction of such aliens at such border for such period as the Secretary determines is necessary for such purpose.''.

SEC. 547. OPERATIONAL DETENTION FACILITIES.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on the Judiciary of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on the Judiciary of the House of Representatives; and

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

(b) IN GENERAL.—Not later than September 30, 2023, the Secretary of Homeland Security, using the authority granted under section 103(a)(11) of the Immigration and Nationality Act (8 U.S.C. 1103(a)(11)), shall take all necessary actions to reopen or restore all U.S. Immigration and Customs Enforcement detention facilities that were in operation on January 20, 2021, and subsequently closed or with respect to which the use was altered, reduced, or discontinued after January 20, 2021.

(c) SPECIFIC FACILITIES.—The requirement under subsection (b) shall include, at a minimum, reopening or restoring—

(1) Irwin County Detention Center in Georgia;

(2) C. Carlos Carreiro Immigration Detention Center in Bristol County, Massachusetts;

(3) Etowah County Detention Center in Gadsden, Alabama;

(4) Glades County Detention Center in Moore Haven, Florida; and

(5) South Texas Family Residential Center.

(d) EXCEPTION.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary of Homeland Security may obtain equivalent capacity for detention facilities at locations other than those listed in subsection (c).

(2) LIMITATION.—The Secretary may not take action under paragraph (1) unless the capacity obtained would result in a reduction of time and cost relative to the cost and time otherwise required to obtain such capacity.

(3) SOUTH TEXAS FAMILY RESIDENTIAL CENTER.—The exception under paragraph (1) shall not apply to the South Texas Family Residential Center. The Secretary shall take all necessary steps to modify and operate the South Texas Family Residential Center in the same manner and capability it was operating on January 20, 2021.

(e) PERIODIC REPORT.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter until September 30, 2027, the Secretary of Homeland Security shall submit to the appropriate congressional committees a detailed plan for and a status report regarding—

(1) compliance with the deadline under subsection (b);

(2) the increase in detention capabilities required under this section—

(A) for the 90-day period immediately preceding the date on which such report is submitted; and

(B) for the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date on which such report is submitted;

(3) the number of detention beds that were used and the number of available detention beds that were not used during—

(A) the 90-day period immediately preceding the date on which such report is submitted; and

(B) the period beginning on the first day of the fiscal year during which the report is submitted, and ending on the date on which such report is submitted;

(4) the number of aliens released due to a lack of available detention beds; and

(5) the resources that the Department of Homeland Security needs in order to comply with the requirements under this section.

(f) NOTIFICATION.—The Secretary of Homeland Security shall submit to Congress a detailed description of the resources the Department of Homeland Security needs in order to detain all aliens whose detention is mandatory or nondiscretionary under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.)—

(1) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 90 percent of capacity;

(2) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach 95 percent of capacity; and

(3) not later than 5 days after all U.S. Immigration and Customs Enforcement detention facilities reach full capacity.

TITLE IV—PREVENTING UNCONTROLLED MIGRATION FLOWS IN THE WESTERN HEMISPHERE

SEC. 551. UNITED STATES POLICY REGARDING WESTERN HEMISPHERE COOPERATION ON IMMIGRATION AND ASYLUM.

It is the policy of the United States—

(1) to enter into agreements, accords, and memoranda of understanding with countries in the Western Hemisphere—

(A) to advance the interests of the United States by reducing costs associated with illegal immigration; and

(B) to protect the human capital, societal traditions, and economic growth of other countries in the Western Hemisphere; and

(2) to ensure that humanitarian and development assistance funding aimed at reducing illegal immigration is not expended on programs that have not proven to reduce illegal immigrant flows in the aggregate.

SEC. 552. NEGOTIATIONS BY SECRETARY OF STATE.

(a) ALIEN DEFINED.—In this section, the term ''alien'' has the meaning given such term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(b) AUTHORIZATION TO NEGOTIATE.—

(1) IN GENERAL.—The Secretary of State shall seek to negotiate agreements, accords,

and memoranda of understanding between the United States, Mexico, Honduras, El Salvador, Guatemala, and other countries in the Western Hemisphere—

(A) to enhance the cooperation and burden sharing required for effective regional immigration enforcement; and

(B) to expedite legal claims by aliens for asylum and the processing, detention, and repatriation of foreign nationals seeking to enter the United States unlawfully.

(2) ELEMENTS.—Agreements negotiated pursuant to paragraph (1) shall—

(A) be designed to facilitate a regional approach to immigration enforcement;

(B) provide that the Government of Mexico—

(i) authorize and accept the rapid entrance into Mexico of nationals of countries other than Mexico who seek asylum in Mexico; and

(ii) process the asylum claims of such nationals inside Mexico, in accordance with domestic law and international treaties and conventions governing the processing of asylum claims;

(C) provide that the Government of Mexico authorize and accept—

(i) the rapid entrance into Mexico of all nationals of countries other than Mexico who are ineligible for asylum in Mexico and wish to apply for asylum in the United States, whether or not at a port of entry; and

(ii) the continued presence of such nationals in Mexico while they wait for the adjudication of their asylum claims to conclude in the United States;

(D) provide that the Government of Mexico commit to provide the individuals described in subparagraphs (B) and (C) with appropriate humanitarian protections;

(E) provide that the Government of Honduras, the Government of El Salvador, and the Government of Guatemala—

(i) authorize and accept the entrance into their respective countries of nationals of other countries seeking asylum in the applicable country; and

(ii) process such claims in accordance with applicable domestic law and international treaties and conventions governing the processing of asylum claims;

(F) provide that the Government of the United States commit to work—

(i) to accelerate the adjudication of asylum claims; and

(ii) to conclude removal proceedings in the wake of asylum adjudications as expeditiously as possible; and

(G) provide that the Government of the United States commit—

(i) to continue to assist the governments of countries in the Western Hemisphere, including Honduras, El Salvador, and Guatemala, by supporting the enhancement of asylum capacity in those countries; and

(ii) to monitoring developments in hemispheric immigration trends and regional asylum capabilities to determine whether additional asylum cooperation agreements are warranted.

(c) NOTIFICATION IN ACCORDANCE WITH CASE-ZABLOCKI ACT.—The Secretary of State, in accordance with section 112b of title 1, United States Code (commonly known as the ''Case-Zablocki Act''), shall inform the relevant congressional committees of each agreement entered into pursuant to subsection (b) not later than 48 hours after each such agreement is signed.

SEC. 553. MANDATORY BRIEFINGS ON UNITED STATES EFFORTS TO ADDRESS THE BORDER CRISIS.

(a) DEFINED TERM.—In this section, the term ''appropriate congressional committees'' means—

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

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

(b) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and not less frequently than once every 90 days thereafter until the date described in subsection (c), the Secretary of State, or the designee of the Secretary of State, shall provide an in-person briefing to the appropriate congressional committees regarding efforts undertaken pursuant to the negotiation authority provided under section 552 to monitor, deter, and prevent illegal immigration to the United States, including by—

(1) entering into agreements, accords, and memoranda of understanding with foreign countries; and

(2) using United States foreign assistance to stem the root causes of migration in the Western Hemisphere.

(c) TERMINATION OF MANDATORY BRIEFING.—The date described in this subsection is the date on which the Secretary of State, in consultation with the heads of other relevant Federal departments and agencies, determines and certifies to the appropriate congressional committees that illegal immigration flows have subsided to a manageable rate.

TITLE V—ENSURING UNITED FAMILIES AT THE BORDER

SEC. 561. CLARIFICATION OF STANDARDS FOR FAMILY DETENTION.

(a) IN GENERAL.—

(1) AMENDMENT.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended by adding at the end the following:

''(j) RULE OF CONSTRUCTION.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement—

''(A) the detention of any alien child who is not an unaccompanied alien child shall be governed by sections 217, 235, 236, and 241 of the Immigration and Nationality Act (8 U.S.C. 1187, 1225, 1226, and 1231); and

''(B) there is no presumption that an alien child who is not an unaccompanied alien child should not be detained.

''(2) FAMILY DETENTION.—The Secretary of Homeland Security shall—

''(A) maintain the care and custody of any alien who is charged only with a misdemeanor offense under section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) while such charge is pending if such alien entered the United States with the alien's child who has not attained 18 years of age; and

''(B) detain such alien with the alien's child.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply to all actions occurring before, on, or after such date.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the amendment in subsection (a)(1) is intended to satisfy the requirements of the Settlement Agreement in Flores v. Meese, No. 85–4544 (C.D. Cal), as approved by the court on January 28, 1997, with respect to its interpretation in Flores v. Johnson, 212 F. Supp. 3d 864 (C.D. Cal. 2015), that the agreement applies to accompanied minors.

(c) PREEMPTION OF STATE LICENSING REQUIREMENTS.—Notwithstanding any other provision of law, judicial determination, consent decree, or settlement agreement, no State may require that an immigration detention facility used to detain children who have not attained 18 years of age, or families consisting of 1 or more such children and the parents or legal guardians of such children, that is located in that State, be licensed by the State or any political subdivision of the State.

TITLE VI—PROTECTION OF CHILDREN

SEC. 566. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Implementation of the provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (Public Law 110–457) that govern unaccompanied alien children has incentivized multiple surges of unaccompanied alien children arriving at the southwest border since its enactment.

(2) The provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 that govern unaccompanied alien children—

(A) treat unaccompanied alien children from countries that are contiguous to the United States disparately by swiftly returning them to their home country absent indications of trafficking or a credible fear of return; and

(B) allow for the release of unaccompanied alien children from noncontiguous countries into the interior of the United States, often in the custody of the individuals who paid to smuggle them into the country.

(3) The provisions of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 governing unaccompanied alien children have enriched Mexican drug cartels, which—

(A) receive hundreds of millions of dollars annually from smuggling unaccompanied alien children to the southwest border; and

(B) often exploit and sexually abuse many such unaccompanied alien children during the perilous journey.

(4) The number of unaccompanied alien children encountered at the southwest border never exceeded 1,000 in a single year before 2008.

(5) The United States is in the midst of the worst crisis of unaccompanied alien children in our Nation's history, with more than 350,000 unaccompanied alien children encountered at the southwest border during the administration of President Biden.

(6) During 2022, 152,057 unaccompanied alien children were encountered by U.S. Border Patrol, which represents the most encounters in a single year and an increase of more than 400 percent compared to the last full fiscal year of the Trump Administration in which [33,239] unaccompanied alien children were so encountered.

(7) The Biden Administration has lost contact with at least 85,000 unaccompanied alien children who entered the United States since President Biden assumed the presidency.

(8) The Biden Administration dismantled effective safeguards put in place by the Trump Administration that protected unaccompanied alien children from being abused by criminals or exploited for illegal and dangerous child labor.

(9) A New York Times investigation discovered that unaccompanied alien children—

(A) are being exploited in the labor market;

(B) ''are ending up in some of the most punishing jobs in the country''; and

(C) ''under intense pressure to earn money'' in order to ''send cash back to their families while often being in debt to their sponsors for smuggling fees, rent, and living expenses'', fear ''that they had become trapped in circumstances they never could have imagined.''.

(10) Department of Health and Human Services Secretary Xavier Becerra compared placing unaccompanied alien children with sponsors, to widgets in an assembly line,

stating that, ''If Henry Ford had seen this in his plant, he would have never become famous and rich. This is not the way you do an assembly line.''.

(11) Department of Health and Human Services employees working under Secretary Xavier Becerra's leadership penned a July 2021 memorandum expressing serious concern that ''labor trafficking was increasing'' and that the agency had become ''one that rewards individuals for making quick releases, and not one that rewards individuals for preventing unsafe releases.''.

(12) Despite these concerns, Secretary Xavier Becerra pressured Director of the Office of Refugee Resettlement Cindy Huang to prioritize releases of unaccompanied alien children over ensuring their safety, telling her ''if she could not increase the number of discharges he would find someone who could'' and Director Huang resigned one month later.

(13) In June 2014, the Obama Administration requested legal authority to exercise discretion in returning and removing unaccompanied alien children from noncontiguous countries back to their home countries.

(b) PURPOSE.—The purpose of this title is to end the disparate policies of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 by ensuring the swift return of all unaccompanied alien children to their country of origin who—

(1) are not victims of trafficking; and

(2) do not have a fear of returning to their country of origin.

SEC. 567. REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.

(a) IN GENERAL.—Section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by amending the paragraph heading to read as follows: ''RULES FOR UNACCOMPANIED ALIEN CHILDREN.—'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''who is a national or habitual resident of a country that is contiguous with the United States'';

(II) in clause (i), by adding ''and'' at the end;

(III) in clause (ii), by striking ''; and'' and inserting a period; and

(IV) by striking clause (iii); and

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''(8 U.S.C. 1101 et seq.) may—'' and inserting ''(8 U.S.C. 1101 et seq.)—'';

(II) in clause (i), by inserting ''may'' before ''permit such child to withdraw''; and

(III) in clause (ii), by inserting ''shall'' before ''return such child''; and

(B) in paragraph (5)(D)—

(i) in the matter preceding clause (i), by striking '', except for an unaccompanied alien child from a contiguous country subject to exceptions under subsection (a)(2),'' and inserting ''who does not meet the criteria under paragraph (2)(A)''; and

(ii) in clause (i), by inserting '', which shall include a hearing before an immigration judge not later than 14 days after being screened under paragraph (4)'' before the semicolon at the end;

(2) in subsection (b)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''Human services'' and inserting ''Human Services'';

(ii) in subparagraph (A), by inserting ''who does not to meet the criteria under subsection (a)(2)(A)'' before the semicolon; and

(iii) in subparagraph (B), by striking ''under 18 years of age'' and inserting ''younger than 18 years of age and does not meet the criteria under subsection (a)(2)(A)''; and

(B) in paragraph (3), by striking ''child in custody shall'' and all that follows, and inserting the following: ''child in custody—

''(A) in the case of a child who does not meet the criteria under subsection (a)(2)(A), shall transfer the custody of such child to the Secretary of Health and Human Services not later than 30 days after determining that such child is an unaccompanied alien child who does not meet such criteria; or

''(B) in the case of a child who meets the criteria under subsection (a)(2)(A), may transfer the custody of such child to the Secretary of Health and Human Services after determining that such child is an unaccompanied alien child who meets such criteria.''; and

(3) in subsection (c)—

(A) in paragraph (3), by adding at the end the following:

''(D) INFORMATION ABOUT INDIVIDUALS WITH WHOM CHILDREN ARE PLACED.—

''(i) INFORMATION TO BE PROVIDED TO DEPARTMENT OF HOMELAND SECURITY.—Before placing a child with an individual, the Secretary of Health and Human Services shall submit to the Secretary of Homeland Security, with respect to the individual with whom the child will be placed, information regarding—

''(I) the name of such individual;

''(II) the Social Security number of such individual;

''(III) the date of birth of such individual;

''(IV) the location of such individual's residence where the child will be placed;

''(V) the immigration status of such individual, if known; and

''(VI) contact information for such individual.

''(ii) ACTIVITIES OF SECRETARY OF HOMELAND SECURITY.—Not later than 30 days after receiving the information listed in clause (i), the Secretary of Homeland Security, upon determining that an individual with whom a child is placed is unlawfully present in the United States and not in removal proceedings pursuant to chapter 4 of title II of the Immigration and Nationality Act (8 U.S.C. 1221 et seq.), shall initiate such removal proceedings.''; and

(B) in paragraph (5)—

(i) by inserting ''(at no expense to the Government)'' after ''to the greatest extent practicable''; and

(ii) by striking ''have counsel to represent them'' and inserting ''have access to counsel to represent them''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any unaccompanied alien child (as such term is defined in section 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g))) apprehended on or after the date that is 30 days after the date of the enactment of this Act.

SEC. 568. SPECIAL IMMIGRANT JUVENILE STATUS FOR IMMIGRANTS UNABLE TO REUNITE WITH EITHER PARENT.

Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended—

(1) in clause (i), by striking '', and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law''; and

(2) in clause (iii)—

(A) in subclause (I), by striking ''and'' at the end;

(B) in subclause (II), by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(III) an alien may not be granted special immigrant status under this subparagraph if the alien's reunification with any parent or legal guardian is not precluded by abuse, neglect, abandonment, or any similar cause under State law;''.

SEC. 569. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit, with respect to procedures or practices relating to an unaccompanied alien child (as defined in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)))—

(1) the screening of such a child for a credible fear of return to his or her country of origin;

(2) the screening of such a child to determine whether he or she was a victim of trafficking; or

(3) Department of Health and Human Services policy in effect on the date of the enactment of this Act requiring a home study for such a child if he or she is younger than 12 years of age.

TITLE VII—VISA OVERSTAYS PENALTIES

SEC. 571. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR PRESENCE.

Section 275 of the Immigration and Nationality Act (8 U.S.C. 1325) is amended—

(1) in subsection (a), by inserting ''or if the alien was previously convicted of an offense under subsection (e)(2)(A)'' after ''for a subsequent commission of any such offense'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''at least $50 and not more than $250'' and inserting ''not less than $500 and not more than $1,000''; and

(B) in paragraph (2), by inserting ''or subsection (e)(2)(B)'' after ''in the case of an alien who has been previously subject to a civil penalty under this subsection''; and

(3) by adding at the end the following:

''(e) VISA OVERSTAYS.—

''(1) IN GENERAL.—An alien admitted as a nonimmigrant violates this paragraph if the alien, for an aggregate of 10 days or more, fails—

''(A) to maintain the nonimmigrant status in which the alien was admitted, or to which it was changed under section 248, including complying with the period of stay authorized by the Secretary of Homeland Security in connection with such status; or

''(B) to comply otherwise with the conditions of such nonimmigrant status.

''(2) PENALTIES.—An alien who violates paragraph (1)—

''(A) shall—

''(i) for the first commission of such a violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both; and

''(ii) for a subsequent commission of such a violation, or if the alien was previously convicted of an offense under subsection (a), be fined under such title 18, imprisoned not more than 2 years, or both; and

''(B) in addition to any penalty under subparagraph (A) and any other criminal or civil penalties that may be imposed for such a violation, shall be subject to a civil penalty of—

''(i) not less than $500 and not more than $1,000 for each such violation; or

''(ii) twice the amount specified in clause (i) if the alien was previously subject to a civil penalty under this subparagraph or subsection (b).''.

TITLE VIII—IMMIGRATION PAROLE REFORM

SEC. 576. IMMIGRATION PAROLE REFORM.

Section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) is amended to read as follows:

''(5)(A) Subject to subparagraphs (B) through (H) and section 214(f), the Secretary of Homeland Security, in the discretion of the Secretary, may temporarily parole into the United States any alien applying for admission to the United States who is not

present in the United States, under such conditions as the Secretary may prescribe, on a case-by-case basis, and not according to eligibility criteria describing an entire class of potential parole recipients, for urgent humanitarian reasons or significant public benefit.

''(B) Parole granted under subparagraph (A) may not be regarded as an admission of the alien. When the Secretary of Homeland Security determines that the purposes of such parole have been served, the alien shall immediately return or be returned to the custody from which the alien was paroled. After such return, the case of the alien shall be dealt with in the same manner as the case of any other applicant for admission to the United States.

''(C) The Secretary of Homeland Security may grant parole to any alien who—

''(i) is present in the United States without lawful immigration status;

''(ii) is the beneficiary of an approved petition under section 203(a);

''(iii) is not otherwise inadmissible or removable; and

''(iv) is the spouse or child of a member of the Armed Forces serving on active duty.

''(D) The Secretary of Homeland Security may grant parole to any alien—

''(i) who is a national of the Republic of Cuba and is living in the Republic of Cuba;

''(ii) who is the beneficiary of an approved petition under section 203(a);

''(iii) for whom an immigrant visa is not immediately available;

''(iv) who meets all eligibility requirements for an immigrant visa;

''(v) who is not otherwise inadmissible; and

''(vi) who is receiving a grant of parole in furtherance of the commitment of the United States to the minimum level of annual legal migration of Cuban nationals to the United States specified in the U.S.-Cuba Joint Communiqué on Migration, done at New York September 9, 1994, and reaffirmed in the Cuba-United States: Joint Statement on Normalization of Migration, Building on the Agreement of September 9, 1994, done at New York May 2, 1995.

''(E) In determining an alien's eligibility for parole under subparagraph (A), an urgent humanitarian reason shall be limited to circumstances in which the alien establishes that the alien—

''(i)(I) has a medical emergency; and

''(II)(aa) cannot obtain necessary treatment in the foreign state in which the alien is residing; or

''(bb) the medical emergency is life-threatening and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(ii) is the parent or legal guardian of an alien described in clause (i) and the alien described in clause (i) is a minor;

''(iii) is needed in the United States in order to donate an organ or other tissue for transplant and there is insufficient time for the alien to be admitted to the United States through the normal visa process;

''(iv) has a close family member in the United States whose death is imminent and the alien could not arrive in the United States in time to see such family member alive if the alien were to be admitted to the United States through the normal visa process;

''(v) is seeking to attend the funeral of a close family member and the alien could not arrive in the United States in time to attend such funeral if the alien were to be admitted to the United States through the normal visa process;

''(vi) is an adopted child with an urgent medical condition who is in the legal custody of the petitioner for a final adoption-related visa and whose medical treatment is required before the expected award of a final adoption-related visa; or

''(vii) is a lawful applicant for adjustment of status under section 245 and is returning to the United States after temporary travel abroad.

''(F) In determining an alien's eligibility for parole under subparagraph (A), a significant public benefit may be determined to result from the parole of an alien only if—

''(i) the alien has assisted (or will assist, whether knowingly or not) the United States Government in a law enforcement matter;

''(ii) the alien's presence is required by the Government in furtherance of such law enforcement matter; and

''(iii) the alien is inadmissible, does not satisfy the eligibility requirements for admission as a nonimmigrant, or there is insufficient time for the alien to be admitted to the United States through the normal visa process.

''(G) In determining an alien's eligibility for parole under subparagraph (A), the term 'case-by-case basis' means that the facts in each individual case are considered and parole is not granted based on membership in a defined class of aliens to be granted parole. The fact that aliens are considered for or granted parole one-by-one and not as a group is not sufficient to establish that the parole decision is made on a 'case-by-case basis'.

''(H) The Secretary of Homeland Security may grant parole to an alien who is returned to a contiguous country pursuant to section 235(b)(3) to allow the alien to attend the alien's immigration hearing. The grant of parole shall not exceed the time required for the alien to be escorted to, and attend, the alien's immigration hearing scheduled on the same day as the grant, and to immediately thereafter be escorted back to the contiguous country. A grant of parole under this subparagraph shall not be considered for purposes of determining whether the alien is inadmissible under this Act.

''(I) The Secretary of Homeland Security may not use the parole authority under this paragraph to parole an alien into the United States for any reason or purpose other than those described in subparagraphs (C), (D), (E), (F), and (H).

''(J) An alien granted parole may not accept employment, except that an alien granted parole pursuant to subparagraph (C) or (D) is authorized to accept employment for the duration of the parole, as evidenced by an employment authorization document issued by the Secretary of Homeland Security.

''(K) Parole granted after a departure from the United States shall not be regarded as an admission of the alien. An alien granted parole, whether as an initial grant of parole or parole upon reentry into the United States, is not eligible to adjust status to lawful permanent residence or for any other immigration benefit if the immigration status the alien had at the time of departure did not authorize the alien to adjust status or to be eligible for such benefit.

''(L)(i) Except as provided in clauses (ii) and (iii), parole shall be granted to an alien under this paragraph for the shorter of—

''(I) a period of sufficient length to accomplish the activity described in subparagraph (E), (F), or (H) for which the alien was granted parole; or

''(II) 1 year.

''(ii) Grants of parole pursuant to subparagraph (A) may be extended once, in the discretion of the Secretary, for an additional period that is the shorter of—

''(I) the period that is necessary to accomplish the activity described in subparagraph (E) or (F) for which the alien was granted parole; or

''(II) 1 year.

''(iii) Aliens who have a pending application to adjust status to permanent residence under section 245 may request extensions of parole under this paragraph, in 1-year increments, until the application for adjustment has been adjudicated. Such parole shall terminate immediately upon the denial of such adjustment application.

''(M) Not later than 90 days after the last day of each fiscal year, the Secretary of Homeland Security shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives and make available to the public, a report—

''(i) identifying the total number of aliens paroled into the United States under this paragraph during the previous fiscal year; and

''(ii) containing information and data regarding all aliens paroled during such fiscal year, including—

''(I) the duration of parole;

''(II) the type of parole; and

''(III) the current status of the aliens so paroled.''.

SEC. 577. IMPLEMENTATION.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date that is 30 days after the date of the enactment of this Act.

(b) EXCEPTIONS.—Notwithstanding subsection (a)—

(1) any application for parole or advance parole filed by an alien before the date of the enactment of this Act shall be adjudicated under the law that was in effect on the date on which the application was properly filed;

(2) any approved advance parole shall remain valid under the law that was in effect on the date on which the advance parole was approved;

(3) section 212(d)(5)(K) of the Immigration and Nationality Act, as added by section 576, shall take effect on the date of the enactment of this Act; and

(4) aliens who were paroled into the United States pursuant to section 212(d)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)(A)) before January 1, 2023, shall continue to be subject to the terms of parole that were in effect on the date on which their respective parole was approved.

SEC. 578. CAUSE OF ACTION.

Any person, State, or local government that experiences financial harm in excess of $1,000 due to a failure of the Federal Government to lawfully apply the provisions of this title or the amendments made by this title shall have standing to bring a civil action against the Federal Government in an appropriate district court of the United States for appropriate relief.

SEC. 579. SEVERABILITY.

If any provision of this title or any amendment by this title, or the application of such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this title and the application of such provision or amendment to any other person or circumstance shall not be affected.

TITLE IX—LEGAL WORKFORCE

SEC. 581. EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.

(a) IN GENERAL.—Section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)) is amended to read as follows:

''(b) EMPLOYMENT ELIGIBILITY VERIFICATION PROCESS.—

''(1) NEW HIRES, RECRUITMENT, AND REFERRAL.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a), with respect to a person or other entity hiring, recruiting, or referring an individual for employment in the United States, are the following:

''(A) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

''(i) ATTESTATION.—During the verification period, the person or entity shall attest, under penalty of perjury and on a form, including electronic format, designated or established by the Secretary of Homeland Security by regulation not later than 6 months after the date of the enactment of the Secure the Border Act of 2023, that it has verified that the individual is not an unauthorized alien by—

''(I) obtaining from the individual the individual's Social Security account number or United States passport number and recording the number on the form (if the individual claims to have been issued such a number) and, if the individual does not attest to United States nationality under subparagraph (B), obtaining such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify, and recording such number on the form; and

''(II) examining—

''(aa) a document relating to the individual presenting it described in clause (ii); or

''(bb) a document relating to the individual presenting it described in clause (iii) and a document relating to the individual presenting it described in clause (iv).

''(ii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION AND ESTABLISHING IDENTITY.—A document described in this clause is an individual's—

''(I) unexpired United States passport or passport card;

''(II) unexpired permanent resident card that contains a photograph;

''(III) unexpired employment authorization card that contains a photograph;

''(IV) in the case of a nonimmigrant alien authorized to work for a specific employer incident to his or her nonimmigrant status, a foreign passport with Form I–94 or Form I–94A, or other documentation as designated by the Secretary specifying the alien's nonimmigrant status if—

''(aa) the period of such status has not expired; and

''(bb) the proposed employment is not in conflict with any restrictions or limitations identified in the document;

''(V) passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I–94 or Form I–94A, or other documentation designated by the Secretary of Homeland Security, indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or the RMI; or

''(VI) other document designated by the Secretary of Homeland Security that—

''(aa) contains a photograph of the individual and biometric identification data from the individual and such other personal identifying information relating to the individual as the Secretary specifies, by regulation, to be sufficient for purposes of this clause;

''(bb) is evidence of authorization of employment in the United States; and

''(cc) contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.

''(iii) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this clause is an individual's Social Security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

''(iv) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this clause is—

''(I) an individual's unexpired State issued driver's license or identification card if it contains a photograph and personal information about the holder, such as name, date of birth, gender, height, eye color, and address;

''(II) an individual's unexpired United States military identification card;

''(III) an individual's unexpired Native American tribal identification document issued by a tribal entity recognized by the Bureau of Indian Affairs; or

''(IV) in the case of an individual who is younger than 18 years of age, a parent or legal guardian's attestation under penalty of law as to the identity and age of the individual.

''(v) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Secretary of Homeland Security determines, by regulation, that any document described in clause (i), (ii), or (iii) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Secretary may prohibit or place conditions on its use for purposes of this subparagraph.

''(vi) SIGNATURE.—An attestation required under clause (i) may be manifested by a handwritten or electronic signature.

''(B) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—

''(i) IN GENERAL.—During the verification period, the individual shall attest, under penalty of perjury on the form designated or established for purposes of subparagraph (A), that the individual is—

''(I) a citizen or national of the United States;

''(II) an alien lawfully admitted for permanent residence; or

''(III) an alien who is authorized under this Act or by the Secretary of Homeland Security to be hired, recruited, or referred for such employment.

''(ii) IDENTIFICATION NUMBER.—The individual shall submit to the Secretary of Homeland Security—

''(I) the individual's Social Security account number or United States passport number (if the individual claims to have been issued such a number); or

''(II) if the individual does not attest to United States nationality under this subparagraph, such identification or authorization number established by the Department of Homeland Security for the alien as the Secretary may specify.

''(iii) SIGNATURE.—An attestation required under clause (i) may be manifested by a handwritten or electronic signature.

''(C) RETENTION OF VERIFICATION FORM AND VERIFICATION.—

''(i) IN GENERAL.—After submitting a form to the Secretary of Homeland Security in accordance with subparagraphs (A) and (B), the person or entity shall—

''(I) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during a period beginning on the date of the recruiting or referral of the individual, or, in the case of the hiring of an individual, the date on which the verification is completed, and ending—

''(aa) in the case of the recruiting or referral of an individual, that date that is 3 years after the date of the recruiting or referral; and

''(bb) in the case of the hiring of an individual, the later of—

''(AA) the date that is 3 years after the date on which the verification is completed; or

''(BB) the date that is 1 year after the date on which the individual's employment is terminated; and

''(II) during the verification period, make an inquiry, in accordance with subsection (d), using the verification system to seek verification of the identity and employment eligibility of an individual.

''(ii) CONFIRMATION.—

''(I) CONFIRMATION RECEIVED.—If the person or other entity receives an appropriate confirmation of an individual's identity and work eligibility under the verification system within the period specified, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a final confirmation of such identity and work eligibility of the individual.

''(II) TENTATIVE NONCONFIRMATION RECEIVED.—

''(aa) IN GENERAL.—If the person or other entity receives a tentative nonconfirmation of an individual's identity or work eligibility under the verification system within the specified period, the person or entity shall so inform the individual for whom the verification is sought.

''(bb) NO CONTEST.—If the individual does not contest a tentative nonconfirmation within the period specified—

''(AA) the nonconfirmation shall be considered final; and

''(BB) the person or entity shall record on the form an appropriate code that has been provided under the system to indicate a final nonconfirmation.

''(cc) SECONDARY VERIFICATION.—If the individual contests a tentative nonconfirmation—

''(AA) the individual shall utilize the process for secondary verification provided under subsection (d); and

''(BB) the nonconfirmation will remain tentative until a final confirmation or nonconfirmation is provided by the verification system within the specified period.

''(dd) LIMITATION ON TERMINATION.—An employer may not terminate the employment of an individual because of a failure of the individual to have identity and work eligibility confirmed under this section until a nonconfirmation becomes final. Nothing in this subclause shall apply to a termination of employment for any reason other than because of such a failure.

''(ee) LIMITATION ON RESCISSION.—An employer may not rescind an offer of employment to an individual because of a failure of the individual to have identity and work eligibility confirmed under this subsection until a nonconfirmation becomes final. Nothing in this subclause shall apply to a recission of the offer of employment for any reason other than because of such a failure.

''(III) FINAL CONFIRMATION OR NONCONFIRMATION RECEIVED.—If a final confirmation or nonconfirmation is provided by the verification system regarding an individual, the person or entity shall record on the form an appropriate code that is provided under the system and that indicates a confirmation or nonconfirmation of identity and work eligibility of the individual.

''(IV) EXTENSION OF TIME.—If the person or other entity in good faith attempts to make an inquiry during the specified period and the verification system has registered that not all inquiries were received during such time, the person or entity may make an inquiry in the first subsequent working day in which the verification system registers that it has received all inquiries. If the verification system cannot receive inquiries at all times during a day, the person or entity merely has to assert that the entity attempted to make the inquiry on that day for the previous sentence to apply to such an inquiry, and does not have to provide any additional proof concerning such inquiry.

''(V) CONSEQUENCES OF NONCONFIRMATION.—

''(aa) TERMINATION OR NOTIFICATION OF CONTINUED EMPLOYMENT.—If the person or other entity has received a final nonconfirmation

regarding an individual, the person or entity may terminate employment of the individual (or decline to recruit or refer the individual). If the person or entity does not terminate employment of the individual or proceeds to recruit or refer the individual, the person or entity shall notify the Secretary of Homeland Security of such fact through the verification system or in such other manner as the Secretary may specify.

''(bb) FAILURE TO NOTIFY.—If the person or entity fails to provide notice with respect to an individual as required under item (aa), the failure is deemed to constitute a violation of subsection (a)(1)(A) with respect to such individual.

''(VI) CONTINUED EMPLOYMENT AFTER FINAL NONCONFIRMATION.—If the person or other entity continues to employ (or to recruit or refer) an individual after receiving final nonconfirmation, a rebuttable presumption is created that the person or entity has violated subsection (a)(1)(A).

''(D) EFFECTIVE DATES OF NEW PROCEDURES.—

''(i) HIRING.—Except as provided in clause (iii), this paragraph shall apply to—

''(I) employers having at least 10,000 employees in the United States as of the date of the enactment of the Secure the Border Act of 2023 beginning on the date that is 6 months after such date of enactment;

''(II) employers having at least 500 employees and fewer than 10,000 employees in the United States as of the date of the enactment of such Act beginning on the date that is 1 year after such date of enactment;

''(III) employers having at least 20 employees and fewer than 500 employees in the United States as of the date of the enactment of such Act beginning on the date that is 18 months year after such date of enactment; and

''(IV) employers having at least 1 employee and fewer than 20 employees in the United States as of the date of the enactment of such Act beginning on the date that is 2 years after such date of enactment.

''(ii) RECRUITING AND REFERRING.—Except as provided in clause (iii), this paragraph shall apply to a person or other entity recruiting or referring an individual for employment in the United States beginning on the date that is 1 year after the date of the enactment of the Secure the Border Act of 2023.

''(iii) AGRICULTURAL LABOR OR SERVICES.—

''(I) DEFINED TERM.—In this clause, the term 'agricultural labor or services'—

''(aa) has the meaning given such term by the Secretary of Agriculture in regulations; and

''(bb) includes—

''(AA) agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986);

''(BB) agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)));

''(CC) the handling, planting, drying, packing, packaging, processing, freezing, or grading before delivery for storage of any agricultural or horticultural commodity in its unmanufactured state;

''(DD) all activities required for the preparation, processing, or manufacturing of a product of agriculture (as defined in such section 3(f)) for further distribution; and

''(EE) activities similar to the activities referred to in subitems (AA) through (DD) as they relate to fish or shellfish facilities.

''(II) IN GENERAL.—With respect to an employee performing agricultural labor or services, this paragraph shall not apply with respect to the verification of the employee until the date that is 3 years after the date of the enactment of the Secure the Border Act of 2023.

''(III) EXCLUSION.—An employee described in this clause may not be counted for purposes of clause (i).

''(iv) EXTENSIONS.—

''(I) UPON REQUEST.—The Secretary of Homeland Security shall allow an employer having 50 or fewer employees to submit a request to the Secretary before the effective date under this subparagraph applicable to such employer, a 1-time, 6-month extension of such effective date.

''(II) FOLLOWING REPORT.—If the study conducted pursuant to section 494 of the Secure the Border Act of 2023 has been submitted in accordance with such section, the Secretary of Homeland Security may extend the effective date under this subparagraph on a 1-time basis for 12 months.

''(v) TRANSITION RULE.—Subject to paragraph (4), a person or other entity hiring, recruiting, or referring an individual for employment in the United States, until the effective date or dates applicable under clauses (i) through (iii), shall be subject to—

''(I) this subsection, as in effect before the date of the enactment of the Secure the Border Act of 2023;

''(II) subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date set forth in section 803(c)(1) of the Secure the Border Act of 2023; and

''(III) any other provision of Federal law requiring the person or entity to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), as in effect before the effective date set forth in section 803(c)(1) of the Secure the Border Act of 2023, including Executive Order 13465 (8 U.S.C. 1324a note; relating to Government procurement).

''(E) DEFINED TERM.—

''(i) IN GENERAL.—In this paragraph, the term 'verification period' means—

''(I) in the case of recruitment or referral, the period ending on the date on which recruiting or referring commences; and

''(II) in the case of hiring, the period beginning on the date on which an offer of employment is extended and ending on—

''(aa) the date that is 3 business days after the date of hire; or

''(bb) in the case of an alien who is authorized for employment and provides evidence from the Social Security Administration that the alien has applied for a Social Security account number, the date that is 3 business days after the alien receives the Social Security account number.

''(ii) JOB OFFER MAY BE CONDITIONAL.—A person or other entity may offer a prospective employee an employment position that is conditioned on final verification of the identity and employment eligibility of the employee using the procedures established under this paragraph.

''(2) REVERIFICATION FOR INDIVIDUALS WITH LIMITED WORK AUTHORIZATION.—

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a person or entity shall make an inquiry in accordance with subsection (d), using the verification system to seek reverification of the identity and employment eligibility of all individuals with a limited period of work authorization employed by the person or entity during the 3 business days after the date on which the employee's work authorization expires.

''(B) HIRING.—Except as provided in subparagraph (C), subparagraph (A) shall apply to—

''(i) employers having at least 10,000 employees in the United States as of the date of the enactment of the Secure the Border Act of 2023 beginning on the date that is 6 months after such date of enactment;

''(ii) employers having at least 500 employees and fewer than 10,000 employees in the United States as of the date of the enactment of such Act beginning on the date that is 1 year after such date of enactment;

''(iii) employers having at least 20 employees and fewer than 500 employees in the United States as of the date of the enactment of such Act beginning on the date that is 18 months year after such date of enactment; and

''(iv) employers having at least 1 employee and fewer than 20 employees in the United States as of the date of the enactment of such Act beginning on the date that is 2 years after such date of enactment.

''(C) AGRICULTURAL LABOR OR SERVICES.—

''(i) DEFINED TERM.—In this clause, the term 'agricultural labor or services'—

''(I) has the meaning given such term by the Secretary of Agriculture in regulations; and

''(II) includes—

''(aa) agricultural labor (as defined in section 3121(g) of the Internal Revenue Code of 1986);

''(bb) agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)));

''(cc) the handling, planting, drying, packing, packaging, processing, freezing, or grading before delivery for storage of any agricultural or horticultural commodity in its unmanufactured state;

''(dd) all activities required for the preparation, processing, or manufacturing of a product of agriculture (as defined in such section 3(f)) for further distribution; and

''(ee) activities similar to the activities referred to in subitems (AA) through (DD) as they relate to fish or shellfish facilities.

''(ii) IN GENERAL.—With respect to an employee performing agricultural labor or services, or an employee recruited or referred by a farm labor contractor (as defined in section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801)), subparagraph (A) shall not apply with respect to the reverification of the employee until the date that is 3 years after the date of the enactment of the Secure the Border Act of 2023.

''(iii) EXCLUSION.—An employee described in this subparagraph may not be counted for purposes of subparagraph (A).

''(D) REVERIFICATION.—Paragraph (1)(C)(ii) shall apply to reverifications pursuant to this paragraph on the same basis as it applies to verifications pursuant to paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary by regulation for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make it available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date the reverification commences and ending on the date that is the later of 3 years after the date of such reverification or 1 year after the date the individual's employment is terminated.

''(3) PREVIOUSLY HIRED INDIVIDUALS.—

''(A) ON A MANDATORY BASIS FOR CERTAIN EMPLOYEES.—

''(i) IN GENERAL.—Not later than the date that is 6 months after the date of the enactment of the Secure the Border Act of 2023, an employer shall make an inquiry, as provided in subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual described in clause (ii) employed by the employer whose employment eligibility has not been verified under the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

''(ii) INDIVIDUALS DESCRIBED.—An individual described in this clause is—

''(I) an employee of any unit of a Federal, State, or local government;

''(II) an employee who requires a Federal security clearance working in a Federal, State, or local government building, a military base, a nuclear energy site, a weapons site, or an airport or other facility that requires workers to carry a Transportation Worker Identification Credential (TWIC); or

''(III) an employee assigned to perform work in the United States under a Federal contract, except that this subclause—

''(aa) is not applicable to individuals who have a clearance under Homeland Security Presidential Directive 12 (HSPD 12 clearance), are administrative or overhead personnel, or are working solely on contracts that provide Commercial Off The Shelf goods or services as set forth by the Federal Acquisition Regulatory Council, unless they are subject to verification under subclause (II); and

''(bb) only applies to contracts over the simple acquisition threshold as defined in section 2.101 of title 48, Code of Federal Regulations.

''(B) ON A MANDATORY BASIS FOR MULTIPLE USERS OF SAME SOCIAL SECURITY ACCOUNT NUMBER.—

''(i) IN GENERAL.—An employer that is required under this subsection to use the verification system described in subsection (d), or has elected voluntarily to use such system, shall make inquiries to the system in accordance with clauses (ii) through (iv).

''(ii) NOTIFICATION.—The Commissioner of Social Security shall annually notify employees (at the employee address listed on the Wage and Tax Statement) who submit a Social Security account number to which more than 1 employer reports income and for which there is a pattern of unusual multiple use. The notification letter shall identify the number of employers to which income is being reported and provide sufficient information regarding the process to contact the Social Security Administration Fraud Hotline if the employee believes the employee's identity may have been stolen. The notice shall not share information protected as private, in order to avoid any recipient of the notice from being in the position to further commit or begin committing identity theft.

''(iii) EFFECT OF FRAUDULENT USE.—If the person to whom the Social Security account number was issued by the Social Security Administration has been identified and confirmed by the Commissioner, and indicates that the Social Security account number was used without the person's knowledge, the Secretary of Homeland Security and the Commissioner shall—

''(I) lock the Social Security account number for employment eligibility verification purposes; and

''(II) notify the employers of any individuals who wrongfully submitted the Social Security account number that such individuals may not be authorized to work in the United States.

''(iv) USE OF VERIFICATION SYSTEM.—Each employer receiving such notification of an incorrect Social Security account number under clause (iii) shall use the verification system described in subsection (d) to check the work eligibility status of the applicable employee not later than 10 business days after receiving such notification.

''(C) ON A VOLUNTARY BASIS.—

''(i) IN GENERAL.—Subject to subparagraphs (A) and (B) and paragraph (2), beginning on the date that is 30 days after the date of the enactment of the Secure the Border Act of 2023, an employer may make an inquiry pursuant to subsection (d), using the verification system to seek verification of the identity and employment eligibility of any individual employed by the employer.

''(ii) SCOPE OF VERIFICATION.—If an employer voluntarily chooses to seek verification of any individual employed by the employer, the employer shall seek verification of all individuals employed at the same geographic location or, at the option of the employer, all individuals employed within the same job category, as the employee with respect to whom the employer seeks voluntarily to use the verification system.

''(iii) LIMITATION.—An employer's decision about whether or not voluntarily to seek verification of its current workforce under this subparagraph may not be considered by any government agency in any proceeding, investigation, or review under this Act.

''(D) VERIFICATION.—Paragraph (1)(C)(ii) shall apply to verifications under this paragraph on the same basis as it applies to verifications under paragraph (1), except that employers shall—

''(i) use a form designated or established by the Secretary of Homeland Security, by regulation, for purposes of this paragraph; and

''(ii) retain a paper or electronic version of the form and make the form available for inspection by officers of the Department of Homeland Security, the Department of Justice, or the Department of Labor during the period beginning on the date on which the verification commences and ending on the date that is the later of—

''(I) 3 years after such verification commencement date; or

''(II) 1 year after the date on which the individual's employment is terminated.

''(4) EARLY COMPLIANCE.—

''(A) FORMER E-VERIFY REQUIRED USERS, INCLUDING FEDERAL CONTRACTORS.—Notwithstanding the deadlines under paragraphs (1) and (2), beginning on the date of the enactment of the Secure the Border Act of 2023, the Secretary of Homeland Security is authorized to commence requiring employers required to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), including employers required to participate in such program by reason of Federal acquisition laws (and regulations promulgated under those laws, including the Federal Acquisition Regulation), to commence compliance with the requirements under this subsection (and any additional requirements of such Federal acquisition laws and regulation) in lieu of any requirement to participate in the E-Verify Program.

''(B) FORMER E-VERIFY VOLUNTARY USERS AND OTHERS DESIRING EARLY COMPLIANCE.—Notwithstanding the deadlines under paragraphs (1) and (2), beginning on the date of the enactment of the Secure the Border Act of 2023, the Secretary of Homeland Security shall provide for the voluntary compliance with the requirements under this subsection by—

''(i) employers voluntarily electing to participate in the E-Verify Program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) before such date; and

''(ii) other employers seeking voluntary early compliance.

''(5) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain such copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements under this subsection.

''(6) LIMITATION ON USE OF FORMS.—A form designated or established by the Secretary of Homeland Security under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this Act and any other provision of Federal criminal law.

''(7) GOOD FAITH COMPLIANCE.—

''(A) IN GENERAL.—Except as otherwise provided in this subsection, a person or entity is considered to have complied with a requirement under this subsection, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with such requirement.

''(B) EXCEPTION IF FAILURE TO CORRECT AFTER NOTICE.—Subparagraph (A) shall not apply if—

''(i) the failure is not de minimus;

''(ii) the Secretary of Homeland Security has explained to the person or entity the basis for the failure and why it is not de minimus;

''(iii) the person or entity has been provided a period of not less than 30 days, beginning on the date of the explanation described in clause (ii), within which to correct the failure; and

''(iv) the person or entity has not corrected the failure within such period.

''(C) EXCEPTION FOR PATTERN OR PRACTICE VIOLATORS.—Subparagraph (A) shall not apply to a person or entity that has engaged or is engaging in a pattern or practice of violations of paragraph (1)(A) or (2) of subsection (a).

''(8) SINGLE EXTENSION OF DEADLINES UPON CERTIFICATION.—If the Secretary of Homeland Security certifies to Congress that the employment eligibility verification system required under subsection (d) will not be fully operational by the date that is 6 months after the date of the enactment of the Secure the Border Act of 2023, each deadline established under this subsection for an employer to make an inquiry using such system shall be extended by 6 months. No other extension of such a deadline shall be made except as authorized under paragraph (1)(D)(iv).''.

(b) DATE OF HIRE.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)) is amended by adding at the end the following:

''(4) DEFINITION OF DATE OF HIRE.—In this section, the term 'date of hire' means the date of commencement of employment for wages or other remuneration, unless otherwise specified.''.

SEC. 582. EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended to read as follows:

''(d) EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.—

''(1) IN GENERAL.—Patterned on the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note), the Secretary of Homeland Security shall establish and administer an employment eligibility verification system (referred to in this subsection as the 'System') through which the Secretary (or a designee of the Secretary, which may be a nongovernmental entity)—

''(A) responds to inquiries made by persons at any time through a toll-free electronic media concerning an individual's identity and whether the individual is authorized to be employed in the United States; and

''(B) maintains records of the inquiries that were made, of verifications provided (or not provided), and of the codes provided to

inquirers as evidence of their compliance with their obligations under this section.

''(2) INITIAL RESPONSE.—Not later than 3 business days after the receipt of an initial inquiry described in paragraph (1)(A), the System shall provide—

''(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility; and

''(B) an appropriate code indicating such confirmation or such nonconfirmation.

''(3) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 10 business days after the date on which a notice of tentative nonconfirmation is received by an employee, the Secretary, in consultation with the Commissioner of Social Security, shall specify an available secondary verification process—

''(i) to confirm the validity of the information provided; and

''(ii) to provide a final confirmation or nonconfirmation.

''(B) EXTENSION.—The Secretary, in consultation with the Commissioner—

''(i) may extend the deadline set forth in subparagraph (A), on a case-by-case basis, for a period of 10 business days; and

''(ii) if such deadline is extended—

''(I) shall document such extension within the System; and

''(II) shall notify the employee and employer of such extension.

''(C) EXTENSION PROCESS.—The Secretary, in consultation with the Commissioner, shall—

''(i) establish a standard process for—

''(I) considering extensions authorized under subparagraph (B)(i); and

''(II) notifying employees and employers of such extension pursuant to subparagraph (B)(ii)(II); and

''(ii) make a description of such process available to the public.

''(D) CODE.—The System shall provide an appropriate code indicating confirmation or nonconfirmation.

''(4) DESIGN AND OPERATION OF SYSTEM.—The System shall be designed and operated—

''(A) to maximize its reliability and ease of use by persons and other entities consistent with insulating and protecting the privacy and security of the underlying information;

''(B) to respond to all inquiries made by such persons and entities on whether individuals are authorized to be employed and to register all times when such inquiries are not received;

''(C) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information;

''(D) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

''(i) the selective or unauthorized use of the system to verify eligibility; or

''(ii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

''(E) to maximize the prevention of identity theft use in the system; and

''(F) to limit the subjects of verification to—

''(i) individuals hired, referred, or recruited, in accordance with paragraph (1) or (4) of subsection (b);

''(ii) employees and prospective employees, in accordance with paragraph (1), (2), (3), or (4) of subsection (b); and

''(iii) individuals seeking to confirm their own employment eligibility on a voluntary basis.

''(5) RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—

''(A) IN GENERAL.—As part of the System, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security (and any designee of the Secretary selected to establish and administer the System), shall establish a reliable, secure method, which, within the time periods specified in paragraphs (2) and (3), compares the name and Social Security account number provided in an inquiry against such information maintained by the Commissioner in order to validate (or not validate)—

''(i) the information provided regarding an individual whose identity and employment eligibility is being confirmed;

''(ii) the correspondence of the name and number; and

''(iii) whether the individual has presented a Social Security account number that is not valid for employment.

''(B) LIMITATION ON DISCLOSURE.—The Commissioner may not disclose or release Social Security information (other than such confirmation or nonconfirmation) under the System except as provided for in this section or section 205(c)(2)(I) of the Social Security Act (42 U.S.C. 405(c)(2)(I)).

''(6) RESPONSIBILITIES OF SECRETARY OF HOMELAND SECURITY.—As part of the System, the Secretary of Homeland Security (in consultation with any designee of the Secretary selected to establish and administer the System), shall establish a reliable, secure method, which, within the time periods specified in paragraphs (2) and (3), compares the name and alien identification or authorization number (or any other information as determined relevant by the Secretary) which are provided in an inquiry against such information maintained or accessed by the Secretary in order to validate (or not validate)—

''(A) the information provided;

''(B) the correspondence of the name and number;

''(C) whether the alien is authorized to be employed in the United States; or

''(D) to the extent that the Secretary determines to be feasible and appropriate, whether the records available to the Secretary verify the identity or status of a national of the United States.

''(7) UPDATING INFORMATION.—The Commissioner of Social Security and the Secretary of Homeland Security shall—

''(A) update information in the System in a manner that promotes the maximum accuracy; and

''(B) provide a process for the prompt correction of erroneous information, including instances in which errors are brought to their attention in the secondary verification process described in paragraph (3).

''(8) LIMITATION ON USE OF THE SYSTEM AND ANY RELATED SYSTEMS.—

''(A) NO NATIONAL IDENTIFICATION CARD.—Nothing in this section may be construed to authorize (directly or indirectly) the issuance or use of national identification cards or the establishment of a national identification card.

''(B) CRITICAL INFRASTRUCTURE.—The Secretary of Homeland Security may authorize or direct any person or entity responsible for granting access to, protecting, securing, operating, administering, or regulating part of the critical infrastructure (as defined in section 1016(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e))) to use the System to the extent the Secretary determines that such use will assist in the protection of the critical infrastructure.

''(9) REMEDIES.—If an individual alleges that the individual would not have been dismissed from a job or would have been hired for a job but for an error of the System, the individual may seek compensation only in accordance with chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act', and injunctive relief to correct such error. No class action may be brought under this paragraph.''.

SEC. 583. RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.

(a) ADDITIONAL CHANGES TO RULES FOR RECRUITMENT, REFERRAL, AND CONTINUATION OF EMPLOYMENT.—Section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or to recruit or refer for a fee,'' and inserting ''recruit, or refer''; and

(B) by amending subparagraph (B) to read as follows:

''(B) to hire, continue to employ, or to recruit or refer for employment in the United States an individual without complying with the requirements under subsection (b).''; and

(2) in paragraph (2), by striking ''after hiring an alien for employment in accordance with paragraph (1),'' and inserting ''after complying with paragraph (1),''.

(b) DEFINED TERM.—Section 274A(h) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)), as amended by section 581(b), is further amended by adding at the end the following:

''(5) DEFINITIONS OF RECRUIT AND REFER.—

''(A) RECRUIT.—In this section, the term 'recruit'—

''(i) means the act of soliciting a person who is in the United States, directly or indirectly, and referring the person to another with the intent of obtaining employment for that person;

''(ii) except as provided in clause (iii), only includes persons or entities referring for remuneration (whether on a retainer or contingency basis); and

''(iii) includes—

''(I) union hiring halls that refer union members or nonunion individuals who pay union membership dues, whether or not such halls receive remuneration; and

''(II) labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that recruit, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.

''(B) REFER.—In this section, the term 'refer'—

''(i) means the act of sending or directing a person who is in the United States or transmitting documentation or information to another, directly or indirectly, with the intent of obtaining employment in the United States for such person;

''(ii) except as provided in clause (iii), only includes persons or entities referring for remuneration (whether on a retainer or contingency basis); and

''(iii) includes—

''(I) union hiring halls that refer union members or nonunion individuals who pay union membership dues, whether or not such halls receive remuneration; and

''(II) labor service entities or labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of laborers for any period of time by a third party.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date that is 1 year after the date of the enactment of this Act.

(2) EXCEPTION.—The amendments made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act to the extent such amendments relate to continuation of employment.

SEC. 584. GOOD FAITH DEFENSE.

Section 274A(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) GOOD FAITH DEFENSE.—

''(A) DEFENSE.—An employer (or a person or entity that hires, employs, recruits, refers, or is otherwise obligated to comply with this section) that establishes good faith compliance with the requirements under subsection (b)—

''(i) shall not be liable to a job applicant, an employee, the Federal Government, or a State or local government, under Federal, State, or local criminal or civil law for any employment-related action taken with respect to a job applicant or employee in good-faith reliance on information provided through the verification system established pursuant to subsection (d); and

''(ii) has established compliance with the employer's obligations under subparagraphs (A) and (B) of paragraph (1) and subsection (b) absent a showing by the Secretary of Homeland Security, by clear and convincing evidence, that the employer had knowledge that an employee is an unauthorized alien.

''(B) MITIGATION ELEMENT.—For purposes of subparagraph (A)(i), if an employer proves, by a preponderance of the evidence, that the employer used a reasonable, secure, and established technology to authenticate the identity of the new employee, that fact shall be taken into account for purposes of determining good faith use of the verification system established pursuant to subsection (d).

''(C) FAILURE TO SEEK AND OBTAIN VERIFICATION.—

''(i) IN GENERAL.—Subject to the effective dates and other deadlines applicable under subsection (b), a person or entity in the United States that hires, or continues to employ, an individual, or recruits or refers an individual for employment, shall be subject to the requirements set forth in clauses (ii) and (iii).

''(ii) FAILURE TO SEEK VERIFICATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry through the verification system established pursuant subsection (d) and in accordance with the timeframes established under subsection (b), seeking verification of the identity and work eligibility of the individual, the defense under subparagraph (A) shall not be considered to apply with respect to any employment, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF VERIFICATION MECHANISM.—If the person or entity attempts to make an inquiry in good faith in order to qualify for the defense under subparagraph (A) and the verification system registers that not all inquiries were responded to during the relevant time, the person or entity can make an inquiry until the end of the first subsequent business day in which the verification mechanism registers no nonresponses and qualify for such defense.

''(iii) FAILURE TO OBTAIN VERIFICATION.—If the person or entity made the inquiry described in clause (i)(I), but did not receive an appropriate verification of such identity and work eligibility from the verification system within the time period specified in subsection (d)(2) after the verification inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such period.''.

SEC. 585. PREEMPTION AND STATES' RIGHTS.

Section 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended to read as follows:

''(2) PREEMPTION.—

''(A) SINGLE, NATIONAL POLICY.—The provisions under this section preempt any State or local law, ordinance, policy, or rule, including any criminal or civil fine or penalty structure, to the extent they may relate to the hiring, continued employment, or status verification for employment eligibility purposes, of unauthorized aliens.

''(B) STATE ENFORCEMENT OF FEDERAL LAW.—

''(i) BUSINESS LICENSING.—A State, locality, municipality, or political subdivision may exercise its authority over business licensing and similar laws as a penalty for failure to use the verification system described in subsection (d) to verify employment eligibility in accordance with subsection (b).

''(ii) GENERAL RULES.—

''(I) STATE ENFORCEMENT.—A State, at its own cost, may enforce the provisions of this section if such State—

''(aa) complies with any Federal regulations, rules, and guidance implementing this section; and

''(bb) applies the Federal penalty structure required under this section.

''(II) FINES.—A State described in subclause (I) may collect any fines assessed under this section.

''(III) DOUBLE JEOPARDY.—An employer may not be subject to enforcement, including audit and investigation, by a Federal agency and a State for the same violation under this section. The government entity that first initiates such an enforcement action has the right of first refusal to proceed with the enforcement action.

''(IV) GUIDANCE, TRAINING, AND FIELD INSTRUCTIONS.—The Secretary of Homeland Security shall provide copies of all guidance, training, and field instructions that are available to Federal officials enforcing the provisions of this section to each State.''.

SEC. 586. REPEAL.

(a) IN GENERAL.—Subtitle A of title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is repealed.

(b) REFERENCES.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of, or pertaining to, the Department of Homeland Security, Department of Justice, or the Social Security Administration, to the employment eligibility confirmation system established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is deemed to refer to the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 582.

(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 months after the date of the enactment of this Act.

(d) CLERICAL AMENDMENT.—The table of contents in section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, is amended by striking the items relating to subtitle A of title IV.

SEC. 587. PENALTIES.

Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended—

(1) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security''; and

(ii) in subparagraph (D), by striking ''Service'' and inserting ''Department of Homeland Security'';

(B) in paragraph (4)—

(i) in subparagraph (A)—

(I) in the matter before clause (i), by inserting '', subject to paragraph (10),'' after ''in an amount'';

(II) in clause (i), by striking ''not less than $250 and not more than $2,000'' and inserting ''not less than $2,500 and not more than $5,000'';

(III) in clause (ii), by striking ''not less than $2,000 and not more than $5,000'' and inserting ''not less than $5,000 and not more than $10,000'';

(IV) in clause (iii), by striking ''not less than $3,000 and not more than $10,000'' and inserting ''not less than $10,000 and not more than $25,000''; and

(ii) by amending subparagraph (B) to read as follows:

''(B) may require the person or entity to take such other remedial action as is appropriate.'';

(C) in paragraph (5)—

(i) in the paragraph heading, by striking ''PAPERWORK'';

(ii) by inserting '', subject to paragraphs (10) through (12),'' after ''in an amount'';

(iii) by striking ''$100 and not more than $1,000'' and inserting ''$1,000 and not more than $25,000''; and

(iv) by adding at the end the following: ''Failure by a person or entity to utilize the employment eligibility verification system in accordance with this section, or providing information to the system that the person or entity knows or reasonably believes to be false, shall be treated as a violation of subsection (a)(1)(A).''; and

(D) by adding at the end the following:

''(10) WAIVER OR REDUCTION OF PENALTY FOR GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of paragraph (1)(A) or (2) of subsection (a) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed may be waived or reduced if the violator establishes that the violator acted in good faith.

''(11) MITIGATION ELEMENT.—For purposes of paragraph (4), the size of the business shall be taken into account when assessing the level of civil money penalty.

''(12) AUTHORITY TO DEBAR EMPLOYERS FOR CERTAIN VIOLATIONS.—

''(A) IN GENERAL.—If a person or entity is determined by the Secretary of Homeland Security to be a repeat violator of paragraph (1)(A) or (2) of subsection (a), or is convicted of a crime under this section, such person or entity may be considered for debarment from the receipt of Federal contracts, grants, or cooperative agreements in accordance with the debarment standards and pursuant to the debarment procedures set forth in the Federal Acquisition Regulation.

''(B) DOES NOT HAVE CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General determines that a person or entity should be considered for debarment under subparagraph (A), and such a person or entity does not hold a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General shall refer the matter to the Administrator of General Services to determine—

''(i) whether to list the person or entity on the List of Parties Excluded from Federal Procurement; and

''(ii) if so listed, the duration and scope of such exclusion.

''(C) HAS CONTRACT, GRANT, AGREEMENT.—If the Secretary of Homeland Security or the Attorney General determines that a person or entity should be considered for debarment under subparagraph (A), and such person or entity holds a Federal contract, grant, or cooperative agreement, the Secretary or the Attorney General—

''(i) shall advise all Federal agencies or departments holding a contract, grant, or cooperative agreement with such person or entity of the Government's interest in having the person or entity considered for debarment; and

''(ii) after soliciting and considering the views of all such agencies and departments, may refer the matter to any appropriate lead agency to determine—

''(I) whether to list the person or entity on the List of Parties Excluded from Federal Procurement; and

''(II) if so listed, the duration and scope of such exclusion.

''(D) REVIEW.—Any decision to debar a person or entity in accordance with this paragraph shall be reviewable under part 9.4 of the Federal Acquisition Regulation.

''(13) OFFICE FOR STATE AND LOCAL GOVERNMENT COMPLAINTS.—The Secretary of Homeland Security shall establish an office—

''(A) to which State and local government agencies may submit information indicating potential violations of subsection (a), (b), or (g)(1) that were generated in the normal course of law enforcement or the normal course of other official activities in the State or locality; and

''(B) that is required—

''(i) to indicate to the complaining State or local agency not later than 5 business days after such a complaint is filed by identifying whether the Secretary will further investigate the information provided;

''(ii) to investigate complaints filed by State or local government agencies that, on their face, have a substantial probability of validity;

''(iii) to notify the complaining State or local agency of the results of any such investigation conducted; and

''(iv) to submit an annual report to Congress that identifies—

''(I) the number of complaints received under this paragraph during the reporting period;

''(II) the States and localities that filed such complaints; and

''(III) the resolution of any complaints that were investigated by the Secretary.''; and

(2) in subsection (f), by amending paragraph (1) to read as follows:

''(1) CRIMINAL PENALTY.—Notwithstanding any other Federal law relating to fine levels, any person or entity that engages in a pattern or practice of violations of paragraph (1) or (2) of subsection (a) shall be fined not more than $5,000 for each unauthorized alien with respect to which such a violation occurs, imprisoned for not more than 18 months, or both.''.

SEC. 588. FRAUD AND MISUSE OF DOCUMENTS.

Section 1546(b) of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting ''or document meant to establish work authorization (including any document described in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))),'' after ''identification document''; and

(2) in paragraph (2), by inserting ''or document meant to establish work authorization (including any document described in section 274A(b) of the Immigration and Nationality Act (8 U.S.C. 1324a(b))),'' after ''identification document''.

SEC. 589. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS.

(a) FUNDING UNDER AGREEMENT.—The Commissioner of Social Security and the Secretary of Homeland Security shall enter into and maintain annual agreements, for fiscal year 2024 and each subsequent fiscal year, which—

(1) provides funds to the Commissioner for the full costs of the responsibilities of the Commissioner under section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)), as amended by section 582, including—

(A) acquiring, installing, and maintaining technological equipment and systems necessary for the fulfillment of the responsibilities of the Commissioner under such section 274A(d), but only that portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest a tentative nonconfirmation provided by the employment eligibility verification system established under such section;

(2) provides the funds described in paragraph (1) annually in advance of the applicable quarter based on estimating methodology agreed to by the Commissioner and the Secretary (except when the delayed enactment of an annual appropriation may preclude such quarterly payments); and

(3) requires an annual accounting and reconciliation of the actual costs incurred and the funds provided under the agreement, which shall be reviewed by the Inspector General of the Social Security Administration and the Inspector General of the Department of Homeland Security.

(b) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) IN GENERAL.—If an agreement required under subsection (a) for any fiscal year does not take effect by the first day of such fiscal year—

(A) the Commissioner of Social Security and the Secretary of Homeland Security shall immediately notify the Committee on Finance of the Senate, the Committee on the Judiciary of the Senate, the Committee on Appropriations of the Senate, the Committee on Ways and Means of the House of Representatives, the Committee on the Judiciary of the House of Representatives, and the Committee on Appropriations of the House of Representatives of the failure to reach the agreement required under subsection (a) for such fiscal year; and

(B) the most recent agreement between the Commissioner and the Secretary of Homeland Security providing funding for the costs incurred by the Commissioner to implement section 274A(d) of the Immigration and Nationality Act, as amended by section 582, shall be deemed in effect on an interim basis for such fiscal year until the new agreement required under subsection (a) takes effect, except that the terms of such interim agreement shall be modified by the Director of the Office of Management and Budget to adjust for inflation and any increase or decrease in the volume of requests under the employment eligibility verification system.

(2) STATUS REPORTS.—Not less frequently than quarterly while an interim agreement described in paragraph (1)(B) is in effect, the Commissioner and the Secretary shall notify the congressional committees listed in paragraph (1)(A) of the status of negotiations between the Commissioner and the Secretary in order to reach a new agreement for the current fiscal year.

SEC. 590. FRAUD PREVENTION.

(a) BLOCKING MISUSED SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program in which Social Security account numbers that have been subject to unusual multiple use in the employment eligibility verification system established pursuant to section 274A(d) of the Immigration and Nationality Act, as amended by section 582, or that are otherwise suspected or determined to have been compromised by identity fraud or other misuse, shall be blocked from use for such system purposes unless the individual using such number is able to establish, through secure and fair additional security procedures, that the individual is the legitimate holder of such number.

(b) ALLOWING SUSPENSION OF USE OF CERTAIN SOCIAL SECURITY ACCOUNT NUMBERS.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which victims of identity fraud and other individuals may suspend or limit the use of their Social Security account number or other identifying information for purposes of the employment eligibility verification system established under section 274A(d) of the Immigration and Nationality Act, as amended by section 582. The Secretary may implement such program on a limited pilot program basis before making it fully available to all individuals.

(c) ALLOWING PARENTS TO PREVENT THEFT OF THEIR CHILDREN'S IDENTITY.—The Secretary of Homeland Security, in consultation with the Commissioner of Social Security, shall establish a program that provides a reliable, secure method by which parents or legal guardians may suspend or limit the use of the Social Security account number or other identifying information of a minor under their care for the purposes of the employment eligibility verification system established under 274A(d) of the Immigration and Nationality Act, as amended by section 582. The Secretary may implement such program on a limited pilot program basis before making it fully available to all individuals.

SEC. 591. USE OF EMPLOYMENT ELIGIBILITY VERIFICATION PHOTO TOOL.

An employer who uses the photo matching tool used as part of the E-Verify System shall match the photo tool photograph to—

(1) the photograph on the identity or employment eligibility document provided by the employee; and

(2) the face of the employee submitting the document for employment verification purposes.

SEC. 592. IDENTITY AUTHENTICATION EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROGRAMS.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Homeland Security, after consultation with the Commissioner of Social Security and the Director of the National Institute of Standards and Technology, shall establish, by regulation, not less than 2 identity authentication employment eligibility verification pilot programs (referred to in this section as ''Authentication Pilots''), each of which shall use a separate and distinct technology.

(b) PURPOSE.—The purpose of the Authentication Pilots shall be to provide for identity authentication and employment eligibility verification with respect to enrolled new employees. Such services shall be available to any employer that elects to participate in any of the Authentication Pilots. Any participating employer may cancel the employer's participation in an Authentication Pilot on or after the date that is 1 year after electing to participate without prejudice to future participation.

(c) REPORT.—Not later than 1 year after the commencement of the Authentication Pilots under this section, the Secretary of Homeland Security shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the Secretary's assessment of the effectiveness of the Authentication Pilots; and

(2) the authentication technology chosen for each Authentication Pilot.

SEC. 593. INSPECTOR GENERAL AUDITS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Social Security Administration shall seek to uncover evidence of individuals who are not authorized to work in the United States by completing audits of—

(1) workers who dispute wages reported on their Social Security account number when they believe someone else has used such number and name to report wages;

(2) minor's Social Security account numbers used for work purposes; and

(3) employers whose workers present significant numbers of mismatched Social Security account numbers or names for wage reporting.

(b) SUBMISSION OF FINDING.—The Inspector General of the Social Security Administration shall submit the findings of the audits completed pursuant to subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for review of the evidence of individuals who are not authorized to work in the United States.

(c) INVESTIGATION.—The Chair of each of the congressional committees referred to in subsection (b) shall determine whether the evidence received from the Inspector General pursuant to subsection (b) should be shared with the Secretary of Homeland Security to enable the Secretary to investigate the unauthorized employment demonstrated by such evidence.

SEC. 594. AGRICULTURE WORKFORCE STUDY.

Not later than 3 years after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Agriculture, shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(1) the number of individuals in the agricultural workforce;

(2) the number of United States citizens in the agricultural workforce;

(3) the number of aliens in the agricultural workforce who are authorized to work in the United States;

(4) the number of aliens in the agricultural workforce who are not authorized to work in the United States;

(5) wage growth in each of the previous ten years, disaggregated by agricultural sector;

(6) the percentage of total agricultural industry costs represented by agricultural labor during each of the last 10 years;

(7) the percentage of agricultural costs invested in mechanization during each of the last 10 years; and

(8) recommendations (other than a path to legal status for aliens not authorized to work in the United States) for ensuring that United States agricultural employers have a workforce sufficient to cover industry needs, including recommendations—

(A) to increase investments in mechanization;

(B) to increase the domestic workforce; and

(C) to reform the H–2A nonimmigrant visa program.

SEC. 595. SENSE OF CONGRESS ON FURTHER IMPLEMENTATION.

It is the sense of Congress that in implementing the E-Verify Program, the Secretary of Homeland Security should ensure that any adverse impact on the Nation's agricultural workforce, operations, and food security are considered and addressed.

SEC. 596. REPEALING REGULATIONS.

(a) IN GENERAL.—Congress disapproves the final rules relating to ''Temporary Agricultural Employment of H–2A Nonimmigrants in the United States'' (87 Fed. Reg. 61660 (Oct. 12, 2022)) and to ''Adverse Effect Wage Rate Methodology for the Temporary Employment of H–2A Nonimmigrants in Non-Range Occupations in the United States'' (88 Fed. Reg. 12760 (Feb. 28, 2023)) and such rules shall have no force or effect.

(b) REISSUANCE PROHIBITED.—The rules referred to in subsection (a) may not be reissued in substantially the same form. Any new rules that are substantially the same as such rules may not be issued.

SA 111. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 22 and all that follows through page 11, line 17, and insert the following:

(e) ADDITIONAL SPENDING LIMITS.—For purposes

SA 112. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117–2), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of Public Law 116–260, are hereby permanently rescinded.

SA 113. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike section 265.

SA 114. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. HOSPITAL PRICE TRANSPARENCY REQUIREMENTS.

Section 2718(e) of the Public Health Service Act (42 U.S.C. 300gg–18(e)) is amended—

(1) by striking ''Each hospital'' and inserting the following:

''(1) IN GENERAL.—Each hospital'';

(2) by inserting '', in accordance with paragraph (2)'', after ''for each year''; and

(3) by adding at the end the following:

''(2) TIMING REQUIREMENTS.—

''(A) IN GENERAL.—Each hospital operating in the United States on the date of enactment of the Fiscal Responsibility Act of 2023 shall, not later than 6 months after such date of enactment and every year thereafter, establish (and update) and make public the list under paragraph (1).

''(B) NEWLY OPERATING HOSPITALS.—In the case of a hospital that begins operating in the United States after the date of enactment of the Fiscal Responsibility Act of 2023, the hospital shall comply with the requirements described in subparagraph (A) not later than 6 months after the date on which the hospital begins such operation and every year thereafter.

''(3) PROHIBITION ON SHIELDING INFORMATION.—No hospital may shield the information required under paragraph (1) from online search results through webpage coding.

''(4) CIVIL MONETARY PENALTIES.—

''(A) IN GENERAL.—A hospital that fails to comply with the requirements of this subsection for a year shall be subject to a civil monetary penalty of an amount not to exceed—

''(i) in the case of a hospital with a bed count of 30 or fewer, $600 for each day in which the hospital fails to comply with such requirements;

''(ii) in the case of a hospital with a bed count that is greater than 30 and equal to or fewer than 550, $20 per bed for each day in which the hospital fails to comply with such requirements; or

''(iii) in the case of a hospital with a bed count that is greater than 550, $11,000 for each day in which the hospital fails to comply with such requirements.

''(B) PROCEDURES.—

''(i) IN GENERAL.—Except as otherwise provided in this subsection, a civil monetary penalty under subparagraph (A) shall be imposed and collected in accordance with part 180 of title 45, Code of Federal Regulations (or successor regulations).

''(ii) TIMING.—A hospital shall pay in full a civil monetary penalty imposed on the hospital under subparagraph (A) not later than—

''(I) 60 calendar days after the date on which the Secretary issues a notice of the imposition of such penalty; or

''(II) in the event the hospital requests a hearing pursuant to subpart D of part 180 of title 45, Code of Federal Regulations (or successor regulations), 60 calendar days after the date of a final and binding decision in accordance with such subpart, to uphold, in whole or in part, the civil monetary penalty.

''(5) LIST OF HOSPITALS NOT IN COMPLIANCE.—The Secretary shall publish a list of the name of each hospital that is not in compliance with the requirements under this subsection. Such list shall be published 280 days after the date of enactment of the Fiscal Responsibility Act of 2023 and every 180 days thereafter.''.

SA 115. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPROVING COORDINATION BETWEEN FEDERAL AND STATE AGENCIES AND THE DO NOT PAY WORKING SYSTEM.

(a) IN GENERAL.—Section 205(r) of the Social Security Act (42 U.S.C. 405(r)), as amended by section 801(a) of title VIII of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116–260), is amended by adding at the end the following new paragraph:

''(12) Beginning December 28, 2026, the Commissioner of Social Security shall, to the extent feasible, provide information furnished to the Commissioner under paragraph (1) to the agency operating the Do Not Pay working system described in section 3354(c) of title 31, United States Code, or an agent thereof, to prevent improper payments to deceased individuals through a cooperative arrangement with such agency, provided that the requirements of subparagraphs (A) and (B) of paragraph (3) are met with respect to

such arrangement with such agency. Under such arrangement, the agency operating the Do Not Pay working system, or an agent thereof, may compare the information so provided by the Commissioner with personally identifiable information derived from a Federal system of records or similar records maintained by a Federal contractor, a Federal grantee, or an entity administering a Federal program or activity, and may redisclose such comparison of information, as appropriate, to any paying or administering agency authorized to use the working system.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on December 27, 2023.

SA 116. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. USE OF THE DEATH MASTER FILE AND THE DO NOT PAY WORKING SYSTEM TO MATCH SAVINGS BONDS TO OWNERS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury may access the Death Master File (as such term is defined in section 203(d) of the Bipartisan Budget Act of 2013 (42 U.S.C. 1306c(d))) or the Do Not Pay working system described in section 3354(c) of title 31, United States Code, for the purpose of locating the registered owner of an applicable United States savings bond.

(b) APPLICABLE UNITED STATES SAVINGS BOND.—For purposes of this section, the term ''applicable United States savings bond'' means a United States savings bond that—

(1) is past its date of final maturity;

(2) is—

(A) in paper form; or

(B) is in paperless or electronic form and for which—

(i) there is no designated bank account or routing information; or

(ii) the designated bank account or routing information is incorrect; and

(3) has not been redeemed.

SA 117. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

In title II of division C, add at the end the following:

SEC. 315. DEFINITION OF FOOD UNDER SNAP.

Section 3(k)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(k)(1)) is amended by inserting ''carbonated beverages containing added sugar,'' before ''hot foods''.

SA 118. Ms. LUMMIS submitted an amendment intended to be proposed by her to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. NATIONAL COMMISSION ON FISCAL RESPONSIBILITY AND REFORM.

(a) SHORT TITLE.—This section may be cited as the ''Sustainable Budget Act of 2023''.

(b) ESTABLISHMENT OF COMMISSION.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION.—The term ''Commission'' means the National Commission on Fiscal Responsibility and Reform established under paragraph (2).

(B) FEDERAL AGENCY.—The term ''Federal agency'' means an establishment in the executive, legislative, or judicial branch of the Federal Government.

(2) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, there shall be established within the legislative branch a commission to be known as the National Commission on Fiscal Responsibility and Reform.

(3) MEMBERSHIP.—

(A) COMPOSITION OF COMMISSION.—The Commission shall be composed of 18 members, of whom—

(i) 6 shall be appointed by the President, of whom not more than 3 shall be from the same political party;

(ii) 3 shall be appointed by the majority leader of the Senate, from among current Members of the Senate;

(iii) 3 shall be appointed by the Speaker of the House of Representatives, from among current Members of the House of Representatives;

(iv) 3 shall be appointed by the minority leader of the Senate, from among current Members of the Senate; and

(v) 3 shall be appointed by the minority leader of the House of Representatives, from among current Members of the House of Representatives.

(B) INITIAL APPOINTMENTS.—Not later than 60 days after the date on which the Commission is established, initial appointments to the Commission shall be made.

(C) VACANCY.—A vacancy on the Commission shall be filled in the same manner as the initial appointment.

(4) CO-CHAIRPERSONS.—From among the members appointed under paragraph (3), the President shall designate 2 members, who shall not be of the same political party, to serve as co-chairpersons of the Commission.

(5) QUALIFICATIONS.—Members appointed to the Commission shall have significant depth of experience and responsibilities in matters relating to—

(A) government service;

(B) fiscal policy;

(C) economics;

(D) Federal agency management or private sector management;

(E) public administration; and

(F) law.

(6) DUTIES.—

(A) IN GENERAL.—The Commission shall identify policies to—

(i) improve the fiscal situation of the Federal Government in the medium term; and

(ii) achieve fiscal sustainability of the Federal Government in the long term.

(B) REQUIREMENTS.—In carrying out subparagraph (A), the Commission shall—

(i) propose recommendations designed to balance the budget of the Federal Government, excluding interest payments on the public debt, by the date that is 10 years after the date on which the Commission is established, in order to stabilize the ratio of the public debt to the gross domestic product of the United States at an acceptable level; and

(ii) propose recommendations that meaningfully improve the long-term fiscal outlook of the Federal Government, including changes to address the growth of entitlement spending and the gap between the projected revenues and expenditures of the Federal Government.

(7) REPORTS AND PROPOSED JOINT RESOLUTION.—

(A) IN GENERAL.—

(i) FINAL REPORT.—Not later than 1 year after the date on which all members of the Commission are appointed under paragraph (3), the Commission shall vote on the approval of a final report, which shall contain—

(I) the recommendations required under paragraph (6)(B); and

(II) a proposed joint resolution implementing the recommendations described in subclause (I).

(ii) INTERIM REPORTS.—At any time after the date on which all members of the Commission are appointed and prior to voting on the approval of a final report under clause (i), the Commission may vote on the approval of an interim report containing such recommendations described in subsection paragraph (6)(B) as the Commission may provide.

(B) APPROVAL OF REPORT.—The Commission may only issue a report under this paragraph if—

(i) not less than 12 members of the Commission approve the report; and

(ii) of the members approving the report under clause (i), not less than 4 are members of the same political party to which the Speaker of the House of Representatives belongs and not less than 4 are members of the same political party to which the minority leader of the House of Representatives belongs.

(C) SUBMISSION OF REPORT.—With respect to each report approved under this paragraph, the Commission shall—

(i) submit to Congress the report; and

(ii) make the report available to the public.

(D) PREPARATION OF JOINT RESOLUTION.—

(i) IN GENERAL.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the Commission—

(I) may use the services of the offices of the Legislative Counsel of the Senate and House of Representatives; and

(II) shall consult with the Comptroller General of the United States and the Director of the Congressional Budget Office.

(ii) CONSULTATION WITH COMMITTEES.—In drafting the proposed joint resolution described in subparagraph (A)(i)(II), the co-chairpersons of the Commission, with respect to the contents of the proposed joint resolution, shall consult with—

(I) the chairperson and ranking member of each relevant committee of the Senate and the House of Representatives;

(II) the majority and minority leader of the Senate; and

(III) the Speaker and minority leader of the House of Representatives.

(iii) REQUIREMENTS FOR CONSULTATION.—The consultation required under clause (ii) shall provide the opportunity for each individual described in clause (ii) to provide—

(I) recommendations for alternative means of addressing the recommendations described in subparagraph (A)(i)(I); and

(II) recommendations regarding which recommendations described in subparagraph (A)(i)(I) should not be addressed in the proposed joint resolution.

(iv) RELEVANT COMMITTEES.—For the purpose of this subparagraph, the relevant committees of the Senate and the House of Representatives shall be—

(I) the Committee on Finance of the Senate;

(II) the Committee on Ways and Means of the House of Representatives;

(III) the Committee on Health, Education, Labor, and Pensions of the Senate; and

(IV) the Committee on Energy and Commerce of the House of Representatives.

(8) POWERS OF THE COMMISSION.—

(A) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers

advisable to carry out the duties of the Commission described in paragraph (6).

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out the duties of the Commission described in paragraph (6).

(ii) PROVISION OF INFORMATION.—Upon request from the co-chairpersons of the Commission, the head of a Federal agency shall provide information described in clause (i) to the Commission.

(C) POSTAL SERVICES.—The Commission may use the United States mail in the same manner and under the same conditions as departments and agencies of the Federal Government.

(D) WEBSITE.—

(i) CONTENTS.—The Commission shall establish a website containing—

(I) the recommendations required under paragraph (6)(B); and

(II) the records of attendance of the members of the Commission for each meeting of the Commission.

(ii) DATE OF PUBLICATION.—Not later than 72 hours after the conclusion of a meeting of the Commission, the Commission shall publish a recommendation or record of attendance described under clause (i) that is made or taken at the meeting on the website established under such subparagraph.

(9) ASSISTANCE OF OTHER LEGISLATIVE BRANCH ENTITIES.—As the Commission conducts the work of the Commission—

(A) the Comptroller General shall provide technical assistance to the Commission on findings and recommendations of the Government Accountability Office;

(B) the Director of the Congressional Budget Office shall provide technical assistance to the Commission on findings and recommendations of the Congressional Budget Office; and

(C) the chair of the Joint Committee on Taxation shall provide technical assistance to the Commission on findings and recommendations of the Joint Committee on Taxation.

(10) PERSONNEL MATTERS.—

(A) IN GENERAL.—Members of the Commission shall serve without compensation.

(B) TRAVEL EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the homes or regular places of business of the members in the performance of services for the Commission.

(C) STAFF.—

(i) IN GENERAL.—

(I) APPOINTMENT.—The co-chairpersons of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform the duties of the Commission.

(II) APPROVAL.—The appointment of an executive director under subclause (I) shall be subject to confirmation by the Commission.

(ii) COMPENSATION.—

(I) IN GENERAL.—The co-chairpersons of the Commission may fix the compensation of the executive director and other personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the classification of positions and General Schedule pay rates.

(II) PAY RATE.—The rate of pay for the executive director and other personnel of the Commission may not exceed the rate payable for level V of the Executive Schedule under section 5613 of title 5, United States Code.

(D) DETAIL OF GOVERNMENT EMPLOYEES.—Any employee of the Federal Government may be detailed to the Commission—

(i) without reimbursement; and

(ii) without interruption or loss of civil service status or privilege.

(E) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairpersons of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(11) TERMINATION OF THE COMMISSION.—The Commission shall terminate on the date that is 30 days after the date on which the Commission submits the final report of the Commission under subsection (7)(A)(i).

(12) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to—

(A) impair or otherwise affect—

(i) authority granted by law to a Federal agency or a head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals; or

(B) create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, the departments, agencies, entities, officers, employees, or agents of the United States, or any other person.

(13) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

(B) AVAILABILITY.—Any sums appropriated under subparagraph (A) shall remain available, without fiscal year limitation, until expended.

(14) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(c) SPECIAL MESSAGE OF THE PRESIDENT.—

(1) DEFINITIONS.—In this subsection:

(A) COMMISSION REPORT.—The term ''Commission report'' means the final report of the National Commission on Fiscal Responsibility and Reform described in subsection (b)(7)(A)(i).

(B) SPECIAL MESSAGE.—The term ''special message'' means the special message on the Commission report required under paragraph (2)(A).

(2) SUBMISSION OF SPECIAL MESSAGE.—

(A) IN GENERAL.—Not later than 60 days after the date on which the Commission submits the Commission report to Congress, the President shall submit to Congress a special message on the report.

(B) TRANSMITTAL.—The President shall submit the special message—

(i) to the Secretary of the Senate if the Senate is not in session; and

(ii) to the Clerk of the House of Representatives if the House of Representatives is not in session.

(3) CONTENTS OF SPECIAL MESSAGE.—The special message shall describe the reasons for the support or opposition of the President to the proposed joint resolution contained in the Commission report.

(4) PUBLIC AVAILABILITY.—The President shall—

(A) make a copy of a special message publicly available, including on a website of the President; and

(B) publish in the Federal Register a notice of a special message and information on how the special message can be obtained.

(d) EXPEDITED CONSIDERATION OF PROPOSED JOINT RESOLUTION.—

(1) DEFINITION OF COMMISSION JOINT RESOLUTION.—In this subsection, the term ''Commission joint resolution'' means a joint resolution that consists solely of the text of the proposed joint resolution required to be included in the final report of the Commission under subsection (b)(7)(A)(i)(II).

(2) QUALIFYING LEGISLATION.—Only a Commission joint resolution shall be entitled to expedited consideration under this subsection.

(3) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) INTRODUCTION.—A Commission joint resolution may be introduced in the House of Representatives (by request)—

(i) by the majority leader of the House of Representatives, or by a Member of the House of Representatives designated by the majority leader of the House of Representatives, on the next legislative day after the date on which the Commission approves the final report of the Commission under subsection b(7)(A)(i); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the House of Representatives on any legislative day beginning on the legislative day after the legislative day described in clause (i).

(B) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which a Commission joint resolution is referred shall report the Commission joint resolution to the House of Representatives without amendment not later than 10 legislative days after the date on which the Commission joint resolution was so referred. If a committee of the House of Representatives fails to report a Commission joint resolution within that period, it shall be in order to move that the House of Representatives discharge the committee from further consideration of the Commission joint resolution. Such a motion shall not be in order after the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or after the House of Representatives has disposed of a motion to discharge the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion, except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House of Representatives shall proceed immediately to consider the Commission joint resolution in accordance with subparagraphs (C) and (D). A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) PROCEEDING TO CONSIDERATION.—After the last committee authorized to consider a Commission joint resolution reports it to the House of Representatives or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the Commission joint resolution in the House of Representatives. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed with respect to the Commission joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(D) CONSIDERATION.—The Commission joint resolution shall be considered as read. All points of order against the Commission joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the Commission joint resolution to its passage without intervening motion, except 2 hours of debate equally divided and controlled by the proponent and an opponent and 1 motion to limit debate on the

Commission joint resolution. A motion to reconsider the vote on passage of the Commission joint resolution shall not be in order.

(E) VOTE ON PASSAGE.—The vote on passage of the Commission joint resolution shall occur not later than 3 legislative days after the date on which the last committee authorized to consider the Commission joint resolution reports it to the House of Representatives or is discharged.

(4) EXPEDITED PROCEDURE IN THE SENATE.—

(A) INTRODUCTION IN THE SENATE.—A Commission joint resolution may be introduced in the Senate (by request)—

(i) by the majority leader of the Senate, or by a Member of the Senate designated by the majority leader of the Senate, on the next legislative day after the date on which the President submits the proposed joint resolution under subsection (c)(2); or

(ii) if the Commission joint resolution is not introduced under clause (i), by any Member of the Senate on any day on which the Senate is in session beginning on the day after the day described in clause (i).

(B) COMMITTEE CONSIDERATION.—A Commission joint resolution introduced in the Senate under subparagraph (A) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the Commission joint resolution without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 10 session days after the date on which the Commission joint resolution was so referred. If any committee to which a Commission joint resolution is referred fails to report the Commission joint resolution within that period, that committee shall be automatically discharged from consideration of the Commission joint resolution, and the Commission joint resolution shall be placed on the appropriate calendar.

(C) PROCEEDING.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Commission joint resolution is reported or discharged from all committees to which the Commission joint resolution was referred, for the majority leader of the Senate or the designee of the majority leader to move to proceed to the consideration of the Commission joint resolution. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the Commission joint resolution at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Commission joint resolution are waived. The motion to proceed shall not be debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Commission joint resolution is agreed to, the Commission joint resolution shall remain the unfinished business until disposed of. All points of order against a Commission joint resolution and against consideration of the Commission joint resolution are waived.

(D) NO AMENDMENTS.—An amendment to a Commission joint resolution, a motion to postpone, a motion to proceed to the consideration of other business, or a motion to recommit the Commission joint resolution, is not in order.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Commission joint resolution shall be decided without debate.

(5) AMENDMENT.—A Commission joint resolution shall not be subject to amendment in either the Senate or the House of Representatives.

(6) CONSIDERATION BY THE OTHER HOUSE.—

(A) IN GENERAL.—If, before passing a Commission joint resolution, a House receives from the other House a Commission joint resolution of the other House—

(i) the Commission joint resolution of the other House shall not be referred to a committee; and

(ii) the procedure in the receiving House shall be the same as if no Commission joint resolution had been received from the other House until the vote on passage, when the Commission joint resolution received from the other House shall supplant the Commission joint resolution of the receiving House.

(B) REVENUE MEASURES.—This paragraph shall not apply to the House of Representatives if a Commission joint resolution received from the Senate is a revenue measure.

(7) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

(A) TREATMENT OF COMMISSION JOINT RESOLUTION OF OTHER HOUSE.—If a Commission joint resolution is not introduced in the Senate or the Senate fails to consider a Commission joint resolution under this section, the Commission joint resolution of the House of Representatives shall be entitled to expedited floor procedures under this section.

(B) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If, following passage of a Commission joint resolution in the Senate, the Senate receives from the House of Representatives a Commission joint resolution, the House-passed Commission joint resolution shall not be debatable. The vote on passage of the Commission joint resolution in the Senate shall be considered to be the vote on passage of the Commission joint resolution received from the House of Representatives.

(C) VETOES.—If the President vetoes a Commission joint resolution, consideration of a veto message in the Senate under this subparagraph shall be 10 hours equally divided between the majority and minority leaders of the Senate or the designees of the majority and minority leaders of the Senate.

(8) EXERCISE OF RULEMAKING POWER.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and, as such—

(i) it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Commission joint resolution; and

(ii) it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SA 119. Mr. RISCH (for himself and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ZERO-BASED BUDGETS.

(a) DEFINITION.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given the term in section 551 of title 5, United States Code.

(2) ZERO-BASED BUDGET.—The term ''zero-based budget'' means a systematic budget analysis in support of decision making in which managers—

(A) examine current objectives, operations, and costs;

(B) consider alternative ways of carrying out a program or activity; and

(C) rank different programs or activities by order of importance to the organization.

(b) ZERO-BASED BUDGETS.—Every sixth year, each agency shall submit to the Director of the Office of Management and Budget and the Committee on the Budget of the Senate and the Committee on the Budget of the House of Representatives a zero-based budget for the next fiscal year and each of the 4 ensuing fiscal years.

(c) RECOMMENDATIONS.—In addition to the zero-based budget required under subsection (b), each agency, except the Department of Defense and the National Nuclear Security Administration shall submit recommendations for which programs Congress should cut or reduce appropriations in an amount that equals not less than a 2-percent reduction from the previous year appropriation in discretionary spending.

SA 120. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 5, strike lines 15 through 21 and insert the following:

''(A) for the revised security category, $900,600,000,000 in new budget authority; and

''(B) for the revised nonsecurity category; $703,651,000,000 in new budget authority; and

''(10) for fiscal year 2025—

''(A) for the revised security category, $944,700,000,000 in new budget authority; and

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SA 121. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end of title I of division A, the following:

SEC. 104. DEPARTMENT OF THE NAVY SHIPBUILDING REAL GROWTH.

Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901), as amended by section 101 of this division, is amended—

(1) in paragraph (9)(A), by inserting '', and an additional $3,200,000,000 in new budget authority for the Shipbuilding and Conversion, Navy account'' before the semicolon; and

(2) in paragraph (10)(A), by inserting '', and an additional $3,500,000,000 in new budget authority for the Shipbuilding and Conversion, Navy account'' before the semicolon.

SA 122. Mr. GRAHAM (for himself and Mr. SULLIVAN) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 12, line 15, strike ''paragraph (2),'' and all that follows through ''For the revised non-security'' on line 24 and insert ''paragraph (2), for the revised nonsecurity''.

On page 14, line 1, strike ''applicable'' and all that follows through ''such limits'' on line 5 and insert ''discretionary spending limit under paragraph (1) shall have no force or effect, and the discretionary spending limit for the revised nonsecurity category for the applicable fiscal year shall be such limit''.

On page 14, line 16, strike ''paragraph (2),'' and all that follows through line 22 and insert ''paragraph (2), for the revised nonsecurity category, the amount calculated for such category in subsection (d)(1).''.

On page 15, line 18, strike ''applicable'' and all that follows through ''such limits'' on line 22 and insert ''discretionary spending limit under paragraph (1) shall have no force or effect, and the discretionary spending limit for the revised nonsecurity category for the applicable fiscal year shall be such limit''.

SA 123. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 3101(b) of title 31, United States Code, shall not apply for the period—

(1) beginning on the date of enactment of this Act; and

(2) ending on the date that is 90 days after the date of enactment of this Act.

(b) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING EXTENSION PERIOD.—Effective on the day after the date described in subsection (a)(2), the limitation in effect under section 3101(b) of title 31, United States Code, shall be increased to the extent that—

(1) the face amount of obligations issued under chapter 31 of such title and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the date described in subsection (a)(2); exceeds

(2) the face amount of such obligations outstanding on the date of enactment of this Act.

(c) EXTENSION LIMITED TO NECESSARY OBLIGATIONS.—An obligation shall not be taken into account under subsection (b)(1) unless the issuance of such obligation was necessary to fund a commitment incurred pursuant to law by the Federal Government that required payment on or before the date described in subsection (a)(2).

SA 124. Mr. GRAHAM (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FINDINGS AND SENSE OF CONGRESS ON PROVISION OF SECURITY ASSISTANCE TO UKRAINE.

(a) FINDINGS.—Congress finds the following:

(1) The Russian Federation has failed to abide by the Belovezh Accords (also known as the ''Minsk Agreement''), signed in Minsk, Belarus, on December 8, 1991, by the leaders of the Russian Federation, Ukraine, and the Republic of Belarus, in which those leaders agreed to have ''respect for state sovereignty'' and renounce ''the use of force and of economic or any other methods of coercion''.

(2) The Russian Federation has failed to honor its commitment under the Memorandum on security assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Budapest, Hungary, December 5, 1994, in which the Russian Federation agreed to respect the sovereignty of Ukraine in exchange for the removal of nuclear weapons from Ukraine.

(3) The Russian Federation illegally annexed Crimea in 2014 and forces backed by the Russian Federation continue to occupy Eastern Ukraine.

(4) The further invasion of Ukraine by the Russian Federation that began in 2022—

(A) threatens the safety, security, and sovereignty of Ukraine;

(B) is destabilizing to the region; and

(C) poses a risk to the economy of Ukraine and may deter future investments in Ukraine by foreign countries.

(5) Through the invasion, the Russian Federation has indiscriminately attacked civilian targets, resulting in the death of at least 8,490 civilians and injury of at least 14,244 civilians, and has made thinly veiled threats to impose additional death and destruction on members of the North Atlantic Treaty Organization (NATO) if the Russian Federation so desires.

(6) In May 2023, the Russian Federation announced it was moving ahead with a plan to deploy tactical nuclear weapons to the Republic of Belarus, which would be the first deployment by the Russian Federation of such weapons outside of Russia since 1991.

(7) The security assistance provided by the United States has been used to maximum effect and allowed Ukraine to fight back against the Russian Federation's unprovoked invasion of the sovereign territory of Ukraine.

(8) It is imperative to continue to provide security assistance to Ukraine at this crucial inflection point in the war as Ukraine prepares to launch its counteroffensive against the Russian Federation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress—

(1) affirms it is in the national security interest of the United States to provide security assistance to Ukraine and calls on the United States Government to continue to provide such assistance to ensure the sovereign territory of Ukraine is liberated from the Russian Federation and its proxy forces;

(2) supports providing additional funding to Ukraine through future supplemental packages to ensure Ukraine has the resources it needs to ensure and sustain its liberation from the Russian Federation; and

(3) calls on Congress to appropriate all funds needed to increase the production of and replenish United States inventories that have been provided to Ukraine.

SA 125. Mr. SULLIVAN proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

On page 5, line 16, strike ''$886,349,000,000'' and insert ''$904,779,000,000''.

On page 5, line 21, strike ''$895,212,000,000'' and insert ''$950,017,950,000''.

On page 53, line 22, strike ''$1,389,525,000'' and insert ''$74,625,475,000''.

SA 126. Mr. LANKFORD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—PREVENTING GOVERNMENT SHUTDOWNS

SEC. 501. SHORT TITLE.

This division may be cited as the ''Prevent Government Shutdowns Act of 2023''.

SEC. 502. AUTOMATIC CONTINUING APPROPRIATIONS.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by adding at the end the following:

''§ 1311. Automatic continuing appropriations

''(a)(1)(A) On and after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity, there are appropriated such sums as may be necessary to continue, at the rate for operations specified in subparagraph (C), the program, project, or activity if funds were provided for the program, project, or activity during the preceding fiscal year.

''(B)(i) Appropriations and funds made available and authority granted under subparagraph (A) shall be available for a period of 14 days.

''(ii) If, at the end of the first 14-day period during which appropriations and funds are made available and authority is granted under subparagraph (A), and the end of every 14-day period thereafter, an appropriation Act for such fiscal year with respect to the account for a program, project, or activity has not been enacted and continuing appropriations are not in effect with respect to the program, project, or activity under a provision of law other than subparagraph (A), the appropriations and funds made available and authority granted under subparagraph (A) during the 14-day period shall be extended for an additional 14-day period.

''(C)(i) Except as provided in clause (ii), the rate for operations specified in this subparagraph with respect to a program, project, or activity is the rate for operations for the preceding fiscal year for the program, project, or activity—

''(I) provided in the corresponding appropriation Act for such preceding fiscal year;

''(II) if the corresponding appropriation bill for such preceding fiscal year was not enacted, provided in the law providing continuing appropriations for such preceding fiscal year; or

''(III) if the corresponding appropriation bill and a law providing continuing appropriations for such preceding fiscal year were not enacted, provided under this section for such preceding fiscal year.

''(ii) For entitlements and other mandatory payments whose budget authority was provided for the previous fiscal year in appropriations Acts, under a law other than this section providing continuing appropriations for such previous year, or under this section, and for activities under the Food and Nutrition Act of 2008, appropriations and funds made available during a fiscal year under this section shall be at the rate necessary to maintain program levels under current law, under the authority and conditions provided in the applicable appropriations Act.

''(2) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available, in accordance with paragraph (1)(B), for the period—

''(A) beginning on the first day of any lapse in appropriations during such fiscal year; and

''(B) ending on the date of enactment of an appropriation Act for such fiscal year with respect to the account for such program, project, or activity (whether or not such Act provides appropriations for such program, project, or activity) or a law making continuing appropriations for the program, project, or activity, as applicable.

''(3) Notwithstanding section 251(a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(1)) and the timetable in section 254(a) of such Act (2 U.S.C. 904(a)), for any fiscal year for which appropriations and funds are made available under this section, the final sequestration report for such fiscal year pursuant to section 254(f)(1) of such Act (2 U.S.C. 904(f)(1)) and any order for such fiscal year pursuant to section 254(f)(5) of such Act (2 U.S.C. 901(f)(5)) shall be issued—

''(A) for the Congressional Budget Office, 10 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted; and

''(B) for the Office of Management and Budget, 15 days after the date on which appropriation Acts providing funding for the entire Federal Government through the end of such fiscal year have been enacted.

''(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

''(c) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever an appropriation Act for such fiscal year with respect to the account for a program, project, or activity or a law making continuing appropriations until the end of such fiscal year for such program, project, or activity is enacted.

''(d) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 13 of title 31, United States Code, is amended by adding at the end the following:

''1311. Automatic continuing appropriations.''.

SEC. 503. TIMELY ENACTMENT OF APPROPRIATION ACTS.

(a) DEFINITIONS.—In this section—

(1) the term ''covered officer or employee'' means—

(A) an officer or employee of the Office of Management and Budget;

(B) a Member of Congress; or

(C) an employee of the personal office of a Member of Congress, a committee of either House of Congress, or a joint committee of Congress;

(2) the term ''covered period''—

(A) means any period of automatic continuing appropriations; and

(B) with respect to the legislative branch—

(i) does not include any period of automatic continuing appropriations that occurs during the period—

(I) beginning at the time at which general appropriations Acts providing funding for the entire Federal Government (including an appropriation Act providing continuing funding) have been enacted or passed in identical form by both Houses and transmitted to Secretary of the Senate or Clerk of the House for enrollment and presentment to the President for his signature; and

(II) ending at the time at which 1 or more general appropriations Acts—

(aa) are vetoed by the President; or

(bb) do not become law without the President's signature under article I, section 7 of the Constitution of the United States based on an adjournment of the Congress; and

(ii) includes any period of automatic continuing appropriations that is not a period described in clause (i) and that follows a veto or a failure to become law (as described in item (bb) of clause (i)(II)) of 1 or more general appropriations Acts;

(3) the term ''Member of Congress'' has the meaning given that term in section 2106 of title 5, United States Code;

(4) the term ''National Capital Region'' has the meaning given that term in section 8702 of title 40, United States Code; and

(5) the term ''period of automatic continuing appropriations'' means a period during which automatic continuing appropriations under section 1311 of title 31, United States Code, as added by section 502 of this division, are in effect with respect to 1 or more programs, projects, or activities.

(b) LIMITS ON TRAVEL EXPENDITURES.—

(1) LIMITS ON OFFICIAL TRAVEL.—

(A) LIMITATION.—Except as provided in subparagraph (B), no amounts may be obligated or expended for official travel by a covered officer or employee during a covered period.

(B) EXCEPTIONS.—

(i) RETURN TO DC.—If a covered officer or employee is away from the seat of Government on the date on which a covered period begins, funds may be obligated and expended for official travel for a single return trip to the seat of Government by the covered officer or employee.

(ii) TRAVEL IN NATIONAL CAPITAL REGION.—During a covered period, amounts may be obligated and expended for official travel by a covered officer or employee from one location in the National Capital Region to another location in the National Capital Region.

(iii) NATIONAL SECURITY EVENTS.—During a covered period, if a national security event that triggers a continuity of operations or continuity of Government protocol occurs, amounts may be obligated and expended for official travel by a covered officer or employee for any official travel relating to responding to the national security event or implementing the continuity of operations or continuity of Government protocol.

(2) RESTRICTION ON USE OF CAMPAIGN FUNDS.—Section 313 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30114) is amended—

(A) in subsection (a)(2), by striking ''for ordinary'' and inserting ''except as provided in subsection (d), for ordinary''; and

(B) by adding at the end the following:

''(d) RESTRICTION ON USE OF CAMPAIGN FUNDS FOR OFFICIAL TRAVEL DURING AUTOMATIC CONTINUING APPROPRIATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), during a covered period (as defined in section 503 of the Prevent Government Shutdowns Act of 2023), a contribution or donation described in subsection (a) may not be obligated or expended for travel in connection with duties of the individual as a holder of Federal office.

''(2) RETURN TO DC.—If the individual is away from the seat of Government on the date on which a covered period (as so defined) begins, a contribution or donation described in subsection (a) may be obligated and expended for travel by the individual to return to the seat of Government.''.

(c) PROCEDURES IN THE SENATE AND HOUSE OF REPRESENTATIVES.—

(1) IN GENERAL.—During a covered period, in the Senate and the House of Representatives—

(A) it shall not be in order to move to proceed to any matter except for—

(i) a measure making appropriations for the fiscal year during which the covered period begins;

(ii) any motion required to determine the presence of or produce a quorum; or

(iii) on and after the 30th calendar day after the first day of a covered period—

(I) the nomination of an individual—

(aa) to a position at level I of the Executive Schedule under section 5312 of title 5, United States Code; or

(bb) to serve as Chief Justice of the United States or an Associate Justice of the Supreme Court of the United States; or

(II) a measure extending the period during which a program, project, or activity is authorized to be carried out (without substantive change to the program, project, or activity or any other program, project, or activity) if—

(aa) an appropriation Act with respect to the program, project, or activity for the fiscal year during which the covered period occurs has not been enacted; and

(bb) the program, project, or activity has expired since the beginning of such fiscal year or will expire during the 30-day period beginning on the date of the motion;

(B) it shall not be in order to move to recess or adjourn for a period of more than 23 hours; and

(C) at noon each day, or immediately following any constructive convening of the Senate under rule IV, paragraph 2 of the Standing Rules of the Senate, the Presiding Officer shall direct the clerk to determine whether a quorum is present.

(2) WAIVER.—

(A) LIMITATION ON PERIOD.—It shall not be in order in the Senate or the House of Representatives to move to waive any provision of paragraph (1) for a period that is longer than 7 days.

(B) SUPERMAJORITY VOTE.—A provision of paragraph (1) may only be waived or suspended upon an affirmative vote of two-thirds of the Members of the applicable House of Congress, duly chosen and sworn.

(d) MOTION TO PROCEED TO APPROPRIATIONS.—

(1) IN GENERAL.—On and after the 30th calendar day after the first day of each fiscal year, if an appropriation Act for such fiscal year with respect to a program, project, or activity has not been enacted, it shall be in order in the Senate, notwithstanding rule XXII or any pending executive measure or matter, to move to proceed to any appropriations bill or joint resolution for the program, project, or activity that has been sponsored and cosponsored by not less than 3 Senators who are members of or caucus with the party in the majority in the Senate and not less than 3 Senators who are members of or caucus with the party in the minority in the Senate.

(2) CONSIDERATION.—For a bill or joint resolution described in paragraph (1)—

(A) the bill or joint resolution may be considered the same day as it is introduced and shall not have to lie over 1 day; and

(B) the motion to proceed to the bill or joint resolution shall be debatable for not to exceed 6 hours, equally divided between the proponents and opponents of the motion, and upon the use or yielding back of time, the Senate shall vote on the motion to proceed.

SEC. 504. BUDGETARY EFFECTS.

(a) CLASSIFICATION OF BUDGETARY EFFECTS.—The budgetary effects of this division and the amendments made by this division shall be estimated as if this division and the amendments made by this division are discretionary appropriations Acts for purposes of section 251 of the Balanced Budget

and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) BASELINE.—For purposes of calculating the baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907), the provision of budgetary resources under section 1311 of title 31, United States Code, as added by this division, for an account shall be considered to be a continuing appropriation in effect for such account for less than the entire current year.

(c) ENFORCEMENT OF DISCRETIONARY SPENDING LIMITS.—For purposes of enforcing the discretionary spending limits under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)), the budgetary resources made available under section 1311 of title 31, United States Code, as added by this division, shall be considered part-year appropriations for purposes of section 251(a)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(4)).

SEC. 505. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on September 30, 2023.

SA 127. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title IV of division B and insert the following:

TITLE IV—NULLIFICATION AND LIMITATION RELATED TO FEDERAL STUDENT LOANS

SEC. 271. NULLIFICATION OF CERTAIN EXECUTIVE ACTIONS AND RULES RELATING TO FEDERAL STUDENT LOANS.

(a) IN GENERAL.—The following shall have no force or effect:

(1) The waivers and modifications of statutory and regulatory provisions relating to an extension of the suspension of payments on certain loans and waivers of interest on such loans under section 3513 of the CARES Act (20 U.S.C. 1001 note)—

(A) described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61513 et seq.); and

(B) issued on or after the date of enactment of this Act.

(2) The modifications of statutory and regulatory provisions relating to debt discharge described by the Department of Education in the Federal Register on October 12, 2022 (87 Fed. Reg. 61514).

(3) A final rule that is substantially similar to the proposed rule on ''Improving Income-Driven Repayment for the William D. Ford Federal Direct Loan Program'' published by the Department of Education in the Federal Register on January 11, 2023 (88 Fed. Reg. 1894 et seq.).

(b) PROHIBITION.—The Secretary of Education may not implement any executive action or rule specified in paragraph (1), (2), or (3) of subsection (a) (or a substantially similar executive action or rule), except as expressly authorized by an Act of Congress.

SEC. 272. LIMITATION ON AUTHORITY OF SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.

Part G of title IV of the Higher Education Act of 1965 (20 U.S.C. 1088 et seq.) is amended by inserting after section 492 the following:

''SEC. 492A. LIMITATION ON AUTHORITY OF THE SECRETARY TO PROPOSE OR ISSUE REGULATIONS AND EXECUTIVE ACTIONS.

''(a) DRAFT REGULATIONS.—Beginning after the date of enactment of this section, a draft regulation implementing this title (as described in section 492(b)(1)) that is determined by the Secretary to be economically significant shall be subject to the following requirements (regardless of whether negotiated rulemaking occurs):

''(1) The Secretary shall determine whether the draft regulation, if implemented, would result in an increase in a subsidy cost resulting from a loan modification.

''(2) If the Secretary determines under paragraph (1) that the draft regulation would result in an increase in a subsidy cost resulting from a loan modification, then the Secretary may take no further action with respect to such regulation.

''(b) PROPOSED OR FINAL REGULATIONS AND EXECUTIVE ACTIONS.—Notwithstanding any other provision of law, beginning after the date of enactment of this section, the Secretary may not issue a proposed rule, final regulation, or executive action implementing this title if the Secretary determines that the rule, regulation, or executive action—

''(1) is economically significant; and

''(2) would result in an increase in a subsidy cost resulting from a loan modification.

''(c) RELATIONSHIP TO OTHER REQUIREMENTS.—The analyses required under subsections (a) and (b) shall be in addition to any other cost analysis required under law for a regulation implementing this title, including any cost analysis that may be required pursuant to Executive Order 12866 (58 Fed. Reg. 51735; relating to regulatory planning and review), Executive Order 13563 (76 Fed. Reg. 3821; relating to improving regulation and regulatory review), or any related or successor orders.

''(d) DEFINITION.—In this section, the term 'economically significant', when used with respect to a draft, proposed, or final regulation or executive action, means that the regulation or executive action is likely, as determined by the Secretary—

''(1) to have an annual effect on the economy of $100,000,000 or more; or

''(2) adversely to affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.''.

SA 128. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

In division C, in section 311(b)(2), insert ''paragraphs (2), (3), and (4) of'' before ''subsection (a)''.

SA 129. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division C and insert the following:

TITLE III—INCREASING AMERICAN ENERGY PRODUCTION, EXPORTS, INFRASTRUCTURE, AND CRITICAL MINERALS PROCESSING

SEC. 321. SECURING AMERICA'S CRITICAL MINERALS SUPPLY.

(a) AMENDMENT TO THE DEPARTMENT OF ENERGY ORGANIZATION ACT.—The Department of Energy Organization Act (42 U.S.C. 7101 et seq.) is amended—

(1) in section 2, by adding at the end the following:

''(d) As used in sections 102(20) and 203(a)(12), the term 'critical energy resource' means any energy resource—

''(1) that is essential to the energy sector and energy systems of the United States; and

''(2) the supply chain of which is vulnerable to disruption.'';

(2) in section 102, by adding at the end the following:

''(20) To ensure there is an adequate and reliable supply of critical energy resources that are essential to the energy security of the United States.''; and

(3) in section 203(a), by adding at the end the following:

''(12) Functions that relate to securing the supply of critical energy resources, including identifying and mitigating the effects of a disruption of such supply on—

''(A) the development and use of energy technologies; and

''(B) the operation of energy systems.''.

(b) SECURING CRITICAL ENERGY RESOURCE SUPPLY CHAINS.—

(1) IN GENERAL.—In carrying out the requirements of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), the Secretary of Energy, in consultation with the appropriate Federal agencies, representatives of the energy sector, States, and other stakeholders, shall—

(A) conduct ongoing assessments of—

(i) energy resource criticality based on the importance of critical energy resources to the development of energy technologies and the supply of energy;

(ii) the critical energy resource supply chain of the United States;

(iii) the vulnerability of such supply chain; and

(iv) how the energy security of the United States is affected by the reliance of the United States on importation of critical energy resources;

(B) facilitate development of strategies to strengthen critical energy resource supply chains in the United States, including by—

(i) diversifying the sources of the supply of critical energy resources; and

(ii) increasing domestic production, separation, and processing of critical energy resources;

(C) develop substitutes and alternatives to critical energy resources; and

(D) improve technology that reuses and recycles critical energy resources.

(2) REPORT.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary of Energy shall submit to Congress a report containing—

(A) the results of the ongoing assessments conducted under paragraph (1)(A);

(B) a description of any actions taken pursuant to the Department of Energy Organization Act to mitigate potential effects of critical energy resource supply chain disruptions on energy technologies or the operation of energy systems; and

(C) any recommendations relating to strengthening critical energy resource supply chains that are essential to the energy security of the United States.

(3) CRITICAL ENERGY RESOURCE DEFINED.—In this section, the term ''critical energy resource'' has the meaning given such term in section 2 of the Department of Energy Organization Act (42 U.S.C. 7101).

SEC. 322. PROTECTING AMERICAN ENERGY PRODUCTION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that States should maintain primacy for the regulation of hydraulic fracturing for oil and natural gas production on State and private lands.

(b) PROHIBITION ON DECLARATION OF A MORATORIUM ON HYDRAULIC FRACTURING.—Notwithstanding any other provision of law, the President may not declare a moratorium on the use of hydraulic fracturing unless such

moratorium is authorized by an Act of Congress.

SEC. 323. RESEARCHING EFFICIENT FEDERAL IMPROVEMENTS FOR NECESSARY ENERGY REFINING.

Not later than 90 days after the date of enactment of this section, the Secretary of Energy shall direct the National Petroleum Council to—

(1) submit to the Secretary of Energy and Congress a report containing—

(A) an examination of the role of petrochemical refineries located in the United States and the contributions of such petrochemical refineries to the energy security of the United States, including the reliability of supply in the United States of liquid fuels and feedstocks, and the affordability of liquid fuels for consumers in the United States;

(B) analyses and projections with respect to—

(i) the capacity of petrochemical refineries located in the United States;

(ii) opportunities for expanding such capacity; and

(iii) the risks to petrochemical refineries located in the United States;

(C) an assessment of any Federal or State executive actions, regulations, or policies that have caused or contributed to a decline in the capacity of petrochemical refineries located in the United States; and

(D) any recommendations for Federal agencies and Congress to encourage an increase in the capacity of petrochemical refineries located in the United States; and

(2) make publicly available the report submitted under paragraph (1).

SEC. 324. PROMOTING CROSS-BORDER ENERGY INFRASTRUCTURE.

(a) AUTHORIZATION OF CERTAIN ENERGY INFRASTRUCTURE PROJECTS AT AN INTERNATIONAL BOUNDARY OF THE UNITED STATES.—

(1) AUTHORIZATION.—Except as provided in paragraph (3) and subsection (d), no person may construct, connect, operate, or maintain a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity, across an international border of the United States without obtaining a certificate of crossing for the border-crossing facility under this subsection.

(2) CERTIFICATE OF CROSSING.—

(A) REQUIREMENT.—Not later than 120 days after final action is taken, by the relevant official or agency identified under subparagraph (B), under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a border-crossing facility for which a person requests a certificate of crossing under this subsection, the relevant official or agency, in consultation with appropriate Federal agencies, shall issue a certificate of crossing for the border-crossing facility unless the relevant official or agency finds that the construction, connection, operation, or maintenance of the border-crossing facility is not in the public interest of the United States.

(B) RELEVANT OFFICIAL OR AGENCY.—The relevant official or agency referred to in subparagraph (A) is—

(i) the Federal Energy Regulatory Commission with respect to border-crossing facilities consisting of oil or natural gas pipelines; and

(ii) the Secretary of Energy with respect to border-crossing facilities consisting of electric transmission facilities.

(C) ADDITIONAL REQUIREMENT FOR ELECTRIC TRANSMISSION FACILITIES.—In the case of a request for a certificate of crossing for a border-crossing facility consisting of an electric transmission facility, the Secretary of Energy shall require, as a condition of issuing the certificate of crossing under subparagraph (A), that the border-crossing facility be constructed, connected, operated, or maintained consistent with all applicable policies and standards of—

(i) the Electric Reliability Organization and the applicable regional entity; and

(ii) any Regional Transmission Organization or Independent System Operator with operational or functional control over the border-crossing facility.

(3) EXCLUSIONS.—This subsection shall not apply to any construction, connection, operation, or maintenance of a border-crossing facility for the import or export of oil or natural gas, or the transmission of electricity—

(A) if the border-crossing facility is operating for such import, export, or transmission as of the date of enactment of this section;

(B) if a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance has been issued pursuant to any provision of law or Executive order; or

(C) if an application for a Presidential permit (or similar permit) for the construction, connection, operation, or maintenance is pending on the date of enactment of this section, until the earlier of—

(i) the date on which such application is denied; or

(ii) two years after the date of enactment of this section, if such a permit has not been issued by such date of enactment.

(4) EFFECT OF OTHER LAWS.—

(A) APPLICATION TO PROJECTS.—Nothing in this subsection or subsection (d) shall affect the application of any other Federal statute to a project for which a certificate of crossing for a border-crossing facility is requested under this subsection.

(B) NATURAL GAS ACT.—Nothing in this subsection or subsection (d) shall affect the requirement to obtain approval or authorization under sections 3 and 7 of the Natural Gas Act for the siting, construction, or operation of any facility to import or export natural gas.

(C) OIL PIPELINES.—Nothing in this subsection or subsection (d) shall affect the authority of the Federal Energy Regulatory Commission with respect to oil pipelines under section 60502 of title 49, United States Code.

(b) TRANSMISSION OF ELECTRIC ENERGY TO CANADA AND MEXICO.—

(1) REPEAL OF REQUIREMENT TO SECURE ORDER.—Section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) STATE REGULATIONS.—Section 202(f) of the Federal Power Act (16 U.S.C. 824a(f)) is amended by striking ''insofar as such State regulation does not conflict with the exercise of the Commission's powers under or relating to subsection 202(e)''.

(B) SEASONAL DIVERSITY ELECTRICITY EXCHANGE.—Section 602(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–4(b)) is amended by striking ''the Commission has conducted hearings and made the findings required under section 202(e) of the Federal Power Act'' and all that follows through the period at the end and inserting ''the Secretary has conducted hearings and finds that the proposed transmission facilities would not impair the sufficiency of electric supply within the United States or would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of the Secretary.''.

(c) NO PRESIDENTIAL PERMIT REQUIRED.—No Presidential permit (or similar permit) shall be required pursuant to any provision of law or Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof.

(d) MODIFICATIONS TO EXISTING PROJECTS.—No certificate of crossing under subsection (a), or Presidential permit (or similar permit), shall be required for a modification to—

(1) an oil or natural gas pipeline or electric transmission facility that is operating for the import or export of oil or natural gas or the transmission of electricity as of the date of enactment of this section;

(2) an oil or natural gas pipeline or electric transmission facility for which a Presidential permit (or similar permit) has been issued pursuant to any provision of law or Executive order; or

(3) a border-crossing facility for which a certificate of crossing has previously been issued under subsection (a).

(e) PROHIBITION ON REVOCATION OF PRESIDENTIAL PERMITS.—Notwithstanding any other provision of law, the President may not revoke a Presidential permit (or similar permit) issued pursuant to Executive Order No. 13337 (3 U.S.C. 301 note), Executive Order No. 11423 (3 U.S.C. 301 note), Executive Order No. 12038 (43 Fed. Reg. 4957), Executive Order No. 10485 (18 Fed. Reg. 5397), or any other Executive order for the construction, connection, operation, or maintenance of an oil or natural gas pipeline or electric transmission facility, or any border-crossing facility thereof, unless such revocation is authorized by an Act of Congress.

(f) EFFECTIVE DATE; RULEMAKING DEADLINES.—

(1) EFFECTIVE DATE.—Subsections (a) through (d), and the amendments made by such subsections, shall take effect on the date that is 1 year after the date of enactment of this section.

(2) RULEMAKING DEADLINES.—Each relevant official or agency described in subsection (a)(2)(B) shall—

(A) not later than 180 days after the date of enactment of this section, publish in the Federal Register notice of a proposed rulemaking to carry out the applicable requirements of subsection (a); and

(B) not later than 1 year after the date of enactment of this section, publish in the Federal Register a final rule to carry out the applicable requirements of subsection (a).

(g) DEFINITIONS.—In this section:

(1) BORDER-CROSSING FACILITY.—The term ''border-crossing facility'' means the portion of an oil or natural gas pipeline or electric transmission facility that is located at an international boundary of the United States.

(2) MODIFICATION.—The term ''modification'' includes a reversal of flow direction, change in ownership, change in flow volume, addition or removal of an interconnection, or an adjustment to maintain flow (such as a reduction or increase in the number of pump or compressor stations).

(3) NATURAL GAS.—The term ''natural gas'' has the meaning given that term in section 2 of the Natural Gas Act (15 U.S.C. 717a).

(4) OIL.—The term ''oil'' means petroleum or a petroleum product.

(5) ELECTRIC RELIABILITY ORGANIZATION; REGIONAL ENTITY.—The terms ''Electric Reliability Organization'' and ''regional entity'' have the meanings given those terms in section 215 of the Federal Power Act (16 U.S.C. 824o).

(6) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms ''Independent System Operator'' and ''Regional Transmission Organization'' have the meanings given those terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 325. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE REVOCATION OF THE PRESIDENTIAL PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) FINDINGS.—Congress finds the following:

(1) On March 29, 2019, TransCanada Keystone Pipeline, L.P., was granted a Presidential permit to construct, connect, operate, and maintain the Keystone XL pipeline.

(2) On January 20, 2021, President Biden issued Executive Order No. 13990 (86 Fed. Reg. 7037) that revoked the March 2019 Presidential permit for the Keystone XL.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the revocation by President Biden of the Presidential permit for the Keystone XL pipeline.

SEC. 326. SENSE OF CONGRESS OPPOSING RESTRICTIONS ON THE EXPORT OF CRUDE OIL OR OTHER PETROLEUM PRODUCTS.

(a) FINDINGS.—Congress finds the following:

(1) The United States has enjoyed a renaissance in energy production, with the expansion of domestic crude oil and other petroleum product production contributing to enhanced energy security and significant economic benefits to the national economy.

(2) In 2015, Congress recognized the need to adapt to changing crude oil market conditions and repealed all restrictions on the export of crude oil on a bipartisan basis.

(3) Section 101 of title I of division O of the Consolidated Appropriations Act, 2016 (42 U.S.C. 6212a) established the national policy on oil export restriction, prohibiting any official of the Federal Government from imposing or enforcing any restrictions on the export of crude oil with limited exceptions, including a savings clause maintaining the authority to prohibit exports under any provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a foreign government that is designated as a state sponsor of terrorism.

(4) Lifting the restrictions on crude oil exports encouraged additional domestic energy production, created American jobs and economic development, and allowed the United States to emerge as the leading oil producer in the world.

(5) In 2019, the United States became a net exporter of petroleum products for the first time since 1952, and the reliance of the United States on foreign imports of petroleum products has declined to historic lows.

(6) Free trade, open markets, and competition have contributed to the rise of the United States as a global energy superpower.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal Government should not impose—

(1) overly restrictive regulations on the exploration, production, or marketing of energy resources; or

(2) any restrictions on the export of crude oil or other petroleum products under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.), except with respect to the export of crude oil or other petroleum products to a foreign person or foreign government subject to sanctions under any provision of United States law, including to a country the government of which is designated as a state sponsor of terrorism.

SEC. 327. UNLOCKING OUR DOMESTIC LNG POTENTIAL.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended—

(1) by striking subsections (a) through (c);

(2) by redesignating subsections (e) and (f) as subsections (a) and (b), respectively;

(3) by redesignating subsection (d) as subsection (c), and moving such subsection after subsection (b), as so redesignated;

(4) in subsection (a), as so redesignated, by amending paragraph (1) to read as follows:

''(1) The Federal Energy Regulatory Commission (in this subsection referred to as the 'Commission') shall have the exclusive authority to approve or deny an application for authorization for the siting, construction, expansion, or operation of a facility to export natural gas from the United States to a foreign country or import natural gas from a foreign country, including an LNG terminal. In determining whether to approve or deny an application under this paragraph, the Commission shall deem the exportation or importation of natural gas to be consistent with the public interest. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency's authorities or responsibilities related to facilities to import or export natural gas, including LNG terminals.''; and

(5) by adding at the end the following new subsection:

''(d)(1) Nothing in this Act limits the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.), the Trading With the Enemy Act (50 U.S.C. 4301 et seq.), or any other provision of law that imposes sanctions on a foreign person or foreign government (including any provision of law that prohibits or restricts United States persons from engaging in a transaction with a sanctioned person or government), including a country that is designated as a state sponsor of terrorism, to prohibit imports or exports.

''(2) In this subsection, the term 'state sponsor of terrorism' means a country the government of which the Secretary of State determines has repeatedly provided support for international terrorism pursuant to—

''(A) section 1754(c)(1)(A) of the Export Control Reform Act of 2018 (50 U.S.C. 4318(c)(1)(A));

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

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

''(D) any other provision of law.''.

SEC. 328. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE DENIAL OF JORDAN COVE PERMITS.

(a) FINDINGS.—Congress finds the following:

(1) On March 19, 2020, the Federal Energy Regulatory Commission granted two Federal permits to Jordan Cove Energy Project, L.P., to site, construct, and operate a new liquefied natural gas export terminal in Coos County, Oregon.

(2) On the same day, the Federal Energy Regulatory Commission issued a certificate of public convenience and necessity to Pacific Connector Gas Pipeline, L.P., to construct and operate the proposed Pacific Connector Pipeline in the counties of Klamath, Jackson, Douglas, and Coos of Oregon.

(3) The State of Oregon denied the permits and the certificate necessary for these projects.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the denial of these permits by the State of Oregon.

SEC. 329. PROMOTING INTERAGENCY COORDINATION FOR REVIEW OF NATURAL GAS PIPELINES.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) FEDERAL AUTHORIZATION.—The term ''Federal authorization'' has the meaning given that term in section 15(a) of the Natural Gas Act (15 U.S.C. 717n(a)).

(3) NEPA REVIEW.—The term ''NEPA review'' means the process of reviewing a proposed Federal action under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(4) PROJECT-RELATED NEPA REVIEW.—The term ''project-related NEPA review'' means any NEPA review required to be conducted with respect to the issuance of an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act.

(b) COMMISSION NEPA REVIEW RESPONSIBILITIES.—In acting as the lead agency under section 15(b)(1) of the Natural Gas Act for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall, in accordance with this section and other applicable Federal law—

(1) be the only lead agency;

(2) coordinate as early as practicable with each agency designated as a participating agency under subsection (d)(3) to ensure that the Commission develops information in conducting its project-related NEPA review that is usable by the participating agency in considering an aspect of an application for a Federal authorization for which the agency is responsible; and

(3) take such actions as are necessary and proper to facilitate the expeditious resolution of its project-related NEPA review.

(c) DEFERENCE TO COMMISSION.—In making a decision with respect to a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, each agency shall give deference, to the maximum extent authorized by law, to the scope of the project-related NEPA review that the Commission determines to be appropriate.

(d) PARTICIPATING AGENCIES.—

(1) IDENTIFICATION.—The Commission shall identify, not later than 30 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, any Federal or State agency, local government, or Indian Tribe that may issue a Federal authorization or is required by Federal law to consult with the Commission in conjunction with the issuance of a Federal authorization required for such authorization or certificate.

(2) INVITATION.—

(A) IN GENERAL.—Not later than 45 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall invite any agency identified under paragraph (1) to participate in the review process for the applicable Federal authorization.

(B) DEADLINE.—An invitation issued under subparagraph (A) shall establish a deadline by which a response to the invitation shall be submitted to the Commission, which may be extended by the Commission for good cause.

(3) DESIGNATION AS PARTICIPATING AGENCIES.—Not later than 60 days after the Commission receives an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Commission shall designate an

agency identified under paragraph (1) as a participating agency with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act unless the agency informs the Commission, in writing, by the deadline established pursuant to paragraph (2)(B), that the agency—

(A) has no jurisdiction or authority with respect to the applicable Federal authorization;

(B) has no special expertise or information relevant to any project-related NEPA review; or

(C) does not intend to submit comments for the record for the project-related NEPA review conducted by the Commission.

(4) EFFECT OF NON-DESIGNATION.—

(A) EFFECT ON AGENCY.—Any agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act may not request or conduct a NEPA review that is supplemental to the project-related NEPA review conducted by the Commission, unless the agency—

(i) demonstrates that such review is legally necessary for the agency to carry out responsibilities in considering an aspect of an application for a Federal authorization; and

(ii) requires information that could not have been obtained during the project-related NEPA review conducted by the Commission.

(B) COMMENTS; RECORD.—The Commission shall not, with respect to an agency that is not designated as a participating agency under paragraph (3) with respect to an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act—

(i) consider any comments or other information submitted by such agency for the project-related NEPA review conducted by the Commission; or

(ii) include any such comments or other information in the record for such project-related NEPA review.

(e) WATER QUALITY IMPACTS.—

(1) IN GENERAL.—Notwithstanding section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341), an applicant for a Federal authorization shall not be required to provide a certification under such section with respect to the Federal authorization.

(2) COORDINATION.—With respect to any NEPA review for a Federal authorization to conduct an activity that will directly result in a discharge into the navigable waters (within the meaning of the Federal Water Pollution Control Act), the Commission shall identify as an agency under subsection (d)(1) the State in which the discharge originates or will originate, or, if appropriate, the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate.

(3) PROPOSED CONDITIONS.—A State or interstate agency designated as a participating agency pursuant to paragraph (2) may propose to the Commission terms or conditions for inclusion in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that the State or interstate agency determines are necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(4) COMMISSION CONSIDERATION OF CONDITIONS.—The Commission may include a term or condition in an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act proposed by a State or interstate agency under paragraph (3) only if the Commission finds that the term or condition is necessary to ensure that any activity described in paragraph (2) conducted pursuant to such authorization or certification will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

(f) SCHEDULE.—

(1) DEADLINE FOR FEDERAL AUTHORIZATIONS.—A deadline for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act set by the Commission under section 15(c)(1) of such Act shall be not later than 90 days after the Commission completes its project-related NEPA review, unless an applicable schedule is otherwise established by Federal law.

(2) CONCURRENT REVIEWS.—Each Federal and State agency—

(A) that may consider an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act shall formulate and implement a plan for administrative, policy, and procedural mechanisms to enable the agency to ensure completion of Federal authorizations in compliance with schedules established by the Commission under section 15(c)(1) of such Act; and

(B) in considering an aspect of an application for a Federal authorization required with respect to an application for authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, shall—

(i) formulate and implement a plan to enable the agency to comply with the schedule established by the Commission under section 15(c)(1) of such Act;

(ii) carry out the obligations of that agency under applicable law concurrently, and in conjunction with, the project-related NEPA review conducted by the Commission, and in compliance with the schedule established by the Commission under section 15(c)(1) of such Act, unless the agency notifies the Commission in writing that doing so would impair the ability of the agency to conduct needed analysis or otherwise carry out such obligations;

(iii) transmit to the Commission a statement—

(I) acknowledging receipt of the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act; and

(II) setting forth the plan formulated under clause (i) of this subparagraph;

(iv) not later than 30 days after the agency receives such application for a Federal authorization, transmit to the applicant a notice—

(I) indicating whether such application is ready for processing; and

(II) if such application is not ready for processing, that includes a comprehensive description of the information needed for the agency to determine that the application is ready for processing;

(v) determine that such application for a Federal authorization is ready for processing for purposes of clause (iv) if such application is sufficiently complete for the purposes of commencing consideration, regardless of whether supplemental information is necessary to enable the agency to complete the consideration required by law with respect to such application; and

(vi) not less often than once every 90 days, transmit to the Commission a report describing the progress made in considering such application for a Federal authorization.

(3) FAILURE TO MEET DEADLINE.—If a Federal or State agency, including the Commission, fails to meet a deadline for a Federal authorization set forth in the schedule established by the Commission under section 15(c)(1) of the Natural Gas Act, not later than 5 days after such deadline, the head of the relevant Federal agency (including, in the case of a failure by a State agency, the Federal agency overseeing the delegated authority) shall notify Congress and the Commission of such failure and set forth a recommended implementation plan to ensure completion of the action to which such deadline applied.

(g) CONSIDERATION OF APPLICATIONS FOR FEDERAL AUTHORIZATION.—

(1) ISSUE IDENTIFICATION AND RESOLUTION.—

(A) IDENTIFICATION.—Federal and State agencies that may consider an aspect of an application for a Federal authorization shall identify, as early as possible, any issues of concern that may delay or prevent an agency from working with the Commission to resolve such issues and granting such authorization.

(B) ISSUE RESOLUTION.—The Commission may forward any issue of concern identified under subparagraph (A) to the heads of the relevant agencies (including, in the case of an issue of concern that is a failure by a State agency, the Federal agency overseeing the delegated authority, if applicable) for resolution.

(2) REMOTE SURVEYS.—If a Federal or State agency considering an aspect of an application for a Federal authorization requires the person applying for such authorization to submit data, the agency shall consider any such data gathered by aerial or other remote means that the person submits. The agency may grant a conditional approval for the Federal authorization based on data gathered by aerial or remote means, conditioned on the verification of such data by subsequent onsite inspection.

(3) APPLICATION PROCESSING.—The Commission, and Federal and State agencies, may allow a person applying for a Federal authorization to fund a third-party contractor to assist in reviewing the application for such authorization.

(h) ACCOUNTABILITY, TRANSPARENCY, EFFICIENCY.—For an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act that requires multiple Federal authorizations, the Commission, with input from any Federal or State agency considering an aspect of the application, shall track and make available to the public on the Commission's website information related to the actions required to complete the Federal authorizations. Such information shall include the following:

(1) The schedule established by the Commission under section 15(c)(1) of the Natural Gas Act.

(2) A list of all the actions required by each applicable agency to complete permitting, reviews, and other actions necessary to obtain a final decision on the application.

(3) The expected completion date for each such action.

(4) A point of contact at the agency responsible for each such action.

(5) In the event that an action is still pending as of the expected date of completion, a brief explanation of the reasons for the delay.

(i) PIPELINE SECURITY.—In considering an application for an authorization under section 3 of the Natural Gas Act or a certificate of public convenience and necessity under section 7 of such Act, the Federal Energy Regulatory Commission shall consult with the Administrator of the Transportation Security Administration regarding the applicant's compliance with security guidance and best practice recommendations of the Administration regarding pipeline infrastructure security, pipeline cybersecurity, pipeline personnel security, and other pipeline security measures.

(j) WITHDRAWAL OF POLICY STATEMENTS.—The Federal Energy Regulatory Commission shall withdraw—

(1) the updated policy statement titled ''Certification of New Interstate Natural Gas Facilities'' published in the Federal Register on March 1, 2022 (87 Fed. Reg. 11548); and

(2) the interim policy statement titled ''Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews'' published in the Federal Register on March 11, 2022 (87 Fed. Reg. 14104).

SEC. 330. INTERIM HAZARDOUS WASTE PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

Section 3005(e) of the Solid Waste Disposal Act (42 U.S.C. 6925(e)) is amended—

(1) in paragraph (1)(A)—

(A) in clause (i), by striking ''or'' at the end;

(B) in clause (ii), by inserting ''or'' after ''this section,''; and

(C) by adding at the end the following:

''(iii) is a critical energy resource facility,''; and

(2) by adding at the end the following:

''(4) DEFINITIONS.—For the purposes of this subsection:

''(A) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(i) that is essential to the energy sector and energy systems of the United States; and

''(ii) the supply chain of which is vulnerable to disruption.

''(B) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.''.

SEC. 330A. FLEXIBLE AIR PERMITS FOR CRITICAL ENERGY RESOURCE FACILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall, as necessary, revise regulations under parts 70 and 71 of title 40, Code of Federal Regulations, to—

(1) authorize the owner or operator of a critical energy resource facility to utilize flexible air permitting (as described in the final rule titled ''Operating Permit Programs; Flexible Air Permitting Rule'' published by the Environmental Protection Agency in the Federal Register on October 6, 2009 (74 Fed. Reg. 51418)) with respect to such critical energy resource facility; and

(2) facilitate flexible, market-responsive operations (as described in the final rule identified in paragraph (1)) with respect to critical energy resource facilities.

(b) DEFINITIONS.—In this section:

(1) CRITICAL ENERGY RESOURCE.—The term ''critical energy resource'' means, as determined by the Secretary of Energy, any energy resource—

(A) that is essential to the energy sector and energy systems of the United States; and

(B) the supply chain of which is vulnerable to disruption.

(2) CRITICAL ENERGY RESOURCE FACILITY.—The term ''critical energy resource facility'' means a facility that processes or refines a critical energy resource.

SEC. 330B. NATIONAL SECURITY OR ENERGY SECURITY WAIVERS TO PRODUCE CRITICAL ENERGY RESOURCES.

(a) CLEAN AIR ACT REQUIREMENTS.—

(1) IN GENERAL.—If the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any requirement under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

(2) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a requirement under the Clean Air Act under this subsection, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

(3) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this subsection is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

(4) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this subsection shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to paragraphs (1) and (2) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in paragraph (1) and serve the public interest. In renewing or reissuing a waiver under this paragraph, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

(5) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to paragraph (3).

(6) CRITICAL ENERGY RESOURCE; CRITICAL ENERGY RESOURCE FACILITY DEFINED.—The terms ''critical energy resource'' and ''critical energy resource facility'' have the meanings given such terms in section 3025(f) of the Solid Waste Disposal Act (as added by this section).

(b) SOLID WASTE DISPOSAL ACT REQUIREMENTS.—

(1) HAZARDOUS WASTE MANAGEMENT.—The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) is amended by inserting after section 3024 the following:

''SEC. 3025. WAIVERS FOR CRITICAL ENERGY RESOURCE FACILITIES.

''(a) IN GENERAL.—If the Administrator, in consultation with the Secretary of Energy, determines that, by reason of a sudden increase in demand for, or a shortage of, a critical energy resource, or another cause, the processing or refining of a critical energy resource at a critical energy resource facility is necessary to meet the national security or energy security needs of the United States, then the Administrator may, with or without notice, hearing, or other report, issue a temporary waiver of any covered requirement with respect to such critical energy resource facility that, in the judgment of the Administrator, will allow for such processing or refining at such critical energy resource facility as necessary to best meet such needs and serve the public interest.

''(b) CONFLICT WITH OTHER ENVIRONMENTAL LAWS.—The Administrator shall ensure that any waiver of a covered requirement under this section, to the maximum extent practicable, does not result in a conflict with a requirement of any other applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

''(c) VIOLATIONS OF OTHER ENVIRONMENTAL LAWS.—To the extent any omission or action taken by a party under a waiver issued under this section is in conflict with any requirement of a Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or subject such party to any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation.

''(d) EXPIRATION AND RENEWAL OF WAIVERS.—A waiver issued under this section shall expire not later than 90 days after it is issued. The Administrator may renew or reissue such waiver pursuant to subsections (a) and (b) for subsequent periods, not to exceed 90 days for each period, as the Administrator determines necessary to meet the national security or energy security needs described in subsection (a) and serve the public interest. In renewing or reissuing a waiver under this subsection, the Administrator shall include in any such renewed or reissued waiver such conditions as are necessary to minimize any adverse environmental impacts to the extent practicable.

''(e) SUBSEQUENT ACTION BY COURT.—If a waiver issued under this section is subsequently stayed, modified, or set aside by a court pursuant a provision of law, any omission or action previously taken by a party under the waiver while the waiver was in effect shall remain subject to subsection (c).

''(f) DEFINITIONS.—In this section:

''(1) COVERED REQUIREMENT.—The term 'covered requirement' means—

''(A) any standard established under section 3002, 3003, or 3004;

''(B) the permit requirement under section 3005; or

''(C) any other requirement of this Act, as the Administrator determines appropriate.

''(2) CRITICAL ENERGY RESOURCE.—The term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(A) that is essential to the energy sector and energy systems of the United States; and

''(B) the supply chain of which is vulnerable to disruption.

''(3) CRITICAL ENERGY RESOURCE FACILITY.—The term 'critical energy resource facility' means a facility that processes or refines a critical energy resource.''.

(2) TABLE OF CONTENTS.—The table of contents of the Solid Waste Disposal Act is amended by inserting after the item relating to section 3024 the following:

''Sec. 3025. Waivers for critical energy resource facilities.''.

SEC. 330C. NATURAL GAS TAX REPEAL.

(a) REPEAL.—Section 136 of the Clean Air Act (42 U.S.C. 7436)(relating to methane emissions and waste reduction incentive program for petroleum and natural gas systems) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 136 of the Clean Air Act (42 U.S.C. 7436)(as in effect on the day before the date of enactment of this Act) is rescinded.

SEC. 330D. REPEAL OF GREENHOUSE GAS REDUCTION FUND.

(a) REPEAL.—Section 134 of the Clean Air Act (42 U.S.C. 7434)(relating to the greenhouse gas reduction fund) is repealed.

(b) RESCISSION.—The unobligated balance of any amounts made available under section 134 of the Clean Air Act (42 U.S.C. 7434)(as in effect on the day before the date of enactment of this Act) is rescinded.

(c) CONFORMING AMENDMENT.—Section 60103 of Public Law 117–169 (relating to the greenhouse gas reduction fund) is repealed.

SEC. 330E. ENDING FUTURE DELAYS IN CHEMICAL SUBSTANCE REVIEW FOR CRITICAL ENERGY RESOURCES.

Section 5(a) of the Toxic Substances Control Act (15 U.S.C. 2604(a)) is amended by adding at the end the following:

''(6) CRITICAL ENERGY RESOURCES.—

''(A) STANDARD.—For purposes of a determination under paragraph (3) with respect to a chemical substance that is a critical energy resource, the Administrator shall take into consideration economic, societal, and environmental costs and benefits, notwithstanding any requirement of this section to not take such factors into consideration.

''(B) FAILURE TO RENDER DETERMINATION.—

''(i) ACTIONS AUTHORIZED.—If, with respect to a chemical substance that is a critical energy resource, the Administrator fails to make a determination on a notice under paragraph (3) by the end of the applicable review period and the notice has not been withdrawn by the submitter, the submitter may take the actions described in paragraph (1)(A) with respect to the chemical substance, and the Administrator shall be relieved of any requirement to make such determination.

''(ii) NON-DUPLICATION.—A refund of applicable fees under paragraph (4)(A) shall not be made if a submitter takes an action described in paragraph (1)(A) under this subparagraph.

''(C) PREREQUISITE FOR SUGGESTION OF WITHDRAWAL OR SUSPENSION.—The Administrator may not suggest to, or request of, a submitter of a notice under this subsection for a chemical substance that is a critical energy resource that such submitter withdraw such notice, or request a suspension of the running of the applicable review period with respect to such notice, unless the Administrator has—

''(i) conducted a preliminary review of such notice; and

''(ii) provided to the submitter a draft of a determination under paragraph (3), including any supporting information.

''(D) DEFINITION.—For purposes of this paragraph, the term 'critical energy resource' means, as determined by the Secretary of Energy, any energy resource—

''(i) that is essential to the energy sector and energy systems of the United States; and

''(ii) the supply chain of which is vulnerable to disruption.''.

SEC. 330F. KEEPING AMERICA'S REFINERIES OPERATING.

(a) IN GENERAL.—The owner or operator of a stationary source described in subsection (b) of this section shall not be required by the regulations promulgated under section 112(r)(7)(B) of the Clean Air Act (42 U.S.C. 7412(r)(7)(B)) to include in any hazard assessment under clause (ii) of such section 112(r)(7)(B) an assessment of safer technology and alternative risk management measures with respect to the use of hydrofluoric acid in an alkylation unit.

(b) STATIONARY SOURCE DESCRIBED.—A stationary source described in this subsection is a stationary source (as defined in section 112(r)(2)(C) of the Clean Air Act (42 U.S.C. 7412(r)(2)(C)) in North American Industry Classification System code 324—

(1) for which a construction permit or operating permit has been issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.); or

(2) for which the owner or operator demonstrates to the Administrator of the Environmental Protection Agency that such stationary source conforms or will conform to the most recent version of American Petroleum Institute Recommended Practice 751.

SEC. 330G. HOMEOWNER ENERGY FREEDOM.

(a) IN GENERAL.—The following are repealed:

(1) Section 50122 of Public Law 117–169 (42 U.S.C. 18795a) (relating to a high-efficiency electric home rebate program).

(2) Section 50123 of Public Law 117–169 (42 U.S.C. 18795b) (relating to State-based home energy efficiency contractor training grants).

(3) Section 50131 of Public Law 117–169 (136 Stat. 2041) (relating to assistance for latest and zero building energy code adoption).

(b) RESCISSIONS.—The unobligated balances of any amounts made available under each of sections 50122, 50123, and 50131 of Public Law 117–169 (42 U.S.C. 18795a, 18795b; 136 Stat. 2041) (as in effect on the day before the date of enactment of this Act) are rescinded.

(c) CONFORMING AMENDMENT.—Section 50121(c)(7) of Public Law 117–169 (42 U.S.C. 18795(c)(7)) is amended by striking '', including a rebate provided under a high-efficiency electric home rebate program (as defined in section 50122(d))''.

SEC. 330H. STUDY.

Not later than 180 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Nuclear Regulatory Commission, shall conduct a study on how to streamline regulatory timelines relating to developing new power plants by examining practices relating to various power generating sources, including fossil and nuclear generating sources.

SEC. 330I. STATE PRIMARY ENFORCEMENT RESPONSIBILITY.

(a) AMENDMENTS.—Section 1422(b) of the Safe Drinking Water Act (42 U.S.C. 300h–1(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''Within ninety days'' and inserting ''(A) Within ninety days'';

(B) by striking ''and after reasonable opportunity for presentation of views''; and

(C) by adding at the end the following:

''(B) If, after 270 calendar days of a State's application being submitted under paragraph (1)(A) or notice being submitted under paragraph (1)(B), the Administrator has not, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State's underground injection control program—

''(i) the Administrator shall transmit, in writing, to the State a detailed explanation as to the status of the application or notice; and

''(ii) the State's underground injection control program shall be deemed approved under this section if—

''(I) the Administrator has not after another 30 days, pursuant to subparagraph (A), by rule approved, disapproved, or approved in part and disapproved in part the State's underground injection control program; and

''(II) the State has established and implemented an effective program (including adequate recordkeeping and reporting) to prevent underground injection which endangers drinking water sources.'';

(2) by amending paragraph (4) to read as follows:

''(4) Before promulgating any rule under paragraph (2) or (3) of this subsection, the Administrator shall—

''(A) provide a reasonable opportunity for presentation of views with respect to such rule, including a public hearing and a public comment period; and

''(B) publish in the Federal Register notice of the reasonable opportunity for presentation of views provided under subparagraph (A).''; and

(3) by adding at the end the following:

''(5) PREAPPLICATION ACTIVITIES.—The Administrator shall work as expeditiously as possible with States to complete any necessary activities relevant to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), taking into consideration the need for a complete and detailed submission.

''(6) APPLICATION COORDINATION FOR CLASS VI WELLS.—With respect to the underground injection control program for Class VI wells (as defined in section 40306(a) of the Infrastructure Investment and Jobs Act (42 U.S.C. 300h–9(a))), the Administrator shall designate one individual at the Agency from each regional office to be responsible for coordinating—

''(A) the completion of any necessary activities prior to the submission of an application under paragraph (1)(A) or notice under paragraph (1)(B), in accordance with paragraph (5);

''(B) the review of an application submitted under paragraph (1)(A) or notice submitted under paragraph (1)(B);

''(C) any reasonable opportunity for presentation of views provided under paragraph (4)(A) and any notice published under paragraph (4)(B); and

''(D) pursuant to the recommendations included in the report required under paragraph (7), the hiring of additional staff to carry out subparagraphs (A) through (C).

''(7) EVALUATION OF RESOURCES.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this paragraph, the individual designated under paragraph (6) shall transmit to the appropriate Congressional committees a report, including recommendations, regarding the—

''(i) availability of staff and resources to promptly carry out the requirements of paragraph (6); and

''(ii) additional funding amounts needed to do so.

''(B) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this paragraph, the term 'appropriate Congressional Committees' means—

''(i) in the Senate—

''(I) the Committee on Environment and Public Works; and

''(II) the Committee on Appropriations; and

''(ii) in the House of Representatives—

''(I) the Committee on Energy and Commerce; and

''(II) the Committee on Appropriations.''.

(b) FUNDING.—In each of fiscal years 2023 through 2026, amounts made available by title VI of division J of the Infrastructure Investment and Jobs Act under paragraph (7) of the heading ''Environmental Protection Agency—State and Tribal Assistance Grants'' (Public Law 117–58; 135 Stat. 1402) may also be made available, subject to appropriations, to carry out paragraphs (5), (6), and (7) of section 1422(b) of the Safe Drinking Water Act, as added by this section.

(c) RULE OF CONSTRUCTION.—The amendments made by this section shall—

(1) apply to all applications submitted to the Environmental Protection Agency after the date of enactment of this Act to establish an underground injection control program under section 1422(b) of the Safe Drinking Water Act (42 U.S.C. 300h–1); and

(2) with respect to such applications submitted prior to the date of enactment of this Act, the 270 and 300 day deadlines under section 1422(b)(2)(B) of the Safe Drinking Water Act, as added by this section, shall begin on the date of enactment of this Act.

SEC. 330J. USE OF INDEX-BASED PRICING IN ACQUISITION OF PETROLEUM PRODUCTS FOR THE SPR.

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

(1) by redesignating paragraphs (1) through (6) as clauses (i) through (vi), respectively (and adjusting the margins accordingly);

(2) by striking ''The Secretary shall'' and inserting the following:

''(1) IN GENERAL.—The Secretary shall''; and

(3) by striking ''Such procedures shall take into account the need to—'' and inserting the following:

''(2) INCLUSIONS.—Procedures developed under this subsection shall—

''(A) require acquisition of petroleum products using index-based pricing; and

''(B) take into account the need to—''.

SEC. 330K. PROHIBITION ON CERTAIN EXPORTS.

(a) IN GENERAL.—The Energy Policy and Conservation Act is amended by inserting after section 163 (42 U.S.C. 6243) the following:

''SEC. 164. PROHIBITION ON CERTAIN EXPORTS.

''(a) IN GENERAL.—The Secretary shall prohibit the export or sale of petroleum products drawn down from the Strategic Petroleum Reserve, under any provision of law, to—

''(1) the People's Republic of China;

''(2) the Democratic People's Republic of Korea;

''(3) the Russian Federation;

''(4) the Islamic Republic of Iran;

''(5) any other country the government of which is subject to sanctions imposed by the United States; and

''(6) any entity owned, controlled, or influenced by—

''(A) a country referred to in any of paragraphs (1) through (5); or

''(B) the Chinese Communist Party.

''(b) WAIVER.—The Secretary may issue a waiver of the prohibition described in subsection (a) if the Secretary certifies that any export or sale authorized pursuant to the waiver is in the national security interests of the United States.

''(c) RULE.—Not later than 60 days after the date of enactment of the Fiscal Responsibility Act of 2023, the Secretary shall issue a rule to carry out this section.''.

(b) CONFORMING AMENDMENTS.—

(1) DRAWDOWN AND SALE OF PETROLEUM PRODUCTS.—Section 161(a) of the Energy Policy and Conservation Act (42 U.S.C. 6241(a)) is amended by inserting ''and section 164'' before the period at the end.

(2) CLERICAL AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 163 the following:

''Sec. 164. Prohibition on certain exports.''.

SEC. 330L. SENSE OF CONGRESS EXPRESSING DISAPPROVAL OF THE PROPOSED TAX HIKES ON THE OIL AND NATURAL GAS INDUSTRY IN THE PRESIDENT'S FISCAL YEAR 2024 BUDGET REQUEST.

(a) FINDING.—Congress finds that President Biden's fiscal year 2024 budget request proposes to repeal tax provisions that are vital to the oil and natural gas industry of the United States, resulting in a $31,000,000,000 tax hike on oil and natural gas producers in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress disapproves of the proposed tax hike on the oil and natural gas industry in the President's fiscal year 2024 budget request.

SEC. 330M. DOMESTIC ENERGY INDEPENDENCE REPORT.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Energy, shall submit to Congress a report that identifies and assesses regulations promulgated by the Administrator during the 15-year period preceding the date of enactment of this Act that have—

(1) reduced the energy independence of the United States;

(2) increased the regulatory burden for energy producers in the United States;

(3) decreased the energy output by such energy producers;

(4) reduced the energy security of the United States; or

(5) increased energy costs for consumers in the United States.

SEC. 330N. GAO STUDY.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on how banning natural gas appliances will affect the rates and charges for electric ity.

SEC. 330O. GAS KITCHEN RANGES AND OVENS.

The Secretary of Energy may not finalize, implement, administer, or enforce the proposed rule titled ''Energy Conservation Program: Energy Conservation Standards for Consumer Conventional Cooking Products; Supplemental notice of proposed rulemaking and announcement of public meeting'' (88 Fed. Reg. 6818; published February 1, 2023) with respect to energy conservation standards for gas kitchen ranges and ovens, or any substantially similar rule, including any rule that would directly or indirectly limit consumer access to gas kitchen ranges and ovens.

TITLE IV—TRANSPARENCY, ACCOUNTABILITY, PERMITTING, AND PRODUCTION OF AMERICAN RESOURCES

SEC. 331. SHORT TITLE.

This title may be cited as the ''Transparency, Accountability, Permitting, and Production of American Resources Act'' or the ''TAPP American Resources Act''.

Subtitle A—Onshore and Offshore Leasing and Oversight

SEC. 332. ONSHORE OIL AND GAS LEASING.

(a) REQUIREMENT TO IMMEDIATELY RESUME ONSHORE OIL AND GAS LEASE SALES.—

(1) IN GENERAL.—The Secretary of the Interior shall immediately resume quarterly onshore oil and gas lease sales in compliance with the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) REQUIREMENT.—The Secretary of the Interior shall ensure—

(A) that any oil and gas lease sale pursuant to paragraph (1) is conducted immediately on completion of all applicable scoping, public comment, and environmental analysis requirements under the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) that the processes described in subparagraph (A) are conducted in a timely manner to ensure compliance with subsection (b)(1).

(3) LEASE OF OIL AND GAS LANDS.—Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting ''Eligible lands comprise all lands subject to leasing under this Act and not excluded from leasing by a statutory or regulatory prohibition. Available lands are those lands that have been designated as open for leasing under a land use plan developed under section 202 of the Federal Land Policy and Management Act of 1976 and that have been nominated for leasing through the submission of an expression of interest, are subject to drainage in the absence of leasing, or are otherwise designated as available pursuant to regulations adopted by the Secretary.'' after ''sales are necessary.''.

(b) QUARTERLY LEASE SALES.—

(1) IN GENERAL.—In accordance with the Mineral Leasing Act (30 U.S.C. 181 et seq.), each fiscal year, the Secretary of the Interior shall conduct a minimum of four oil and gas lease sales in each of the following States:

(A) Wyoming.

(B) New Mexico.

(C) Colorado.

(D) Utah.

(E) Montana.

(F) North Dakota.

(G) Oklahoma.

(H) Nevada.

(I) Alaska.

(J) Any other State in which there is land available for oil and gas leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other mineral leasing law.

(2) REQUIREMENT.—In conducting a lease sale under paragraph (1) in a State described in that paragraph, the Secretary of the Interior shall offer all parcels nominated and eligible pursuant to the requirements of the Mineral Leasing Act (30 U.S.C. 181 et seq.) for oil and gas exploration, development, and production under the resource management plan in effect for the State.

(3) REPLACEMENT SALES.—The Secretary of the Interior shall conduct a replacement sale during the same fiscal year if—

(A) a lease sale under paragraph (1) is canceled, delayed, or deferred, including for a lack of eligible parcels; or

(B) during a lease sale under paragraph (1) the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.

(4) NOTICE REGARDING MISSED SALES.—Not later than 30 days after a sale required under this subsection is canceled, delayed, deferred, or otherwise missed the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that states what sale was missed and why it was missed.

SEC. 333. LEASE REINSTATEMENT.

The reinstatement of a lease entered into under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) by the Secretary shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

SEC. 334. PROTESTED LEASE SALES.

Section 17(b)(1)(A) of the Mineral Leasing Act (30 U.S.C. 226(b)(1)(A)) is amended by inserting ''The Secretary shall resolve any protest to a lease sale not later than 60 days after such payment.'' after ''annual rental for the first lease year.''.

SEC. 335. SUSPENSION OF OPERATIONS.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended by adding at the end the following:

''(r) SUSPENSION OF OPERATIONS PERMITS.—In the event that an oil and gas lease owner has submitted an expression of interest for adjacent acreage that is part of the nature of the geological play and has yet to be offered in a lease sale by the Secretary, they may request a suspension of operations from the Secretary of the Interior and upon request, the Secretary shall grant the suspension of operations within 15 days. Any payment of

acreage rental or of minimum royalty prescribed by such lease likewise shall be suspended during such period of suspension of operations and production; and the term of such lease shall be extended by adding any such suspension period thereto.''.

SEC. 336. ADMINISTRATIVE PROTEST PROCESS REFORM.

Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(s) PROTEST FILING FEE.—

''(1) IN GENERAL.—Before processing any protest filed under this section, the Secretary shall collect a filing fee in the amount described in paragraph (2) from the protestor to recover the cost for processing documents filed for each administrative protest.

''(2) AMOUNT.—The amount described in this paragraph is calculated as follows:

''(A) For each protest filed in a submission not exceeding 10 pages in length, the base filing fee shall be $150.

''(B) For each submission exceeding 10 pages in length, in addition to the base filing fee, an assessment of $5 per page in excess of 10 pages shall apply.

''(C) For protests that include more than one oil and gas lease parcel, right-of-way, or application for permit to drill in a submission, an additional assessment of $10 per additional lease parcel, right-of-way, or application for permit to drill shall apply.

''(3) ADJUSTMENT.—

''(A) IN GENERAL.—Beginning on January 1, 2024, and annually thereafter, the Secretary shall adjust the filing fees established in this subsection to whole dollar amounts to reflect changes in the Producer Price Index, as published by the Bureau of Labor Statistics, for the previous 12 months.

''(B) PUBLICATION OF ADJUSTED FILING FEES.—At least 30 days before the filing fees as adjusted under this paragraph take effect, the Secretary shall publish notification of the adjustment of such fees in the Federal Register.''.

SEC. 337. LEASING AND PERMITTING TRANSPARENCY.

(a) REPORT.—Not later than 30 days after the date of the enactment of this section, and annually thereafter, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the status of nominated parcels for future onshore oil and gas and geothermal lease sales, including—

(A) the number of expressions of interest received each month during the period of 365 days that ends on the date on which the report is submitted with respect to which the Bureau of Land Management—

(i) has not taken any action to review;

(ii) has not completed review; or

(iii) has completed review and determined that the relevant area meets all applicable requirements for leasing, but has not offered the relevant area in a lease sale;

(B) how long expressions of interest described in subparagraph (A) have been pending; and

(C) a plan, including timelines, for how the Secretary of the Interior plans to—

(i) work through future expressions of interest to prevent delays;

(ii) put expressions of interest described in subparagraph (A) into a lease sale; and

(iii) complete review for expressions of interest described in clauses (i) and (ii) of subparagraph (A);

(2) the status of each pending application for permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Land Management office, including—

(A) a description of the cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending in violation of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)); and

(C) a plan for how the office intends to come into compliance with the requirements of section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2));

(3) the number of permits to drill issued each month by each Bureau of Land Management office during the 5-year period ending on the date on which the report is submitted;

(4) the status of each pending application for a license for offshore geological and geophysical surveys received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Ocean Energy management regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) a plan for how the Bureau of Ocean Energy Management intends to complete review of each application;

(5) the number of licenses for offshore geological and geophysical surveys issued each month by each Bureau of Ocean Energy Management regional office during the 5-year period ending on the date on which the report is submitted;

(6) the status of each pending application for a permit to drill received during the period of 365 days that ends on the date on which the report is submitted, including the number of applications received each month, by each Bureau of Safety and Environmental Enforcement regional office, including—

(A) a description of any cause of delay for pending applications, including as a result of staffing shortages, technical limitations, incomplete applications, and incomplete review pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other applicable laws;

(B) the number of days an application has been pending; and

(C) steps the Bureau of Safety and Environmental Enforcement is taking to complete review of each application;

(7) the number of permits to drill issued each month by each Bureau of Safety and Environmental Enforcement regional office during the period of 365 days that ends on the date on which the report is submitted;

(8) how, as applicable, the Bureau of Land Management, the Bureau of Ocean Energy Management, and the Bureau of Safety and Environmental Enforcement determines whether to—

(A) issue a license for geological and geophysical surveys;

(B) issue a permit to drill; and

(C) issue, extend, or suspend an oil and gas lease;

(9) when determinations described in paragraph (8) are sent to the national office of the Bureau of Land Management, the Bureau of Ocean Energy Management, or the Bureau of Safety and Environmental Enforcement for final approval;

(10) the degree to which Bureau of Land Management, Bureau of Ocean Energy Management, and Bureau of Safety and Environmental Enforcement field, State, and regional offices exercise discretion on such final approval;

(11) during the period of 365 days that ends on the date on which the report is submitted, the number of auctioned leases receiving accepted bids that have not been issued to winning bidders and the number of days such leases have not been issued; and

(12) a description of the uses of application for permit to drill fees paid by permit holders during the 5-year period ending on the date on which the report is submitted.

(b) PENDING APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this section, the Secretary of the Interior shall—

(1) complete all requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable law that must be met before issuance of a permit to drill described in paragraph (2); and

(2) issue a permit for all completed applications to drill that are pending on the date of the enactment of this Act.

(c) PUBLIC AVAILABILITY OF DATA.—

(1) MINERAL LEASING ACT.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(t) PUBLIC AVAILABILITY OF DATA.—

''(1) EXPRESSIONS OF INTEREST.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending, approved, and not approved expressions of interest in nominated parcels for future onshore oil and gas lease sales in the preceding month.

''(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill in the preceding month in each State office.

''(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect to each month during the 5-year period ending on the date of the enactment of this subsection—

''(A) the number of approved and not approved expressions of interest for onshore oil and gas lease sales during such 5-year period; and

''(B) the number of approved and not approved applications for permits to drill during such 5-year period.''.

(2) OUTER CONTINENTAL SHELF LANDS ACT.—Section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) is amended by adding at the end the following:

''(q) PUBLIC AVAILABILITY OF DATA.—

''(1) OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSES.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for licenses for offshore geological and geophysical surveys in the preceding month.

''(2) APPLICATIONS FOR PERMITS TO DRILL.—Not later than 30 days after the date of the enactment of this subsection, and each month thereafter, the Secretary shall publish on the website of the Department of the Interior the number of pending and approved applications for permits to drill on the outer

Continental Shelf in the preceding month in each regional office.

''(3) PAST DATA.—Not later than 30 days after the date of the enactment of this subsection, the Secretary shall publish on the website of the Department of the Interior, with respect each month during the 5-year period ending on the date of the enactment of this subsection—

''(A) the number of approved applications for licenses for offshore geological and geophysical surveys; and

''(B) the number of approved applications for permits to drill on the outer Continental Shelf.''.

(d) REQUIREMENT TO SUBMIT DOCUMENTS AND COMMUNICATIONS.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary of the Interior shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives all documents and communications relating to the comprehensive review of Federal oil and gas permitting and leasing practices required under section 208 of Executive Order No. 14008 (86 Fed. Reg. 7624; relating to tackling the climate crisis at home and abroad).

(2) INCLUSIONS.—The submission under paragraph (1) shall include all documents and communications submitted to the Secretary of the Interior by members of the public in response to any public meeting or forum relating to the comprehensive review described in that paragraph.

SEC. 338. OFFSHORE OIL AND GAS LEASING.

(a) IN GENERAL.—The Secretary shall conduct all lease sales described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016) that have not been conducted as of the date of the enactment of this Act by not later than September 30, 2023.

(b) GULF OF MEXICO REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, and except within areas subject to existing oil and gas leasing moratoria beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the following planning areas of the Gulf of Mexico region, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016):

(1) The Central Gulf of Mexico Planning Area.

(2) The Western Gulf of Mexico Planning Area.

(c) ALASKA REGION ANNUAL LEASE SALES.—Notwithstanding any other provision of law, beginning in fiscal year 2023, the Secretary of the Interior shall annually conduct a minimum of 2 region-wide oil and gas lease sales in the Alaska region of the Outer Continental Shelf, as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016).

(d) REQUIREMENTS.—In conducting lease sales under subsections (b) and (c), the Secretary of the Interior shall—

(1) issue such leases in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1332 et seq.); and

(2) include in each such lease sale all unleased areas that are not subject to a moratorium as of the date of the lease sale.

SEC. 339. FIVE-YEAR PLAN FOR OFFSHORE OIL AND GAS LEASING.

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (c) and (d) of this section, shall prepare and periodically revise,'' and inserting ''this section, shall issue every five years'';

(B) by adding at the end the following:

''(5) Each five-year program shall include at least two Gulf of Mexico region-wide lease sales per year.''; and

(C) in paragraph (3), by inserting ''domestic energy security,'' after ''between'';

(2) by redesignating subsections (f) through (i) as subsections (h) through (k), respectively; and

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

''(f) FIVE-YEAR PROGRAM FOR 2023–2028.—The Secretary shall issue the five-year oil and gas leasing program for 2023 through 2028 and issue the Record of Decision on the Final Programmatic Environmental Impact Statement by not later than July 1, 2023.

''(g) SUBSEQUENT LEASING PROGRAMS.—

''(1) IN GENERAL.—Not later than 36 months after conducting the first lease sale under an oil and gas leasing program prepared pursuant to this section, the Secretary shall begin preparing the subsequent oil and gas leasing program under this section.

''(2) REQUIREMENT.—Each subsequent oil and gas leasing program under this section shall be approved by not later than 180 days before the expiration of the previous oil and gas leasing program.''.

SEC. 340. GEOTHERMAL LEASING.

(a) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

(1) in paragraph (2), by striking ''2 years'' and inserting ''year'';

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) after paragraph (2), by inserting the following:

''(3) REPLACEMENT SALES.—If a lease sale under paragraph (1) for a year is canceled or delayed, the Secretary of the Interior shall conduct a replacement sale during the same year.

''(4) REQUIREMENT.—In conducting a lease sale under paragraph (2) in a State described in that paragraph, the Secretary of the Interior shall offer all nominated parcels eligible for geothermal development and utilization under the resource management plan in effect for the State.''.

(b) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

''(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

''(1) NOTICE.—Not later than 30 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

''(A) provide written notice to the applicant that the application is complete; or

''(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

''(2) ISSUANCE OF DECISION.—If the Secretary determines that an application for a geothermal drilling permit is complete under paragraph (1)(A), the Secretary shall issue a final decision on the application not later than 30 days after the Secretary notifies the applicant that the application is complete.''.

SEC. 340A. LEASING FOR CERTAIN QUALIFIED COAL APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) COAL LEASE.—The term ''coal lease'' means a lease entered into by the United States as lessor, through the Bureau of Land Management, and the applicant on Bureau of Land Management Form 3400–012.

(2) QUALIFIED APPLICATION.—The term ''qualified application'' means any application pending under the lease by application program administered by the Bureau of Land Management pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) and subpart 3425 of title 43, Code of Federal Regulations (as in effect on the date of the enactment of this Act), for which the environmental review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has commenced.

(b) MANDATORY LEASING AND OTHER REQUIRED APPROVALS.—As soon as practicable after the date of the enactment of this Act, the Secretary shall promptly—

(1) with respect to each qualified application—

(A) if not previously published for public comment, publish a draft environmental assessment, as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any applicable implementing regulations;

(B) finalize the fair market value of the coal tract for which a lease by application is pending;

(C) take all intermediate actions necessary to grant the qualified application; and

(D) grant the qualified application; and

(2) with respect to previously awarded coal leases, grant any additional approvals of the Department of the Interior or any bureau, agency, or division of the Department of the Interior required for mining activities to commence.

SEC. 340B. FUTURE COAL LEASING.

Notwithstanding any judicial decision to the contrary or a departmental review of the Federal coal leasing program, Secretarial Order 3338, issued by the Secretary of the Interior on January 15, 2016, shall have no force or effect.

SEC. 340C. STAFF PLANNING REPORT.

The Secretary of the Interior and the Secretary of Agriculture shall each annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the staffing capacity of each respective agency with respect to issuing oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits. Each such report shall include—

(1) the number of staff assigned to process and issue oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits;

(2) a description of how many staff are needed to meet statutory requirements for such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits; and

(3) how, as applicable, the Department of the Interior or the Department of Agriculture plans to address technological needs and staffing shortfalls and turnover to ensure adequate staffing to process and issue such oil, gas, hardrock mining, coal, and renewable energy leases, rights-of-way, claims, easements, and permits.

SEC. 340D. PROHIBITION ON CHINESE COMMUNIST PARTY OWNERSHIP INTEREST.

Notwithstanding any other provision of law, the Communist Party of China (or a person acting on behalf of the Community Party of China), any entity subject to the jurisdiction of the Government of the People's Republic of China, or any entity that is owned by the Government of the People's Republic of China, may not acquire any interest with respect to lands leased for oil or gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) or American farmland or any lands used for American renewable energy production, or acquire claims subject to the General Mining Law of 1872.

SEC. 340E. EFFECT ON OTHER LAW.

Nothing in this title, or any amendments made by this title, shall affect—

(1) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition'' and dated September 8, 2020;

(2) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf From Leasing Disposition'' and dated September 25, 2020;

(3) the Presidential memorandum titled ''Memorandum on Withdrawal of Certain Areas off the Atlantic Coast on the Outer Continental Shelf From Leasing Disposition'' and dated December 20, 2016; or

(4) the ban on oil and gas development in the Great Lakes described in section 386 of the Energy Policy Act of 2005 (42 U.S.C. 15941).

SEC. 340F. REQUIREMENT FOR GAO REPORT ON WIND ENERGY IMPACTS.

The Secretary of the Interior shall not publish a notice for a wind lease sale or hold a lease sale for wind energy development in the Eastern Gulf of Mexico Planning Area, the South Atlantic Planning Area, or the Straits of Florida Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)) until the Comptroller General of the United States publishes a report on all potential adverse effects of wind energy development in such areas, including associated infrastructure and vessel traffic, on—

(1) military readiness and training activities in the Planning Areas described in this section, including activities within or related to the Eglin Test and Training Complex and the Jacksonville Range Complex;

(2) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or designated as depleted under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) in the Planning Areas described in this section; and

(3) tourism, including the economic impacts that a decrease in tourism may have on the communities adjacent to the Planning Areas described in this section.

SEC. 340G. SENSE OF CONGRESS ON WIND ENERGY DEVELOPMENT SUPPLY CHAIN.

It is the sense of Congress that—

(1) wind energy development on Federal lands and waters is a burgeoning industry in the United States;

(2) major components of wind infrastructure, including turbines, are imported in large quantities from other countries including countries that are national security threats, such as the Government of the People's Republic of China;

(3) it is in the best interest of the United States to foster and support domestic supply chains across sectors to promote American energy independence;

(4) the economic and manufacturing opportunities presented by wind turbine construction and component manufacturing should be met by American workers and materials that are sourced domestically to the greatest extent practicable; and

(5) infrastructure for wind energy development in the United States should be constructed with materials produced and manufactured in the United States.

SEC. 340H. SENSE OF CONGRESS ON OIL AND GAS ROYALTY RATES.

It is the sense of Congress that the royalty rate for onshore Federal oil and gas leases should be not more than 12.5 percent in amount or value of the production removed or sold from the lease.

SEC. 340I. OFFSHORE WIND ENVIRONMENTAL REVIEW PROCESS STUDY.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Comptroller General shall conduct a study to assess the sufficiency of the environmental review processes for offshore wind projects in place as of the date of the enactment of this section of the National Marine Fisheries Service, the Bureau of Ocean Energy Management, and any other relevant Federal agency.

(b) CONTENTS.—The study required under subsection (a) shall include consideration of the following:

(1) The impacts of offshore wind projects on—

(A) whales, finfish, and other marine mammals;

(B) benthic resources;

(C) commercial and recreational fishing;

(D) air quality;

(E) cultural, historical, and archaeological resources;

(F) invertebrates;

(G) essential fish habitat;

(H) military use and navigation and vessel traffic;

(I) recreation and tourism; and

(J) the sustainability of shoreline beaches and inlets.

(2) The impacts of hurricanes and other severe weather on offshore wind projects.

(3) How the agencies described in subsection (a) determine which stakeholders are consulted and if a timely, comprehensive comment period is provided for local representatives and other interested parties.

(4) The estimated cost and who pays for offshore wind projects.

SEC. 340J. GAO REPORT ON WIND ENERGY IMPACTS.

The Comptroller General of the United States shall publish a report on all potential adverse effects of wind energy development in the North Atlantic Planning Area (as described in the 2017–2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program (November 2016)), including associated infrastructure and vessel traffic, on—

(1) maritime safety, including the operation of radar systems;

(2) economic impacts related to commercial fishing activities; and

(3) marine environment and ecology, including species listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or designated as depleted under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) in the North Atlantic Planning Area.

Subtitle B—Permitting Streamlining

SEC. 341. DEFINITIONS.

In this subtitle:

(1) ENERGY FACILITY.—The term ''energy facility'' means a facility the primary purpose of which is the exploration for, or the development, production, conversion, gathering, storage, transfer, processing, or transportation of, any energy resource.

(2) ENERGY STORAGE DEVICE.—The term ''energy storage device''—

(A) means any equipment that stores energy, including electricity, compressed air, pumped water, heat, and hydrogen, which may be converted into, or used to produce, electricity; and

(B) includes a battery, regenerative fuel cell, flywheel, capacitor, superconducting magnet, and any other equipment the Secretary concerned determines may be used to store energy which may be converted into, or used to produce, electricity.

(3) PUBLIC LANDS.—The term ''public lands'' means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior or the Secretary of Agriculture without regard to how the United States acquired ownership, except—

(A) lands located on the Outer Continental Shelf; and

(B) lands held in trust by the United States for the benefit of Indians, Indian Tribes, Aleuts, and Eskimos.

(4) RIGHT-OF-WAY.—The term ''right-of-way'' means—

(A) a right-of-way issued, granted, or renewed under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761); or

(B) a right-of-way granted under section 28 of the Mineral Leasing Act (30 U.S.C. 185).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to public lands, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

(6) LAND USE PLAN.—The term ''land use plan'' means—

(A) a land and resource management plan prepared by the Forest Service for a unit of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604);

(B) a Land Management Plan developed by the Bureau of Land Management under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(C) a comprehensive conservation plan developed by the United States Fish and Wildlife Service under section 4(e)(1)(A) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(e)(1)(A)).

SEC. 342. BUILDER ACT.

(a) PARAGRAPH (2) OF SECTION 102.—Section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) is amended—

(1) in subparagraph (A), by striking ''insure'' and inserting ''ensure'';

(2) in subparagraph (B), by striking ''insure'' and inserting ''ensure'';

(3) in subparagraph (C)—

(A) by inserting ''consistent with the provisions of this Act and except as provided by other provisions of law,'' before ''include in every'';

(B) by striking clauses (i) through (v) and inserting the following:

''(i) reasonably foreseeable environmental effects with a reasonably close causal relationship to the proposed agency action;

''(ii) any reasonably foreseeable adverse environmental effects which cannot be avoided should the proposal be implemented;

''(iii) a reasonable number of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, are within the jurisdiction of the agency, meet the purpose and need of the proposal, and, where applicable, meet the goals of the applicant;

''(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

''(v) any irreversible and irretrievable commitments of Federal resources which would be involved in the proposed agency action should it be implemented.''; and

(C) by striking ''the responsible Federal official'' and inserting ''the head of the lead agency'';

(4) in subparagraph (D), by striking ''Any'' and inserting ''any'';

(5) by redesignating subparagraphs (D) through (I) as subparagraphs (F) through (K), respectively;

(6) by inserting after subparagraph (C) the following:

''(D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;

''(E) make use of reliable existing data and resources in carrying out this Act;'';

(7) by amending subparagraph (G), as redesignated, to read as follows:

''(G) consistent with the provisions of this Act, study, develop, and describe technically and economically feasible alternatives within the jurisdiction and authority of the agency;''; and

(8) in subparagraph (H), as amended, by inserting ''consistent with the provisions of this Act,'' before ''recognize''.

(b) NEW SECTIONS.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is amended by adding at the end the following:

''SEC. 106. PROCEDURE FOR DETERMINATION OF LEVEL OF REVIEW.

''(a) THRESHOLD DETERMINATIONS.—An agency is not required to prepare an environmental document with respect to a proposed agency action if—

''(1) the proposed agency action is not a final agency action within the meaning of such term in chapter 5 of title 5, United States Code;

''(2) the proposed agency action is covered by a categorical exclusion established by the agency, another Federal agency, or another provision of law;

''(3) the preparation of such document would clearly and fundamentally conflict with the requirements of another provision of law;

''(4) the proposed agency action is, in whole or in part, a nondiscretionary action with respect to which such agency does not have authority to take environmental factors into consideration in determining whether to take the proposed action;

''(5) the proposed agency action is a rulemaking that is subject to section 553 of title 5, United States Code; or

''(6) the proposed agency action is an action for which such agency's compliance with another statute's requirements serve the same or similar function as the requirements of this Act with respect to such action.

''(b) LEVELS OF REVIEW.—

''(1) ENVIRONMENTAL IMPACT STATEMENT.—An agency shall issue an environmental impact statement with respect to a proposed agency action that has a significant effect on the quality of the human environment.

''(2) ENVIRONMENTAL ASSESSMENT.—An agency shall prepare an environmental assessment with respect to a proposed agency action that is not likely to have a significant effect on the quality of the human environment, or if the significance of such effect is unknown, unless the agency finds that a categorical exclusion established by the agency, another Federal agency, or another provision of law applies. Such environmental assessment shall be a concise public document prepared by a Federal agency to set forth the basis of such agency's finding of no significant impact.

''(3) SOURCES OF INFORMATION.—In making a determination under this subsection, an agency—

''(A) may make use of any reliable data source; and

''(B) is not required to undertake new scientific or technical research.

''SEC. 107. TIMELY AND UNIFIED FEDERAL REVIEWS.

''(a) LEAD AGENCY.—

''(1) DESIGNATION.—

''(A) IN GENERAL.—If there are two or more involved Federal agencies, such agencies shall determine, by letter or memorandum, which agency shall be the lead agency based on consideration of the following factors:

''(i) Magnitude of agency's involvement.

''(ii) Project approval or disapproval authority.

''(iii) Expertise concerning the action's environmental effects.

''(iv) Duration of agency's involvement.

''(v) Sequence of agency's involvement.

''(B) JOINT LEAD AGENCIES.—In making a determination under subparagraph (A), the involved Federal agencies may, in addition to a Federal agency, appoint such Federal, State, Tribal, or local agencies as joint lead agencies as the involved Federal agencies shall determine appropriate. Joint lead agencies shall jointly fulfill the role described in paragraph (2).

''(C) MINERAL PROJECTS.—This paragraph shall not apply with respect to a mineral exploration or mine permit.

''(2) ROLE.—A lead agency shall, with respect to a proposed agency action—

''(A) supervise the preparation of an environmental document if, with respect to such proposed agency action, there is more than one involved Federal agency;

''(B) request the participation of each cooperating agency at the earliest practicable time;

''(C) in preparing an environmental document, give consideration to any analysis or proposal created by a cooperating agency with jurisdiction by law or a cooperating agency with special expertise;

''(D) develop a schedule, in consultation with each involved cooperating agency, the applicant, and such other entities as the lead agency determines appropriate, for completion of any environmental review, permit, or authorization required to carry out the proposed agency action;

''(E) if the lead agency determines that a review, permit, or authorization will not be completed in accordance with the schedule developed under subparagraph (D), notify the agency responsible for issuing such review, permit, or authorization of the discrepancy and request that such agency take such measures as such agency determines appropriate to comply with such schedule; and

''(F) meet with a cooperating agency that requests such a meeting.

''(3) COOPERATING AGENCY.—The lead agency may, with respect to a proposed agency action, designate any involved Federal agency or a State, Tribal, or local agency as a cooperating agency. A cooperating agency may, not later than a date specified by the lead agency, submit comments to the lead agency. Such comments shall be limited to matters relating to the proposed agency action with respect to which such agency has special expertise or jurisdiction by law with respect to an environmental issue.

''(4) REQUEST FOR DESIGNATION.—Any Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency with respect to a proposed agency action under paragraph (1) may submit a written request for such a designation to an involved Federal agency. An agency that receives a request under this paragraph shall transmit such request to each involved Federal agency and to the Council.

''(5) COUNCIL DESIGNATION.—

''(A) REQUEST.—Not earlier than 45 days after the date on which a request is submitted under paragraph (4), if no designation has been made under paragraph (1), a Federal, State, Tribal, or local agency or person that is substantially affected by the lack of a designation of a lead agency may request that the Council designate a lead agency. Such request shall consist of—

''(i) a precise description of the nature and extent of the proposed agency action; and

''(ii) a detailed statement with respect to each involved Federal agency and each factor listed in paragraph (1) regarding which agency should serve as lead agency.

''(B) TRANSMISSION.—The Council shall transmit a request received under subparagraph (A) to each involved Federal agency.

''(C) RESPONSE.—An involved Federal agency may, not later than 20 days after the date of the submission of a request under subparagraph (A), submit to the Council a response to such request.

''(D) DESIGNATION.—Not later than 40 days after the date of the submission of a request under subparagraph (A), the Council shall designate the lead agency with respect to the relevant proposed agency action.

''(b) ONE DOCUMENT.—

''(1) DOCUMENT.—To the extent practicable, if there are 2 or more involved Federal agencies with respect to a proposed agency action and the lead agency has determined that an environmental document is required, such requirement shall be deemed satisfied with respect to all involved Federal agencies if the lead agency issues such an environmental document.

''(2) CONSIDERATION TIMING.—In developing an environmental document for a proposed agency action, no involved Federal agency shall be required to consider any information that becomes available after the sooner of, as applicable—

''(A) receipt of a complete application with respect to such proposed agency action; or

''(B) publication of a notice of intent or decision to prepare an environmental impact statement for such proposed agency action.

''(3) SCOPE OF REVIEW.—In developing an environmental document for a proposed agency action, the lead agency and any other involved Federal agencies shall only consider the effects of the proposed agency action that—

''(A) occur on Federal land; or

''(B) are subject to Federal control and responsibility.

''(c) REQUEST FOR PUBLIC COMMENT.—Each notice of intent to prepare an environmental impact statement under section 102 shall include a request for public comment on alternatives or impacts and on relevant information, studies, or analyses with respect to the proposed agency action.

''(d) STATEMENT OF PURPOSE AND NEED.—Each environmental impact statement shall include a statement of purpose and need that briefly summarizes the underlying purpose and need for the proposed agency action.

''(e) ESTIMATED TOTAL COST.—The cover sheet for each environmental impact statement shall include a statement of the estimated total cost of preparing such environmental impact statement, including the costs of agency full-time equivalent personnel hours, contractor costs, and other direct costs.

''(f) PAGE LIMITS.—

''(1) ENVIRONMENTAL IMPACT STATEMENTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), an environmental impact statement shall not exceed 150 pages, not including any citations or appendices.

''(B) EXTRAORDINARY COMPLEXITY.—An environmental impact statement for a proposed agency action of extraordinary complexity shall not exceed 300 pages, not including any citations or appendices.

''(2) ENVIRONMENTAL ASSESSMENTS.—An environmental assessment shall not exceed 75 pages, not including any citations or appendices.

''(g) SPONSOR PREPARATION.—A lead agency shall allow a project sponsor to prepare an environmental assessment or an environmental impact statement upon request of

the project sponsor. Such agency may provide such sponsor with appropriate guidance and assist in the preparation. The lead agency shall independently evaluate the environmental document and shall take responsibility for the contents upon adoption.

''(h) DEADLINES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), with respect to a proposed agency action, a lead agency shall complete, as applicable—

''(A) the environmental impact statement not later than the date that is 2 years after the sooner of, as applicable—

''(i) the date on which such agency determines that section 102(2)(C) requires the issuance of an environmental impact statement with respect to such action;

''(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

''(iii) the date on which such agency issues a notice of intent to prepare the environmental impact statement for such action; and

''(B) the environmental assessment not later than the date that is 1 year after the sooner of, as applicable—

''(i) the date on which such agency determines that section 106(b)(2) requires the preparation of an environmental assessment with respect to such action;

''(ii) the date on which such agency notifies the applicant that the application to establish a right-of-way for such action is complete; and

''(iii) the date on which such agency issues a notice of intent to prepare the environmental assessment for such action.

''(2) DELAY.—A lead agency that determines it is not able to meet the deadline described in paragraph (1) may extend such deadline with the approval of the applicant. If the applicant approves such an extension, the lead agency shall establish a new deadline that provides only so much additional time as is necessary to complete such environmental impact statement or environmental assessment.

''(3) EXPENDITURES FOR DELAY.—If a lead agency is unable to meet the deadline described in paragraph (1) or extended under paragraph (2), the lead agency must pay $100 per day, to the extent funding is provided in advance in an appropriations Act, out of the office of the head of the department of the lead agency to the applicant starting on the first day immediately following the deadline described in paragraph (1) or extended under paragraph (2) up until the date that an applicant approves a new deadline. This paragraph does not apply when the lead agency misses a deadline solely due to delays caused by litigation.

''(i) REPORT.—

''(1) IN GENERAL.—The head of each lead agency shall annually submit to the Committee on Natural Resources of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that—

''(A) identifies any environmental assessment and environmental impact statement that such lead agency did not complete by the deadline described in subsection (h); and

''(B) provides an explanation for any failure to meet such deadline.

''(2) INCLUSIONS.—Each report submitted under paragraph (1) shall identify, as applicable—

''(A) the office, bureau, division, unit, or other entity within the Federal agency responsible for each such environmental assessment and environmental impact statement;

''(B) the date on which—

''(i) such lead agency notified the applicant that the application to establish a right-of-way for the major Federal action is complete;

''(ii) such lead agency began the scoping for the major Federal action; or

''(iii) such lead agency issued a notice of intent to prepare the environmental assessment or environmental impact statement for the major Federal action; and

''(C) when such environmental assessment and environmental impact statement is expected to be complete.

''SEC. 108. JUDICIAL REVIEW.

''(a) LIMITATIONS ON CLAIMS.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of compliance with this Act, of a determination made under this Act, or of Federal action resulting from a determination made under this Act, shall be barred unless—

''(1) in the case of a claim pertaining to a proposed agency action for which—

''(A) an environmental document was prepared and an opportunity for comment was provided;

''(B) the claim is filed by a party that participated in the administrative proceedings regarding such environmental document; and

''(C) the claim—

''(i) is filed by a party that submitted a comment during the public comment period for such administrative proceedings and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

''(ii) is related to such comment;

''(2) except as provided in subsection (b), such claim is filed not later than 120 days after the date of publication of a notice in the Federal Register of agency intent to carry out the proposed agency action;

''(3) such claim is filed after the issuance of a record of decision or other final agency action with respect to the relevant proposed agency action;

''(4) such claim does not challenge the establishment or use of a categorical exclusion under section 102; and

''(5) such claim concerns—

''(A) an alternative included in the environmental document; or

''(B) an environmental effect considered in the environmental document.

''(b) SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT.—

''(1) SEPARATE FINAL AGENCY ACTION.—The issuance of a Federal action resulting from a final supplemental environmental impact statement shall be considered a final agency action for the purposes of chapter 5 of title 5, United States Code, separate from the issuance of any previous environmental impact statement with respect to the same proposed agency action.

''(2) DEADLINE FOR FILING A CLAIM.—A claim seeking judicial review of a Federal action resulting from a final supplemental environmental review issued under section 102(2)(C) shall be barred unless—

''(A) such claim is filed within 120 days of the date on which a notice of the Federal agency action resulting from a final supplemental environmental impact statement is issued; and

''(B) such claim is based on information contained in such supplemental environmental impact statement that was not contained in a previous environmental document pertaining to the same proposed agency action.

''(c) PROHIBITION ON INJUNCTIVE RELIEF.—Notwithstanding any other provision of law, a violation of this Act shall not constitute the basis for injunctive relief.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to create a right of judicial review or place any limit on filing a claim with respect to the violation of the terms of a permit, license, or approval.

''(e) REMAND.—Notwithstanding any other provision of law, no proposed agency action for which an environmental document is required shall be vacated or otherwise limited, delayed, or enjoined unless a court concludes allowing such proposed action will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law.

''SEC. 109. DEFINITIONS.

''In this title:

''(1) CATEGORICAL EXCLUSION.—The term 'categorical exclusion' means a category of actions that a Federal agency has determined normally does not significantly affect the quality of the human environment within the meaning of section 102(2)(C).

''(2) COOPERATING AGENCY.—The term 'cooperating agency' means any Federal, State, Tribal, or local agency that has been designated as a cooperating agency under section 107(a)(3).

''(3) COUNCIL.—The term 'Council' means the Council on Environmental Quality established in title II.

''(4) ENVIRONMENTAL ASSESSMENT.—The term 'environmental assessment' means an environmental assessment prepared under section 106(b)(2).

''(5) ENVIRONMENTAL DOCUMENT.—The term 'environmental document' means an environmental impact statement, an environmental assessment, or a finding of no significant impact.

''(6) ENVIRONMENTAL IMPACT STATEMENT.—The term 'environmental impact statement' means a detailed written statement that is required by section 102(2)(C).

''(7) FINDING OF NO SIGNIFICANT IMPACT.—The term 'finding of no significant impact' means a determination by a Federal agency that a proposed agency action does not require the issuance of an environmental impact statement.

''(8) INVOLVED FEDERAL AGENCY.—The term 'involved Federal agency' means an agency that, with respect to a proposed agency action—

''(A) proposed such action; or

''(B) is involved in such action because such action is directly related, through functional interdependence or geographic proximity, to an action such agency has taken or has proposed to take.

''(9) LEAD AGENCY.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'lead agency' means, with respect to a proposed agency action—

''(i) the agency that proposed such action; or

''(ii) if there are 2 or more involved Federal agencies with respect to such action, the agency designated under section 107(a)(1).

''(B) SPECIFICATION FOR MINERAL EXPLORATION OR MINE PERMITS.—With respect to a proposed mineral exploration or mine permit, the term 'lead agency' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

''(10) MAJOR FEDERAL ACTION.—

''(A) IN GENERAL.—The term 'major Federal action' means an action that the agency carrying out such action determines is subject to substantial Federal control and responsibility.

''(B) EXCLUSION.—The term 'major Federal action' does not include—

''(i) a non-Federal action—

''(I) with no or minimal Federal funding;

''(II) with no or minimal Federal involvement where a Federal agency cannot control the outcome of the project; or

''(III) that does not include Federal land;

''(ii) funding assistance solely in the form of general revenue sharing funds which do not provide Federal agency compliance or enforcement responsibility over the subsequent use of such funds;

''(iii) loans, loan guarantees, or other forms of financial assistance where a Federal agency does not exercise sufficient control and responsibility over the effect of the action;

''(iv) farm ownership and operating loan guarantees by the Farm Service Agency pursuant to sections 305 and 311 through 319 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1925 and 1941 through 1949);

''(v) business loan guarantees provided by the Small Business Administration pursuant to section 7(a) or (b) and of the Small Business Act (15 U.S.C. 636(a)), or title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

''(vi) bringing judicial or administrative civil or criminal enforcement actions; or

''(vii) extraterritorial activities or decisions, which means agency activities or decisions with effects located entirely outside of the jurisdiction of the United States.

''(C) ADDITIONAL EXCLUSIONS.—An agency action may not be determined to be a major Federal action on the basis of—

''(i) an interstate effect of the action or related project; or

''(ii) the provision of Federal funds for the action or related project.

''(11) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' has the meaning given such term in section 40206(a) of the Infrastructure Investment and Jobs Act.

''(12) PROPOSAL.—The term 'proposal' means a proposed action at a stage when an agency has a goal, is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and can meaningfully evaluate its effects.

''(13) REASONABLY FORESEEABLE.—The term 'reasonably foreseeable' means likely to occur—

''(A) not later than 10 years after the lead agency begins preparing the environmental document; and

''(B) in an area directly affected by the proposed agency action such that an individual of ordinary prudence would take such occurrence into account in reaching a decision.

''(14) SPECIAL EXPERTISE.—The term 'special expertise' means statutory responsibility, agency mission, or related program experience.''.

SEC. 343. CODIFICATION OF NATIONAL ENVIRONMENTAL POLICY ACT REGULATIONS.

The revisions to the Code of Federal Regulations made pursuant to the final rule of the Council on Environmental Quality titled ''Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act'' and published on July 16, 2020 (85 Fed. Reg. 43304), shall have the same force and effect of law as if enacted by an Act of Congress.

SEC. 344. NON-MAJOR FEDERAL ACTIONS.

(a) EXEMPTION.—An action by the Secretary concerned with respect to a covered activity shall be not considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) COVERED ACTIVITY.—In this section, the term ''covered activity'' includes—

(1) geotechnical investigations;

(2) off-road travel in an existing right-of-way;

(3) construction of meteorological towers where the total surface disturbance at the location is less than 5 acres;

(4) adding a battery or other energy storage device to an existing or planned energy facility, if that storage resource is located within the physical footprint of the existing or planned energy facility;

(5) drilling temperature gradient wells and other geothermal exploratory wells, including construction or making improvements for such activities, where—

(A) the last cemented casing string is less than 12 inches in diameter; and

(B) the total unreclaimed surface disturbance at any one time within the project area is less than 5 acres;

(6) any repair, maintenance, upgrade, optimization, or minor addition to existing transmission and distribution infrastructure, including—

(A) operation, maintenance, or repair of power equipment and structures within existing substations, switching stations, transmission, and distribution lines;

(B) the addition, modification, retirement, or replacement of breakers, transmission towers, transformers, bushings, or relays;

(C) the voltage uprating, modification, reconductoring with conventional or advanced conductors, and clearance resolution of transmission lines;

(D) activities to minimize fire risk, including vegetation management, routine fire mitigation, inspection, and maintenance activities, and removal of hazard trees and other hazard vegetation within or adjacent to an existing right-of-way;

(E) improvements to or construction of structure pads for such infrastructure; and

(F) access and access route maintenance and repairs associated with any activity described in subparagraph (A) through (E);

(7) approval of and activities conducted in accordance with operating plans or agreements for transmission and distribution facilities or under a special use authorization for an electric transmission and distribution facility right-of-way; and

(8) construction, maintenance, realignment, or repair of an existing permanent or temporary access road—

(A) within an existing right-of-way or within a transmission or utility corridor established by Congress or in a land use plan;

(B) that serves an existing transmission line, distribution line, or energy facility; or

(C) activities conducted in accordance with existing onshore oil and gas leases.

SEC. 345. NO NET LOSS DETERMINATION FOR EXISTING RIGHTS-OF-WAY.

(a) IN GENERAL.—Upon a determination by the Secretary concerned that there will be no overall long-term net loss of vegetation, soil, or habitat, as defined by acreage and function, resulting from a proposed action, decision, or activity within an existing right-of-way, within a right-of-way corridor established in a land use plan, or in an otherwise designated right-of-way, that action, decision, or activity shall not be considered a major Federal action under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) INCLUSION OF REMEDIATION.—In making a determination under subsection (a), the Secretary concerned shall consider the effect of any remediation work to be conducted during the lifetime of the action, decision, or activity when determining whether there will be any overall long-term net loss of vegetation, soil, or habitat.

SEC. 346. DETERMINATION OF NATIONAL ENVIRONMENTAL POLICY ACT ADEQUACY.

The Secretary concerned shall use previously completed environmental assessments and environmental impact statements to satisfy the requirements of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) with respect to any major Federal action, if such Secretary determines that—

(1) the new proposed action is substantially the same as a previously analyzed proposed action or alternative analyzed in a previous environmental assessment or environmental impact statement; and

(2) the effects of the proposed action are substantially the same as the effects analyzed in such existing environmental assessments or environmental impact statements.

SEC. 347. DETERMINATION REGARDING RIGHTS-OF-WAY.

Not later than 60 days after the Secretary concerned receives an application to grant a right-of-way, the Secretary concerned shall notify the applicant as to whether the application is complete or deficient. If the Secretary concerned determines the application is complete, the Secretary concerned may not consider any other application to grant a right-of-way on the same or any overlapping parcels of land while such application is pending.

SEC. 348. TERMS OF RIGHTS-OF-WAY.

(a) FIFTY-YEAR TERMS FOR RIGHTS-OF-WAY.—

(1) IN GENERAL.—Any right-of-way for pipelines for the transportation or distribution of oil or gas granted, issued, amended, or renewed under Federal law may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.

(2) FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976.—Section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) is amended by adding at the end the following:

''(e) Any right-of-way granted, issued, amended, or renewed under subsection (a)(4) may be limited to a term of not more than 50 years before such right-of-way is subject to renewal or amendment.''.

(b) MINERAL LEASING ACT.—Section 28(n) of the Mineral Leasing Act (30 U.S.C. 185(n)) is amended by striking ''thirty'' and inserting ''50''.

SEC. 349. FUNDING TO PROCESS PERMITS AND DEVELOP INFORMATION TECHNOLOGY.

(a) IN GENERAL.—In fiscal years 2023 through 2025, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior, after public notice, may accept and expend funds contributed by non-Federal entities for dedicated staff, information resource management, and information technology system development to expedite the evaluation of permits, biological opinions, concurrence letters, environmental surveys and studies, processing of applications, consultations, and other activities for the leasing, development, or expansion of an energy facility under the jurisdiction of the respective Secretaries.

(b) EFFECT ON PERMITTING.—In carrying out this section, the Secretary of the Interior shall ensure that the use of funds accepted under subsection (a) will not impact impartial decision making with respect to permits, either substantively or procedurally.

(c) STATEMENT FOR FAILURE TO ACCEPT OR EXPEND FUNDS.—Not later than 60 days after the end of the applicable fiscal year, if the Secretary of Agriculture (acting through the Forest Service) or the Secretary of the Interior does not accept funds contributed under subsection (a) or accepts but does not expend such funds, that Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a statement explaining why such funds were not accepted, were not expended, or both, as the case may be.

(d) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior may not accept contributions, as authorized by subsection (a), from non-Federal entities owned by the Communist Party of China (or a person or entity acting on behalf of the Communist Party of China).

(e) REPORT ON NON-FEDERAL ENTITIES.—Not later than 60 days after the end of the applicable fiscal year, the Secretary of Agriculture (acting through the Forest Service) and the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that includes, for each expenditure authorized by subsection (a)—

(1) the amount of funds accepted; and

(2) the contributing non-Federal entity.

SEC. 350. OFFSHORE GEOLOGICAL AND GEOPHYSICAL SURVEY LICENSING.

The Secretary of the Interior shall authorize geological and geophysical surveys related to oil and gas activities on the Gulf of Mexico Outer Continental Shelf, except within areas subject to existing oil and gas leasing moratoria. Such authorizations shall be issued within 30 days of receipt of a completed application and shall, as applicable to survey type, comply with the mitigation and monitoring measures in subsections (a), (b), (c), (d), (f), and (g) of section 217.184 of title 50, Code of Federal Regulations (as in effect on January 1, 2022), and section 217.185 of title 50, Code of Federal Regulations (as in effect on January 1, 2022). Geological and geophysical surveys authorized pursuant to this section are deemed to be in full compliance with the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) and the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and their implementing regulations.

SEC. 350A. DEFERRAL OF APPLICATIONS FOR PERMITS TO DRILL.

Section 17(p)(3) of the Mineral Leasing Act (30 U.S.C. 226(p)(3)) is amended by adding at the end the following:

''(D) DEFERRAL BASED ON FORMATTING ISSUES.—A decision on an application for a permit to drill may not be deferred under paragraph (2)(B) as a result of a formatting issue with the permit, unless such formatting issue results in missing information.''.

SEC. 350B. PROCESSING AND TERMS OF APPLICATIONS FOR PERMITS TO DRILL.

(a) EFFECT OF PENDING CIVIL ACTIONS.—Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

''(4) EFFECT OF PENDING CIVIL ACTION ON PROCESSING APPLICATIONS FOR PERMITS TO DRILL.—Pursuant to the requirements of paragraph (2), notwithstanding the existence of any pending civil actions affecting the application or related lease, the Secretary shall process an application for a permit to drill or other authorizations or approvals under a valid existing lease, unless a United States Federal court vacated such lease. Nothing in this paragraph shall be construed as providing authority to a Federal court to vacate a lease.''.

(b) TERM OF PERMIT TO DRILL.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(u) TERM OF PERMIT TO DRILL.—A permit to drill issued under this section after the date of the enactment of this subsection shall be valid for one four-year term from the date that the permit is approved, or until the lease regarding which the permit is issued expires, whichever occurs first.''.

SEC. 350C. AMENDMENTS TO THE ENERGY POLICY ACT OF 2005.

Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended to read as follows:

''SEC. 390. NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.

''(a) NATIONAL ENVIRONMENTAL POLICY ACT REVIEW.—Action by the Secretary of the Interior, in managing the public lands, or the Secretary of Agriculture, in managing National Forest System lands, with respect to any of the activities described in subsection (c), shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969, if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) for the purpose of exploration or development of oil or gas.

''(b) APPLICATION.—This section shall not apply to an action of the Secretary of the Interior or the Secretary of Agriculture on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(c) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are as follows:

''(1) Reinstating a lease pursuant to section 31 of the Mineral Leasing Act (30 U.S.C. 188).

''(2) The following activities, provided that any new surface disturbance is contiguous with the footprint of the original authorization and does not exceed 20 acres or the acreage has previously been evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity:

''(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

''(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

''(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

''(3) Drilling of an oil or gas well at a new well pad site, provided that the new surface disturbance does not exceed 20 acres and the acreage evaluated in a document previously prepared under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such activity, whichever is greater.

''(4) Construction or realignment of a road, pipeline, or utility within an existing right-of-way or within a right-of-way corridor established in a land use plan.

''(5) The following activities when conducted from non-Federal surface into federally owned minerals, provided that the operator submits to the Secretary concerned certification of a surface use agreement with the non-Federal landowner:

''(A) Drilling an oil or gas well at a well pad site at which drilling has occurred previously.

''(B) Expansion of an existing oil or gas well pad site to accommodate an additional well.

''(C) Expansion or modification of an existing oil or gas well pad site, road, pipeline, facility, or utility submitted in a sundry notice.

''(6) Drilling of an oil or gas well from non-Federal surface and non-Federal subsurface into Federal mineral estate.

''(7) Construction of up to 1 mile of new road on Federal or non-Federal surface, not to exceed 2 miles in total.

''(8) Construction of up to 3 miles of individual pipelines or utilities, regardless of surface ownership.''.

SEC. 350D. ACCESS TO FEDERAL ENERGY RESOURCES FROM NON-FEDERAL SURFACE ESTATE.

(a) OIL AND GAS PERMITS.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by adding at the end the following:

''(v) NO FEDERAL PERMIT REQUIRED FOR OIL AND GAS ACTIVITIES ON CERTAIN LAND.—

''(1) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for oil and gas exploration and production activities conducted on non-Federal surface estate, provided that—

''(A) the United States holds an ownership interest of less than 50 percent of the subsurface mineral estate to be accessed by the proposed action; and

''(B) the operator submits to the Secretary a State permit to conduct oil and gas exploration and production activities on the non-Federal surface estate.

''(2) NO FEDERAL ACTION.—An oil and gas exploration and production activity carried out under paragraph (1)—

''(A) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

''(B) shall require no additional Federal action;

''(C) may commence 30 days after submission of the State permit to the Secretary; and

''(D) shall not be subject to—

''(i) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

''(ii) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

''(3) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(A) Nothing in this subsection shall affect the amount of royalties due to the United States under this Act from the production of oil and gas, or alter the Secretary's authority to conduct audits and collect civil penalties pursuant to the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.).

''(B) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of production of Federal oil and gas, and payment of royalties.

''(4) EXCEPTIONS.—This subsection shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(5) INDIAN LAND.—In this subsection, the term 'Indian land' means—

''(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(i) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

''(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

''(iii) by a dependent Indian community.''.

(b) GEOTHERMAL PERMITS.—The Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) is amended by adding at the end the following:

''SEC. 30. NO FEDERAL PERMIT REQUIRED FOR GEOTHERMAL ACTIVITIES ON CERTAIN LAND.

''(a) IN GENERAL.—The Secretary shall not require an operator to obtain a Federal drilling permit for geothermal exploration and production activities conducted on a non-Federal surface estate, provided that—

''(1) the United States holds an ownership interest of less than 50 percent of the subsurface geothermal estate to be accessed by the proposed action; and

''(2) the operator submits to the Secretary a State permit to conduct geothermal exploration and production activities on the non-Federal surface estate.

''(b) NO FEDERAL ACTION.—A geothermal exploration and production activity carried out under paragraph (1)—

''(1) shall not be considered a major Federal action for the purposes of section 102(2)(C) of the National Environmental Policy Act of 1969;

''(2) shall require no additional Federal action;

''(3) may commence 30 days after submission of the State permit to the Secretary; and

''(4) shall not be subject to—

''(A) section 306108 of title 54, United States Code (commonly known as the National Historic Preservation Act of 1966); and

''(B) section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536).

''(c) ROYALTIES AND PRODUCTION ACCOUNTABILITY.—(1) Nothing in this section shall affect the amount of royalties due to the United States under this Act from the production of electricity using geothermal resources (other than direct use of geothermal resources) or the production of any byproducts.

''(2) The Secretary may conduct onsite reviews and inspections to ensure proper accountability, measurement, and reporting of the production described in paragraph (1), and payment of royalties.

''(d) EXCEPTIONS.—This section shall not apply to actions on Indian lands or resources managed in trust for the benefit of Indian Tribes.

''(e) INDIAN LAND.—In this section, the term 'Indian land' means—

''(1) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; and

''(2) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(A) in trust by the United States for the benefit of an Indian tribe or an individual Indian;

''(B) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

''(C) by a dependent Indian community.''.

SEC. 350E. SCOPE OF ENVIRONMENTAL REVIEWS FOR OIL AND GAS LEASES.

An environmental review for an oil and gas lease or permit prepared pursuant to the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and its implementing regulations—

(1) shall apply only to areas that are within or immediately adjacent to the lease plot or plots and that are directly affected by the proposed action; and

(2) shall not require consideration of downstream, indirect effects of oil and gas consumption.

SEC. 350F. EXPEDITING APPROVAL OF GATHERING LINES.

Section 11318(b)(1) of the Infrastructure Investment and Jobs Act (42 U.S.C. 15943(b)(1)) is amended by striking ''to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act))'' and inserting ''to not be a major Federal action''.

SEC. 350G. LEASE SALE LITIGATION.

Notwithstanding any other provision of law, any oil and gas lease sale held under section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) shall not be vacated and activities on leases awarded in the sale shall not be otherwise limited, delayed, or enjoined unless the court concludes allowing development of the challenged lease will pose a risk of an imminent and substantial environmental harm and there is no other equitable remedy available as a matter of law. No court, in response to an action brought pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. et seq.), may enjoin or issue any order preventing the award of leases to a bidder in a lease sale conducted pursuant to section 17 of the Mineral Leasing Act (26 U.S.C. 226) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) if the Department of the Interior has previously opened bids for such leases or disclosed the high bidder for any tract that was included in such lease sale.

SEC. 350H. LIMITATION ON CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for a mineral project, energy facility, or energy storage device shall be barred unless—

(1) the claim is filed within 120 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed; and

(2) the claim is filed by a party that submitted a comment during the public comment period for such permit, license, or approval and such comment was sufficiently detailed to put the agency on notice of the issue upon which the party seeks judicial review.

(b) SAVINGS CLAUSE.—Nothing in this section shall create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

(c) TRANSPORTATION PROJECTS.—Subsection (a) shall not apply to or supersede a claim subject to section 139(l)(1) of title 23, United States Code.

(d) MINERAL PROJECT.—In this section, the term ''mineral project'' means a project—

(1) located on—

(A) a mining claim, millsite claim, or tunnel site claim for any mineral;

(B) lands open to mineral entry; or

(C) a Federal mineral lease; and

(2) for the purposes of exploring for or producing minerals.

SEC. 350I. GOVERNMENT ACCOUNTABILITY OFFICE REPORT ON PERMITS TO DRILL.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall issue a report detailing—

(1) the approval timelines for applications for permits to drill issued by the Bureau of Land Management from 2018 through 2022;

(2) the number of applications for permits to drill that were not issued within 30 days of receipt of a completed application; and

(3) the causes of delays resulting in applications for permits to drill pending beyond the 30 day deadline required under section 17(p)(2) of the Mineral Leasing Act (30 U.S.C. 226(p)(2)).

(b) RECOMMENDATIONS.—The report issued under subsection (a) shall include recommendations with respect to—

(1) actions the Bureau of Land Management can take to streamline the approval process for applications for permits to drill to approve applications for permits to drill within 30 days of receipt of a completed application;

(2) aspects of the Federal permitting process carried out by the Bureau of Land Management to issue applications for permits to drill that can be turned over to States to expedite approval of applications for permits to drill; and

(3) legislative actions that Congress must take to allow States to administer certain aspects of the Federal permitting process described in paragraph (2).

SEC. 350J. E–NEPA.

(a) PERMITTING PORTAL STUDY.—The Council on Environmental Quality shall conduct a study and submit a report to Congress within 1 year of the enactment of this Act on the potential to create an online permitting portal for permits that require review under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) that would—

(1) allow applicants to—

(A) submit required documents or materials for their application in one unified portal;

(B) upload additional documents as required by the applicable agency; and

(C) track the progress of individual applications;

(2) enhance interagency coordination in consultation by—

(A) allowing for comments in one unified portal;

(B) centralizing data necessary for reviews; and

(C) streamlining communications between other agencies and the applicant; and

(3) boost transparency in agency decisionmaking.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $500,000 for the Council of Environmental Quality to carry out the study directed by this section.

SEC. 350K. LIMITATIONS ON CLAIMS.

(a) IN GENERAL.—Section 139(l) of title 23, United States Code, is amended by striking ''150 days'' each place it appears and inserting ''90 days''.

(b) CONFORMING AMENDMENTS.—

(1) Section 330(e) of title 23, United States Code, is amended—

(A) in paragraph (2)(A), by striking ''150 days'' and inserting ''90 days''; and

(B) in paragraph (3)(B)(i), by striking ''150 days'' and inserting ''90 days''.

(2) Section 24201(a)(4) of title 49, United States Code, is amended by striking ''of 150 days''.

SEC. 350L. ONE FEDERAL DECISION FOR PIPELINES.

(a) IN GENERAL.—Chapter 601 of title 49, United States Code, is amended by adding at the end the following:

''§ 60144. Efficient environmental reviews and one Federal decision

''(a) EFFICIENT ENVIRONMENTAL REVIEWS.—

''(1) IN GENERAL.—The Secretary of Transportation shall apply the project development procedures, to the greatest extent feasible, described in section 139 of title 23 to any pipeline project that requires the approval of the Secretary under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

''(2) REGULATIONS AND PROCEDURES.—In carrying out paragraph (1), the Secretary shall incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) aspects of such project development procedures, or portions thereof, determined appropriate by the Secretary in a manner consistent with this section, that increase the efficiency of the review of pipeline projects.

''(3) DISCRETION.—The Secretary may choose not to incorporate into agency regulations and procedures pertaining to pipeline projects described in paragraph (1) such project development procedures that could

only feasibly apply to highway projects, public transportation capital projects, and multimodal projects.

''(4) APPLICABILITY.—Subsection (l) of section 139 of title 23 shall apply to pipeline projects described in paragraph (1).

''(b) ADDITIONAL CATEGORICAL EXCLUSIONS.—The Secretary shall maintain and make publicly available, including on the Internet, a database that identifies project-specific information on the use of a categorical exclusion on any pipeline project carried out under this title.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 601 of title 49, United States Code, is amended by adding at the end the following:

''60144. Efficient environmental reviews and one Federal decision.''.

SEC. 350M. EXEMPTION OF CERTAIN WILDFIRE MITIGATION ACTIVITIES FROM CERTAIN ENVIRONMENTAL REQUIREMENTS.

(a) IN GENERAL.—Wildfire mitigation activities of the Secretary of the Interior and the Secretary of Agriculture may be carried out without regard to the provisions of law specified in subsection (b).

(b) PROVISIONS OF LAW SPECIFIED.—The provisions of law specified in this section are all Federal, State, or other laws, regulations, and legal requirements of, deriving from, or related to the subject of, the following laws:

(1) Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(2) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(c) WILDFIRE MITIGATION ACTIVITY.—For purposes of this section, the term ''wildfire mitigation activity''—

(1) is an activity conducted on Federal land that is—

(A) under the administration of the Director of the National Park System, the Director of the Bureau of Land Management, or the Chief of the Forest Service; and

(B) within 300 feet of any permanent or temporary road, as measured from the center of such road; and

(2) includes forest thinning, hazardous fuel reduction, prescribed burning, and vegetation management.

SEC. 350N. VEGETATION MANAGEMENT, FACILITY INSPECTION, AND OPERATION AND MAINTENANCE RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION FACILITY RIGHTS OF WAY.

(a) HAZARD TREES WITHIN 50 FEET OF ELECTRIC POWER LINE.—Section 512(a)(1)(B)(ii) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(a)(1)(B)(ii)) is amended by striking ''10'' and inserting ''50''.

(b) CONSULTATION WITH PRIVATE LANDOWNERS.—Section 512(c)(3)(E) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(3)(E)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(iii) consulting with private landowners with respect to any hazard trees identified for removal from land owned by such private landowners.''.

(c) REVIEW AND APPROVAL PROCESS.—Clause (iv) of section 512(c)(4)(A) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(4)(A)) is amended to read as follows:

''(iv) ensures that—

''(I) a plan submitted without a modification under clause (iii) shall be automatically approved 60 days after review; and

''(II) a plan submitted with a modification under clause (iii) shall be automatically approved 67 days after review.''.

SEC. 350O. CATEGORICAL EXCLUSION FOR ELECTRIC UTILITY LINES RIGHTS-OF-WAY.

(a) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Agriculture, with respect to National Forest System lands; and

(2) the Secretary of the Interior, with respect to public lands.

(b) CATEGORICAL EXCLUSION ESTABLISHED.—Forest management activities described in subsection (c) are a category of activities designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

(c) FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.—The forest management activities designated as being categorically excluded under subsection (b) are—

(1) the development and approval of a vegetation management, facility inspection, and operation and maintenance plan submitted under section 512(c)(1) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1772(c)(1)) by the Secretary concerned; and

(2) the implementation of routine activities conducted under the plan referred to in paragraph (1).

(d) AVAILABILITY OF CATEGORICAL EXCLUSION.—On and after the date of the enactment of this Act, the Secretary concerned may use the categorical exclusion established under subsection (b) in accordance with this section.

(e) EXTRAORDINARY CIRCUMSTANCES.—Use of the categorical exclusion established under subsection (b) shall not be subject to the extraordinary circumstances procedures in section 220.6, title 36, Code of Federal Regulations, or section 1508.4, title 40, Code of Federal Regulations.

(f) EXCLUSION OF CERTAIN AREAS.—The categorical exclusion established under subsection (b) shall not apply to any forest management activity conducted—

(1) in a component of the National Wilderness Preservation System; or

(2) on National Forest System lands on which, by Act of Congress, the removal of vegetation is restricted or prohibited.

(g) PERMANENT ROADS.—

(1) PROHIBITION ON ESTABLISHMENT.—A forest management activity designated under subsection (c) shall not include the establishment of a permanent road.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repair on an existing permanent road for the purposes of conducting a forest management activity designated under subsection (c).

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed for a forest management activity designated under subsection (c) not later than 3 years after the date on which the action is completed.

(h) APPLICABLE LAWS.—A forest management activity designated under subsection (c) shall not be subject to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536), section 106 of the National Historic Preservation Act, or any other applicable law.

SEC. 350P. STAFFING PLANS.

(a) IN GENERAL.—Not later than 365 days after the date of enactment of this Act, each local unit of the National Park Service, Bureau of Land Management, and Forest Service shall conduct an outreach plan for disseminating and advertising open civil service positions with functions relating to permitting or natural resources in their offices. Each such plan shall include outreach to local high schools, community colleges, institutions of higher education, and any other relevant institutions, as determined by the Secretary of the Interior or the Secretary of Agriculture (as the case may be).

(b) COLLABORATION PERMITTED.—Such local units of the National Park Service, Bureau of Land Management, and Forest Service located in reasonably close geographic areas may collaborate to produce a joint outreach plan that meets the requirements of subsection (a).

Subtitle C—Permitting for Mining Needs

SEC. 351. DEFINITIONS.

In this subtitle:

(1) BYPRODUCT.—The term ''byproduct'' has the meaning given such term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(2) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given such term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) MINERAL.—The term ''mineral'' means any mineral of a kind that is locatable (including, but not limited to, such minerals located on ''lands acquired by the United States'', as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

(4) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

SEC. 352. MINERALS SUPPLY CHAIN AND RELIABILITY.

Section 40206 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1607) is amended—

(1) in the section heading, by striking ''**CRITICAL MINERALS**'' and inserting ''**MINERALS**'';

(2) by amending subsection (a) to read as follows:

''(a) DEFINITIONS.—In this section:

''(1) LEAD AGENCY.—The term 'lead agency' means the Federal agency with primary responsibility for issuing a mineral exploration or mine permit or lease for a mineral project.

''(2) MINERAL.—The term 'mineral' has the meaning given such term in section 20301 of the TAPP American Resources Act.

''(3) MINERAL EXPLORATION OR MINE PERMIT.—The term 'mineral exploration or mine permit' means—

''(A) an authorization of the Bureau of Land Management or the Forest Service, as applicable, for exploration for minerals that requires analysis under the National Environmental Policy Act of 1969;

''(B) a plan of operations for a mineral project approved by the Bureau of Land Management or the Forest Service; or

''(C) any other Federal permit or authorization for a mineral project.

''(4) MINERAL PROJECT.—The term 'mineral project' means a project—

''(A) located on—

''(i) a mining claim, millsite claim, or tunnel site claim for any mineral;

''(ii) lands open to mineral entry; or

''(iii) a Federal mineral lease; and

''(B) for the purposes of exploring for or producing minerals.'';

(3) in subsection (b), by striking ''critical'' each place such term appears;

(4) in subsection (c)—

(A) by striking ''critical mineral production on Federal land'' and inserting ''mineral projects'';

(B) by inserting '', and in accordance with subsection (h)'' after ''to the maximum extent practicable'';

(C) by striking ''shall complete the'' and inserting ''shall complete such'';

(D) in paragraph (1), by striking ''critical mineral-related activities on Federal land'' and inserting ''mineral projects'';

(E) in paragraph (8), by striking the ''and'' at the end;

(F) in paragraph (9), by striking ''procedures.'' and inserting ''procedures; and''; and

(G) by adding at the end the following:

''(10) deferring to and relying on baseline data, analyses, and reviews performed by State agencies with jurisdiction over the environmental or reclamation permits for the proposed mineral project.'';

(5) in subsection (d)—

(A) by striking ''critical'' each place such term appears; and

(B) in paragraph (3), by striking ''mineral-related activities on Federal land'' and inserting ''mineral projects'';

(6) in subsection (e), by striking ''critical'';

(7) in subsection (f), by striking ''critical'' each place such term appears;

(8) in subsection (g), by striking ''critical'' each place such term appears; and

(9) by adding at the end the following:

''(h) OTHER REQUIREMENTS.—

''(1) MEMORANDUM OF AGREEMENT.—For purposes of maximizing efficiency and effectiveness of the Federal permitting and review processes described under subsection (c), the lead agency in the Federal permitting and review processes of a mineral project shall (in consultation with any other Federal agency involved in such Federal permitting and review processes, and upon request of the project applicant, an affected State government, local government, or an Indian Tribe, or other entity such lead agency determines appropriate) enter into a memorandum of agreement with a project applicant where requested by the applicant to carry out the activities described in subsection (c).

''(2) TIMELINES AND SCHEDULES FOR NEPA REVIEWS.—

''(A) EXTENSION.—A project applicant may enter into 1 or more agreements with a lead agency to extend the deadlines described in subparagraphs (A) and (B) of subsection (h)(1) of section 107 of title I of the National Environmental Policy Act of 1969 by, with respect to each such agreement, not more than 6 months.

''(B) ADJUSTMENT OF TIMELINES.—At the request of a project applicant, the lead agency and any other entity which is a signatory to a memorandum of agreement under paragraph (1) may, by unanimous agreement, adjust—

''(i) any deadlines described in subparagraph (A); and

''(ii) any deadlines extended under subparagraph (B).

''(3) EFFECT ON PENDING APPLICATIONS.—Upon a written request by a project applicant, the requirements of this subsection shall apply to any application for a mineral exploration or mine permit or mineral lease that was submitted before the date of the enactment of the TAPP American Resources Act.''.

SEC. 353. FEDERAL REGISTER PROCESS IMPROVEMENT.

Section 7002(f) of the Energy Act of 2020 (30 U.S.C. 1606(f)) is amended—

(1) in paragraph (2), by striking ''critical'' both places such term appears; and

(2) by striking paragraph (4).

SEC. 354. DESIGNATION OF MINING AS A COVERED SECTOR FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended by inserting ''mineral production,'' before ''or any other sector''.

SEC. 355. TREATMENT OF ACTIONS UNDER PRESIDENTIAL DETERMINATION 2022–11 FOR FEDERAL PERMITTING IMPROVEMENT PURPOSES.

(a) IN GENERAL.—Except as provided by subsection (c), an action described in subsection (b) shall be—

(1) treated as a covered project, as defined in section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)), without regard to the requirements of that section; and

(2) included in the Permitting Dashboard maintained pursuant to section 41003(b) of that Act (42 13 U.S.C. 4370m–2(b)).

(b) ACTIONS DESCRIBED.—An action described in this subsection is an action taken by the Secretary of Defense pursuant to Presidential Determination 2022–11 (87 Fed. Reg. 19775; relating to certain actions under section 303 of the Defense Production Act of 1950) or the Presidential Memorandum of February 27, 2023, titled ''Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950, as amended, on Department of Defense Supply Chains Resilience'' (88 Fed. Reg. 13015) to create, maintain, protect, expand, or restore sustainable and responsible domestic production capabilities through—

(1) supporting feasibility studies for mature mining, beneficiation, and value-added processing projects;

(2) byproduct and co-product production at existing mining, mine waste reclamation, and other industrial facilities;

(3) modernization of mining, beneficiation, and value-added processing to increase productivity, environmental sustainability, and workforce safety; or

(4) any other activity authorized under section 303(a)(1) of the Defense Production Act of 1950 15 (50 U.S.C. 4533(a)(1)).

(c) EXCEPTION.—An action described in subsection (b) may not be treated as a covered project or be included in the Permitting Dashboard under subsection (a) if the project sponsor (as defined in section 41001(18) of the FAST Act (42 U.S.C. 21 4370m(18))) requests that the action not be treated as a covered project.

SEC. 356. NOTICE FOR MINERAL EXPLORATION ACTIVITIES WITH LIMITED SURFACE DISTURBANCE.

(a) IN GENERAL.—Not later than 15 days before commencing an exploration activity with a surface disturbance of not more than 5 acres of public lands, the operator of such exploration activity shall submit to the Secretary concerned a complete notice of such exploration activity.

(b) INCLUSIONS.—Notice submitted under subsection (a) shall include such information the Secretary concerned may require, including the information described in section 3809.301 of title 43, Code of Federal Regulations (or any successor regulation).

(c) REVIEW.—Not later than 15 days after the Secretary concerned receives notice submitted under subsection (a), the Secretary concerned shall—

(1) review and determine completeness of the notice; and

(2) allow exploration activities to proceed if—

(A) the surface disturbance of such exploration activities on such public lands will not exceed 5 acres;

(B) the Secretary concerned determines that the notice is complete; and

(C) the operator provides financial assurance that the Secretary concerned determines is adequate.

(d) DEFINITIONS.—In this section:

(1) EXPLORATION ACTIVITY.—The term ''exploration activity''—

(A) means creating surface disturbance greater than casual use that includes sampling, drilling, or developing surface or underground workings to evaluate the type, extent, quantity, or quality of mineral values present;

(B) includes constructing drill roads and drill pads, drilling, trenching, excavating test pits, and conducting geotechnical tests and geophysical surveys; and

(C) does not include activities where material is extracted for commercial use or sale.

(2) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) with respect to lands administered by the Secretary of the Interior, the Secretary of the Interior; and

(B) with respect to National Forest System lands, the Secretary of Agriculture.

SEC. 357. USE OF MINING CLAIMS FOR ANCILLARY ACTIVITIES.

Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended by adding at the end the following:

''(e) SECURITY OF TENURE.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—A claimant shall have the right to use, occupy, and conduct operations on public land, with or without the discovery of a valuable mineral deposit, if—

''(i) such claimant makes a timely payment of the location fee required by section 10102 and the claim maintenance fee required by subsection (a); or

''(ii) in the case of a claimant who qualifies for a waiver under subsection (d), such claimant makes a timely payment of the location fee and complies with the required assessment work under the general mining laws.

''(B) OPERATIONS DEFINED.—For the purposes of this paragraph, the term 'operations' means—

''(i) any activity or work carried out in connection with prospecting, exploration, processing, discovery and assessment, development, or extraction with respect to a locatable mineral;

''(ii) the reclamation of any disturbed areas; and

''(iii) any other reasonably incident uses, whether on a mining claim or not, including the construction and maintenance of facilities, roads, transmission lines, pipelines, and any other necessary infrastructure or means of access on public land for support facilities.

''(2) FULFILLMENT OF FEDERAL LAND POLICY AND MANAGEMENT ACT.—A claimant that fulfills the requirements of this section and section 10102 shall be deemed to satisfy the requirements of any provision of the Federal Land Policy and Management Act that requires the payment of fair market value to the United States for use of public lands and resources relating to use of such lands and resources authorized by the general mining laws.

''(3) SAVINGS CLAUSE.—Nothing in this subsection may be construed to diminish the rights of entry, use, and occupancy, or any other right, of a claimant under the general mining laws.''.

SEC. 358. ENSURING CONSIDERATION OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—Section 7002(a)(3)(B)(i) of the Energy Act of 2020 (30 U.S.C. 1606(a)(3)(B)(i)) is amended to read as follows:

''(i) oil, oil shale, coal, or natural gas;''.

(b) UPDATE.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, shall publish in the Federal Register an update to

the final list established in section 7002(c)(3) of the Energy Act of 2020 (30 U.S.C. 1606(c)(3)) in accordance with subsection (a) of this section.

(c) REPORT.—Not later than 180 days after the date of the enactment of this section, the Secretary, acting through the Director of the United States Geological Survey, in consultation with the Secretary of Energy, shall submit to the appropriate committees of Congress a report that includes the following:

(1) The current status of uranium deposits in the United States with respect to the amount and quality of uranium contained in such deposits.

(2) A comparison of the United States to the rest of the world with respect to the amount and quality of uranium contained in uranium deposits.

(3) Policy considerations, including potential challenges, of utilizing the uranium from the deposits described in paragraph (1).

SEC. 359. BARRING FOREIGN BAD ACTORS FROM OPERATING ON FEDERAL LANDS.

A mining claimant shall be barred from the right to use, occupy, and conduct operations on Federal land if the Secretary of the Interior finds the claimant has a foreign parent company that has (including through a subsidiary)—

(1) a known record of human rights violations; or

(2) knowingly operated an illegal mine in another country.

SEC. 360. PERMIT PROCESS FOR PROJECTS RELATING TO EXTRACTION, RECOVERY, OR PROCESSING OF CRITICAL MATERIALS.

(a) DEFINITION OF COVERED PROJECT.—Section 41001(6)(A) of the FAST Act (42 U.S.C. 4370m(6)(A)) is amended—

(1) in clause (iii)(III), by striking ''; or'' and inserting '';'';

(2) in clause (iv)(II), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(v) is related to the extraction, recovery, or processing from coal, coal waste, coal processing waste, pre-or post-combustion coal byproducts, or acid mine drainage from coal mines of—

''(I) critical minerals (as such term is defined in section 7002 of the Energy Act of 2020);

''(II) rare earth elements; or

''(III) microfine carbon or carbon from coal.''.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committees on Energy and Natural Resources and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure, Natural Resources, and Energy and Commerce of the House of Representatives a report evaluating the timeliness of implementation of reforms of the permitting process required as a result of the amendments made by this section on the following:

(1) The economic and national security of the United States.

(2) Domestic production and supply of critical minerals, rare earths, and microfine carbon or carbon from coal.

SEC. 360A. NATIONAL STRATEGY TO RE-SHORE MINERAL SUPPLY CHAINS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the United States Geological Survey, in consultation with the Secretaries of Defense, Energy, and State, shall—

(1) identify mineral commodities that—

(A) serve a critical purpose to the national security of the United States, including with respect to military, defense, and strategic mobility applications; and

(B) are at highest risk of supply chain disruption due to the domestic or global actions of any covered entity, including price-fixing, systemic acquisition and control of global mineral resources and processing, refining, and smelting capacity, and undercutting the fair market value of such resources; and

(2) develop a national strategy for bolstering supply chains in the United States for the mineral commodities identified under paragraph (1), including through the enactment of new national policies and the utilization of current authorities, to increase capacity and efficiency of domestic mining, refining, processing, and manufacturing of such mineral commodities.

(b) COVERED ENTITY.—In this section, the term ''covered entity'' means an entity that—

(1) is subject to the jurisdiction or direction of the People's Republic of China;

(2) is directly or indirectly operating on behalf of the People's Republic of China; or

(3) is owned by, directly or indirectly controlled by, or otherwise subject to the influence of the People's Republic of China.

Subtitle D—Federal Land Use Planning

SEC. 361. FEDERAL LAND USE PLANNING AND WITHDRAWALS.

(a) RESOURCE ASSESSMENTS REQUIRED.—Federal lands and waters may not be withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws unless—

(1) a quantitative and qualitative geophysical and geological mineral resource assessment of the impacted area has been completed during the 10-year period ending on the date of such withdrawal;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment;

(3) the Secretary conducts an assessment of the reduction in future Federal revenues to the Treasury, States, the Land and Water Conservation Fund, the Historic Preservation Fund, and the National Parks and Public Land Legacy Restoration Fund resulting from the proposed mineral withdrawal;

(4) the Secretary, in consultation with the Secretary of Defense, conducts an assessment of military readiness and training activities in the proposed withdrawal area; and

(5) the Secretary submits a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessments completed pursuant to this subsection.

(b) LAND USE PLANS.—Before a resource management plan under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) or a forest management plan under the National Forest Management Act is updated or completed, the Secretary or Secretary of Agriculture, as applicable, in consultation with the Director of the United States Geological Survey, shall—

(1) review any quantitative and qualitative mineral resource assessment that was completed or updated during the 10-year period ending on the date that the applicable land management agency publishes a notice to prepare, revise, or amend a land use plan by the Director of the United States Geological Survey for the geographic area affected by the applicable management plan;

(2) the Secretary, in consultation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of Defense, conducts an assessment of the economic, energy, strategic, and national security value of mineral deposits identified in such mineral resource assessment; and

(3) submit a report to the Committees on Natural Resources, Agriculture, Energy and Commerce, and Foreign Affairs of the House of Representatives and the Committees on Energy and Natural Resources, Agriculture, and Foreign Affairs of the Senate, that includes the results of the assessment completed pursuant to this subsection.

(c) NEW INFORMATION.—The Secretary shall provide recommendations to the President on appropriate measures to reduce unnecessary impacts that a withdrawal of Federal lands or waters from entry under the mining laws or operation of the mineral leasing and mineral materials laws may have on mineral exploration, development, and other mineral activities (including authorizing exploration and development of such mineral deposits) not later than 180 days after the Secretary has notice that a resource assessment completed by the Director of the United States Geological Survey, in coordination with the State geological surveys, determines that a previously undiscovered mineral deposit may be present in an area that has been withdrawn from entry under the mining laws or operation of the mineral leasing and mineral materials laws pursuant to—

(1) section 204 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1714); or

(2) chapter 3203 of title 54, United States Code.

SEC. 362. PROHIBITIONS ON DELAY OF MINERAL DEVELOPMENT OF CERTAIN FEDERAL LAND.

(a) PROHIBITIONS.—Notwithstanding any other provision of law, the President shall not carry out any action that would pause, restrict, or delay the process for or issuance of any of the following on Federal land, unless such lands are withdrawn from disposition under the mineral leasing laws, including by administrative withdrawal:

(1) New oil and gas lease sales, oil and gas leases, drill permits, or associated approvals or authorizations of any kind associated with oil and gas leases.

(2) New coal leases (including leases by application in process, renewals, modifications, or expansions of existing leases), permits, approvals, or authorizations.

(3) New leases, claims, permits, approvals, or authorizations for development or exploration of minerals.

(b) PROHIBITION ON RESCISSION OF LEASES, PERMITS, OR CLAIMS.—The President, the Secretary, or Secretary of Agriculture as applicable, may not rescind any existing lease, permit, or claim for the extraction and production of any mineral under the mining laws or mineral leasing and mineral materials laws on National Forest System land or land under the jurisdiction of the Bureau of Land Management, unless specifically authorized by Federal statute, or upon the lessee, permittee, or claimant's failure to comply with any of the provisions of the applicable lease, permit, or claim.

(c) MINERAL DEFINED.—In subsection (a)(3), the term ''mineral'' means any mineral of a kind that is locatable (including such minerals located on ''lands acquired by the United States'', as such term is defined in section 2 of the Mineral Leasing Act for Acquired Lands) under the Act of May 10, 1872 (Chapter 152; 17 Stat. 91).

SEC. 363. DEFINITIONS.

In this subtitle:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) National Forest System land;

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702));

(C) the outer Continental Shelf (as defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)); and

(D) land managed by the Secretary of Energy.

(2) PRESIDENT.—The term ''President'' means—

(A) the President; and

(B) any designee of the President, including—

(i) the Secretary of Agriculture;

(ii) the Secretary of Commerce;

(iii) the Secretary of Energy; and

(iv) the Secretary of the Interior.

(3) PREVIOUSLY UNDISCOVERED DEPOSIT.—The term ''previously undiscovered mineral deposit'' means—

(A) a mineral deposit that has been previously evaluated by the United States Geological Survey and found to be of low mineral potential, but upon subsequent evaluation is determined by the United States Geological Survey to have significant mineral potential; or

(B) a mineral deposit that has not previously been evaluated by the United States Geological Survey.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

Subtitle E—Ensuring Competitiveness on Federal Lands

SEC. 371. INCENTIVIZING DOMESTIC PRODUCTION.

(a) OFFSHORE OIL AND GAS ROYALTY RATE.—Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(1)) is amended—

(1) in subparagraph (A), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' each place it appears and inserting ''not less than 12.5 percent'';

(2) in subparagraph (C), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' each place it appears and inserting ''not less than 12.5 percent'';

(3) in subparagraph (F), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' and inserting ''not less than 12.5 percent''; and

(4) in subparagraph (H), by striking ''not less than 16⅔ percent, but not more than 18¾ percent, during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and not less than 16⅔ percent thereafter,'' and inserting ''not less than 12.5 percent''.

(b) MINERAL LEASING ACT.—

(1) ONSHORE OIL AND GAS ROYALTY RATES.—

(A) LEASE OF OIL AND GAS LAND.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is amended—

(i) in subsection (b)(1)(A)—

(I) by striking ''not less than 16⅔'' and inserting ''not less than 12.5''; and

(II) by striking ''or, in the case of a lease issued during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', 16⅔ percent in amount or value of the production removed or sold from the lease''; and

(ii) by striking ''16⅔ percent'' each place it appears and inserting ''12.5 percent''.

(B) CONDITIONS FOR REINSTATEMENT.—Section 31(e)(3) of the Mineral Leasing Act (30 U.S.C. 188(e)(3)) is amended by striking ''20'' inserting ''16⅔''.

(2) OIL AND GAS MINIMUM BID.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended—

(A) in paragraph (1)(B), by striking ''$10 per acre during the 10-year period beginning on the date of enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'.'' and inserting ''$2 per acre for a period of 2 years from the date of the enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987.''; and

(B) in paragraph (2)(C), by striking ''$10 per acre'' and inserting ''$2 per acre''.

(3) FOSSIL FUEL RENTAL RATES.—Section 17(d) of the Mineral Leasing Act (30 U.S.C. 226(d)) is amended to read as follows:

''(d) All leases issued under this section, as amended by the Federal Onshore Oil and Gas Leasing Reform Act of 1987, shall be conditioned upon payment by the lessee of a rental of not less than $1.50 per acre per year for the first through fifth years of the lease and not less than $2 per acre per year for each year thereafter. A minimum royalty in lieu of rental of not less than the rental which otherwise would be required for that lease year shall be payable at the expiration of each lease year beginning on or after a discovery of oil or gas in paying quantities on the lands leased.''.

(4) EXPRESSION OF INTEREST FEE.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended by repealing subsection (q).

(5) ELIMINATION OF NONCOMPETITIVE LEASING.—Section 17 of the Mineral Leasing Act (30 U.S.C. 226) is further amended—

(A) in subsection (b)—

(i) in paragraph (1)(A)—

(I) in the first sentence, by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (3)''; and

(II) by adding at the end ''Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.''; and

(ii) by adding at the end the following:

''(3)(A) If the United States held a vested future interest in a mineral estate that, immediately prior to becoming a vested present interest, was subject to a lease under which oil or gas was being produced, or had a well capable of producing, in paying quantities at an annual average production volume per well per day of either not more than 15 barrels per day of oil or condensate, or not more than 60,000 cubic feet of gas, the holder of the lease may elect to continue the lease as a noncompetitive lease under subsection (c)(1).

''(B) An election under this paragraph is effective—

''(i) in the case of an interest which vested after January 1, 1990, and on or before October 24, 1992, if the election is made before the date that is 1 year after October 24, 1992;

''(ii) in the case of an interest which vests within 1 year after October 24, 1992, if the election is made before the date that is 2 years after October 24, 1992; and

''(iii) in any case other than those described in clause (i) or (ii), if the election is made prior to the interest becoming a vested present interest.'';

(B) by striking subsection (c) and inserting the following:

''(c) LANDS SUBJECT TO LEASING UNDER SUBSECTION (b); FIRST QUALIFIED APPLICANT.—

''(1) If the lands to be leased are not leased under subsection (b)(1) of this section or are not subject to competitive leasing under subsection (b)(2) of this section, the person first making application for the lease who is qualified to hold a lease under this chapter shall be entitled to a lease of such lands without competitive bidding, upon payment of a non-refundable application fee of at least $75. A lease under this subsection shall be conditioned upon the payment of a royalty at a rate of 12.5 percent in amount or value of the production removed or sold from the lease. Leases shall be issued within 60 days of the date on which the Secretary identifies the first responsible qualified applicant.

''(2)(A) Lands (i) which were posted for sale under subsection (b)(1) of this section but for which no bids were received or for which the highest bid was less than the national minimum acceptable bid and (ii) for which, at the end of the period referred to in subsection (b)(1) of this section no lease has been issued and no lease application is pending under paragraph (1) of this subsection, shall again be available for leasing only in accordance with subsection (b)(1) of this section.

''(B) The land in any lease which is issued under paragraph (1) of this subsection or under subsection (b)(1) of this section which lease terminates, expires, is cancelled or is relinquished shall again be available for leasing only in accordance with subsection (b)(1) of this section.''; and

(C) by striking subsection (e) and inserting the following:

''(e) PRIMARY TERM.—Competitive and noncompetitive leases issued under this section shall be for a primary term of 10 years: Provided, however, That competitive leases issued in special tar sand areas shall also be for a primary term of 10 years. Each such lease shall continue so long after its primary term as oil or gas is produced in paying quantities. Any lease issued under this section for land on which, or for which under an approved cooperative or unit plan of development or operation, actual drilling operations were commenced prior to the end of its primary term and are being diligently prosecuted at that time shall be extended for two years and so long thereafter as oil or gas is produced in paying quantities.''.

(6) CONFORMING AMENDMENTS.—Section 31 of the Mineral Leasing Act (30 U.S.C. 188) is amended—

(A) in subsection (d)(1), by striking ''section 17(b)'' and inserting ''subsection (b) or (c) of section 17 of this Act'';

(B) in subsection (e)—

(i) in paragraph (2)—

(I) insert ''either'' after ''rentals and''; and

(II) insert ''or the inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement that future rentals shall be at a rate not less than $5 per acre per year, all'' before ''as determined by the Secretary''; and

(ii) by amending paragraph (3) to read as follows:

''(3)(A) payment of back royalties and the inclusion in a reinstated lease issued pursuant to the provisions of section 17(b) of this Act of a requirement for future royalties at a rate of not less than 16⅔ percent computed on a sliding scale based upon the average production per well per day, at a rate which shall be not less than 4 percentage points greater than the competitive royalty schedule then in force and used for royalty determination for competitive leases issued pursuant to such section as determined by the Secretary: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the termination of the original lease;

''(B) payment of back royalties and inclusion in a reinstated lease issued pursuant to the provisions of section 17(c) of this Act of a requirement for future royalties at a rate not less than 16⅔ percent: Provided, That royalty on such reinstated lease shall be paid on all production removed or sold from such lease subsequent to the cancellation or termination of the original lease; and'';

(C) in subsection (f)—

(i) in paragraph (1), strike ''in the same manner as the original lease issued pursuant to section 17'' and insert ''as a competitive or a noncompetitive oil and gas lease in the same manner as the original lease issued pursuant to subsection (b) or (c) of section 17 of this Act'';

(ii) by redesignating paragraphs (2) and (3) as paragraph (3) and (4), respectively; and

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

''(2) Except as otherwise provided in this section, the issuance of a lease in lieu of an abandoned patented oil placer mining claim shall be treated as a noncompetitive oil and gas lease issued pursuant to section 17(c) of this Act.'';

(D) in subsection (g), by striking ''subsection (d)'' and inserting ''subsections (d) and (f)'';

(E) by amending subsection (h) to read as follows:

''(h) ROYALTY REDUCTIONS.—

''(1) In acting on a petition to issue a noncompetitive oil and gas lease, under subsection (f) of this section or in response to a request filed after issuance of such a lease, or both, the Secretary is authorized to reduce the royalty on such lease if in his judgment it is equitable to do so or the circumstances warrant such relief due to uneconomic or other circumstances which could cause undue hardship or premature termination of production.

''(2) In acting on a petition for reinstatement pursuant to subsection (d) of this section or in response to a request filed after reinstatement, or both, the Secretary is authorized to reduce the royalty in that reinstated lease on the entire leasehold or any tract or portion thereof segregated for royalty purposes if, in his judgment, there are uneconomic or other circumstances which could cause undue hardship or premature termination of production; or because of any written action of the United States, its agents or employees, which preceded, and was a major consideration in, the lessee's expenditure of funds to develop the property under the lease after the rent had become due and had not been paid; or if in the judgment of the Secretary it is equitable to do so for any reason.'';

(F) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

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

''(f) ISSUANCE OF NONCOMPETITIVE OIL AND GAS LEASE; CONDITIONS.—Where an unpatented oil placer mining claim validly located prior to February 24, 1920, which has been or is currently producing or is capable of producing oil or gas, has been or is hereafter deemed conclusively abandoned for failure to file timely the required instruments or copies of instruments required by section 1744 of title 43, and it is shown to the satisfaction of the Secretary that such failure was inadvertent, justifiable, or not due to lack of reasonable diligence on the part of the owner, the Secretary may issue, for the lands covered by the abandoned unpatented oil placer mining claim, a noncompetitive oil and gas lease, consistent with the provisions of section 17(e) of this Act, to be effective from the statutory date the claim was deemed conclusively abandoned. Issuance of such a lease shall be conditioned upon:

''(1) a petition for issuance of a noncompetitive oil and gas lease, together with the required rental and royalty, including back rental and royalty accruing from the statutory date of abandonment of the oil placer mining claim, being filed with the Secretary- (A) with respect to any claim deemed conclusively abandoned on or before January 12, 1983, on or before the one hundred and twentieth day after January 12, 1983, or (B) with respect to any claim deemed conclusively abandoned after January 12, 1983, on or before the one hundred and twentieth day after final notification by the Secretary or a court of competent jurisdiction of the determination of the abandonment of the oil placer mining claim;

''(2) a valid lease not having been issued affecting any of the lands covered by the abandoned oil placer mining claim prior to the filing of such petition: Provided, however, That after the filing of a petition for issuance of a lease under this subsection, the Secretary shall not issue any new lease affecting any of the lands covered by such abandoned oil placer mining claim for a reasonable period, as determined in accordance with regulations issued by him;

''(3) a requirement in the lease for payment of rental, including back rentals accruing from the statutory date of abandonment of the oil placer mining claim, of not less than $5 per acre per year;

''(4) a requirement in the lease for payment of royalty on production removed or sold from the oil placer mining claim, including all royalty on production made subsequent to the statutory date the claim was deemed conclusively abandoned, of not less than 12½ percent; and

''(5) compliance with the notice and reimbursement of costs provisions of paragraph (4) of subsection (e) but addressed to the petition covering the conversion of an abandoned unpatented oil placer mining claim to a noncompetitive oil and gas lease.''.

Subtitle F—Energy Revenue Sharing

SEC. 381. GULF OF MEXICO OUTER CONTINENTAL SHELF REVENUE.

(a) DISTRIBUTION OF OUTER CONTINENTAL SHELF REVENUE TO GULF PRODUCING STATES.—Section 105 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''50'' and inserting ''37.5''; and

(B) in paragraph (2)—

(i) by striking ''50'' and inserting ''62.5'';

(ii) in subparagraph (A), by striking ''75'' and inserting ''80''; and

(iii) in subparagraph (B), by striking ''25'' and inserting ''20''; and

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

''(f) TREATMENT OF AMOUNTS.—Amounts disbursed to a Gulf producing State under this section shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.''.

(b) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Payments to Social Security Trust Funds (28–0404–0–1–651).'' the following:

''Payments to States pursuant to section 105(a)(2)(A) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109–432; 43 U.S.C. 1331 note) (014–5535–0–2–302).''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 382. PARITY IN OFFSHORE WIND REVENUE SHARING.

(a) PAYMENTS AND REVENUES.—Section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)) is amended—

(1) in subparagraph (A), by striking ''(A) The Secretary'' and inserting the following:

''(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the Secretary'';

(2) in subparagraph (B), by striking ''(B) The Secretary'' and inserting the following:

''(B) DISPOSITION OF REVENUES FOR PROJECTS LOCATED WITHIN 3 NAUTICAL MILES SEAWARD OF STATE SUBMERGED LAND.—The Secretary''; and

(3) by adding at the end the following:

''(C) DISPOSITION OF REVENUES FOR OFFSHORE WIND PROJECTS IN CERTAIN AREAS.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) COVERED OFFSHORE WIND PROJECT.—The term 'covered offshore wind project' means a wind powered electric generation project in a wind energy area on the outer Continental Shelf that is not wholly or partially located within an area subject to subparagraph (B).

''(II) ELIGIBLE STATE.—The term 'eligible State' means a State a point on the coastline of which is located within 75 miles of the geographic center of a covered offshore wind project.

''(III) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term 'qualified outer Continental Shelf revenues' means all royalties, fees, rentals, bonuses, or other payments from covered offshore wind projects carried out pursuant to this subsection on or after the date of enactment of this subparagraph.

''(ii) REQUIREMENT.—

''(I) IN GENERAL.—The Secretary of the Treasury shall deposit—

''(aa) 12.5 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury;

''(bb) 37.5 percent of qualified outer Continental Shelf revenues in the North American Wetlands Conservation Fund; and

''(cc) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse to each eligible State an amount determined pursuant to subclause (II).

''(II) ALLOCATION.—

''(aa) IN GENERAL.—Subject to item (bb), for each fiscal year beginning after the date of enactment of this subparagraph, the amount made available under subclause (I)(cc) shall be allocated to each eligible State in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract.

''(bb) MINIMUM ALLOCATION.—The amount allocated to an eligible State each fiscal year under item (aa) shall be at least 10 percent of the amounts made available under subclause (I)(cc).

''(cc) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

''(AA) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each eligible State, as determined pursuant to item (aa), to the coastal political subdivisions of the eligible State.

''(BB) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions under subitem (AA) shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4) of this Act.

''(iii) TIMING.—The amounts required to be deposited under subclause (I) of clause (ii) for the applicable fiscal year shall be made available in accordance with such subclause during the fiscal year immediately following the applicable fiscal year.

''(iv) AUTHORIZED USES.—

''(I) IN GENERAL.—Subject to subclause (II), each eligible State shall use all amounts received under clause (ii)(II) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

''(aa) Projects and activities for the purposes of coastal protection and resiliency, including conservation, coastal restoration, estuary management, beach nourishment, hurricane and flood protection, and infrastructure directly affected by coastal wetland losses.

''(bb) Mitigation of damage to fish, wildlife, or natural resources, including through fisheries science and research.

''(cc) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan.

''(dd) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

''(ee) Planning assistance and the administrative costs of complying with this section.

''(ff) Infrastructure improvements at ports, including modifications to Federal navigation channels, to support installation of offshore wind energy projects.

''(II) LIMITATION.—Of the amounts received by an eligible State under clause (ii)(II), not more than 3 percent shall be used for the purposes described in subclause (I)(ee).

''(v) ADMINISTRATION.—Subject to clause (vi)(III), amounts made available under items (aa) and (cc) of clause (ii)(I) shall—

''(I) be made available, without further appropriation, in accordance with this subparagraph;

''(II) remain available until expended; and

''(III) be in addition to any amount appropriated under any other Act.

''(vi) REPORTING REQUIREMENT.—

''(I) IN GENERAL.—Not later than 180 days after the end of each fiscal year, the Governor of each eligible State that receives amounts under clause (ii)(II) for the applicable fiscal year shall submit to the Secretary a report that describes the use of the amounts by the eligible State during the period covered by the report.

''(II) PUBLIC AVAILABILITY.—On receipt of a report submitted under subclause (I), the Secretary shall make the report available to the public on the website of the Department of the Interior.

''(III) LIMITATION.—If the Governor of an eligible State that receives amounts under clause (ii)(II) fails to submit the report required under subclause (I) by the deadline specified in that subclause, any amounts that would otherwise be provided to the eligible State under clause (ii)(II) for the succeeding fiscal year shall be deposited in the Treasury.

''(vii) TREATMENT OF AMOUNTS.—Amounts disbursed to an eligible State under this subsection shall be treated as revenue sharing and not as a Federal award or grant for the purposes of part 200 of title 2, Code of Federal Regulations.''.

(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF OFFSHORE OF TERRITORIES OF THE UNITED STATES.—Section 33 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356c) is amended by adding at the end the following:

''(b) WIND LEASE SALE PROCEDURE.—Any wind lease granted pursuant to this section shall be considered a wind lease granted under section 8(p), including for purposes of the disposition of revenues pursuant to subparagraphs (B) and (C) of section 8(p)(2).''.

(c) EXEMPTION OF CERTAIN PAYMENTS FROM SEQUESTRATION.—

(1) IN GENERAL.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after ''Payments to Social Security Trust Funds (28–0404–0–1–651).'' the following:

''Payments to States pursuant to subparagraph (C)(ii)(I)(cc) of section 8(p)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(2)).''.

(2) APPLICABILITY.—The amendment made by this subsection shall apply to any sequestration order issued under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) on or after the date of enactment of this Act.

SEC. 383. ELIMINATION OF ADMINISTRATIVE FEE UNDER THE MINERAL LEASING ACT.

(a) IN GENERAL.—Section 35 of the Mineral Leasing Act (30 U.S.C. 191) is amended—

(1) in subsection (a), in the first sentence, by striking ''and, subject to the provisions of subsection (b),'';

(2) by striking subsection (b);

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(4) in paragraph (3)(B)(ii) of subsection (b) (as so redesignated), by striking ''subsection (d)'' and inserting ''subsection (c)''; and

(5) in paragraph (3)(A)(ii) of subsection (c) (as so redesignated), by striking ''subsection (c)(2)(B)'' and inserting ''subsection (b)(2)(B)''.

(b) CONFORMING AMENDMENTS.—

(1) Section 6(a) of the Mineral Leasing Act for Acquired Lands (30 U.S.C. 355(a)) is amended—

(A) in the first sentence, by striking ''Subject to the provisions of section 35(b) of the Mineral Leasing Act (30 U.S.C. 191(b)), all'' and inserting ''All''; and

(B) in the second sentence, by striking ''of the Act of February 25, 1920 (41 Stat. 450; 30 U.S.C. 191),'' and inserting ''of the Mineral Leasing Act (30 U.S.C. 191)''.

(2) Section 20(a) of the Geothermal Steam Act of 1970 (30 U.S.C. 1019(a)) is amended, in the second sentence of the matter preceding paragraph (1), by striking ''the provisions of subsection (b) of section 35 of the Mineral Leasing Act (30 U.S.C. 191(b)) and section 5(a)(2) of this Act'' and inserting ''section 5(a)(2)''.

(3) Section 205(f) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1735(f)) is amended—

(A) in the first sentence, by striking ''this Section'' and inserting ''this section''; and

(B) by striking the fourth, fifth, and sixth sentences.

SEC. 384. SUNSET.

This subtitle, and the amendments made by this subtitle, shall cease to have effect on September 30, 2032, and on such date the provisions of law amended by this subtitle shall be restored or revived as if this subtitle had not been enacted.

Subtitle G—Miscellaneous

SEC. 391. EXPEDITING COMPLETION OF THE MOUNTAIN VALLEY PIPELINE.

(a) DEFINITION OF MOUNTAIN VALLEY PIPELINE.—In this section, the term ''Mountain Valley Pipeline'' means the Mountain Valley Pipeline project, as generally described and approved in Federal Energy Regulatory Commission Docket Nos. CP16–10, CP19–477, and CP21–57.

(b) CONGRESSIONAL FINDINGS AND DECLARATION.—The Congress hereby finds and declares that the timely completion of construction and operation of the Mountain Valley Pipeline is required in the national interest. The Mountain Valley Pipeline will serve demonstrated natural gas demand in the Northeast, Mid-Atlantic, and Southeast regions, will increase the reliability of natural gas supplies and the availability of natural gas at reasonable prices, will allow natural gas producers to access additional markets for their product, and will reduce carbon emissions and facilitate the energy transition.

(c) APPROVAL AND RATIFICATION AND MAINTENANCE OF EXISTING AUTHORIZATIONS.—Notwithstanding any other provision of law—

(1) Congress hereby ratifies and approves all authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline; and

(2) Congress hereby directs the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, and the Secretary of the Interior, and other agencies as applicable, as the case may be, to continue to maintain such authorizations, permits, verifications, extensions, biological opinions, incidental take statements, and any other approvals or orders issued pursuant to Federal law necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline.

(d) EXPEDITED APPROVAL.—Notwithstanding any other provision of law, not later than 21 days after the date of enactment of this Act and for the purpose of facilitating the completion of the Mountain Valley Pipeline, the Secretary of the Army shall issue all permits or verifications necessary—

(1) to complete the construction of the Mountain Valley Pipeline across the waters of the United States; and

(2) to allow for the operation and maintenance of the Mountain Valley Pipeline.

(e) JUDICIAL REVIEW.—

(1) Notwithstanding any other provision of law, no court shall have jurisdiction to review any action taken by the Secretary of the Army, the Federal Energy Regulatory Commission, the Secretary of Agriculture, the Secretary of the Interior, or a State administrative agency acting pursuant to Federal law that grants an authorization, permit, verification, biological opinion, incidental take statement, or any other approval necessary for the construction and initial operation at full capacity of the Mountain Valley Pipeline, including the issuance of any authorization, permit, extension, verification, biological opinion, incidental take statement, or other approval described in subsection (c) or (d) of this section for the Mountain Valley Pipeline, whether issued prior to, on, or subsequent to the date of enactment of this section, and including any lawsuit pending in a court as of the date of enactment of this section.

(2) The United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction over any claim alleging the invalidity of this section or that an action is beyond the scope of authority conferred by this section.

(f) EFFECT.—This section supersedes any other provision of law (including any other section of this Act or other statute, any regulation, any judicial decision, or any agency guidance) that is inconsistent with the issuance of any authorization, permit, verification, biological opinion, incidental take statement, or other approval for the Mountain Valley Pipeline.

SA 130. Mr. BUDD submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike title III of division B and insert the following:

TITLE III—REGULATORY BUDGETING AND STATUTORY ADMINISTRATIVE PAY-AS-YOU-GO

SEC. 261. SHORT TITLE.

This title may be cited as the ''Regulatory Budgeting and Administrative Pay-As-You-Go Act of 2023''.

SEC. 262. DEFINITIONS.

In this title:

(1) ADMINISTRATIVE ACTION.—The term ''administrative action'' means a ''rule'' as defined in section 804(3) of title 5, United States Code.

(2) AGENCY.—The term ''agency'' means any authority of the United States that is an ''agency'' under section 3502(1) of title 44, United States Code, other than those considered to be independent regulatory agencies, as defined in section 3502(5) of such title.

(3) COSTS.—The term ''costs'' means opportunity cost to society.

(4) COST SAVINGS.—The term ''cost savings'' means the cost imposed by a regulatory action that is eliminated by the repeal, replacement, or modification of the regulatory action.

(5) COVERED DISCRETIONARY ADMINISTRATIVE ACTION.—The term ''covered discretionary administrative action'' means a discretionary administrative action that would affect direct spending.

(6) DEREGULATORY ACTION.—The term ''deregulatory action'' means the repeal, replacement, or modification of an existing regulatory action.

(7) DIRECT SPENDING.—The term ''direct spending'' has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(8) DIRECTOR.—The term ''Director'' means the Director of the Office of Management and Budget.

(9) DISCRETIONARY ADMINISTRATIVE ACTION.—The term ''discretionary administrative action''—

(A) means any administrative action that is not required by law; and

(B) includes an administrative action required by law for which an agency has discretion in the manner in which to implement the administrative action.

(10) INCREASE DIRECT SPENDING.—The term ''increase direct spending'' means that the amount of direct spending would increase relative to—

(A) the most recently submitted projection of the amount of direct spending presented in baseline estimates as defined in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, under—

(i) the budget of the President submitted under section 1105 of title 31, United States Code; or

(ii) the supplemental summary of the budget submitted under section 1106 of title 31, United States Code;

(B) with respect to a discretionary administrative action that is incorporated into the applicable projection described in subparagraph (A) and for which a proposal has not been submitted under section 263(a)(2)(A), a projection of the amount of direct spending if no administrative action were taken; or

(C) with respect to a discretionary administrative action described in paragraph (9)(B), a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute.

(11) INCREMENTAL REGULATORY COST.—The term ''incremental regulatory cost'' means the difference between the estimated cost of issuing a significant regulatory action and the estimated cost saved by issuing any deregulatory action.

(12) REGULATION; RULE.—The term ''regulation'' or ''rule'' has the meaning given the term ''rule'' in section 551 of title 5, United States Code.

(13) REGULATORY ACTION.—The term ''regulatory action'' means—

(A) any regulation; and

(B) any other regulatory guidance, statement of policy, information collection request, form, or reporting, recordkeeping, or disclosure requirements that imposes a burden on the public or governs agency operations.

(14) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action, other than monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee, that is likely to—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise a novel legal or policy issue.

(15) STATE.—The term ''State'' means each of the several States, the District of Columbia, and each territory or possession of the United States.

SEC. 263. REQUIREMENTS FOR ADMINISTRATIVE ACTIONS THAT AFFECT DIRECT SPENDING.

(a) DISCRETIONARY ADMINISTRATIVE ACTIONS.—

(1) IN GENERAL.—Before an agency may finalize any covered discretionary administrative action, the head of the agency shall submit to the Director for review written notice regarding the covered discretionary administrative action, which shall include an estimate of the budgetary effects of the covered discretionary administrative action.

(2) INCREASING DIRECT SPENDING.—

(A) IN GENERAL.—If the covered discretionary administrative action would increase direct spending in an amount equal to or exceeding the amounts specified in paragraph (3), the written notice submitted by the head of the agency under paragraph (1) shall identify 1 or more other administrative actions that would provide a reduction in direct spending greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action. To the extent feasible, the head of such agency shall issue such administrative actions that would provide a reduction in direct spending before or on the same schedule as the covered discretionary administrative action.

(B) REVIEW.—

(i) IN GENERAL.—The Director shall determine whether the reduction in direct spending in a proposal in a written notice from an agency under subparagraph (A) is greater than or equal to the increase in direct spending attributable to the covered discretionary administrative action to which the written notice relates.

(ii) NO OFFSET.—If the written notice regarding a proposed covered discretionary administrative action that would increase direct spending does not include a proposal to offset the increased direct spending as determined in clause (i), the Director shall return the written notice to the agency for resubmission in accordance with this title.

(3) AMOUNTS SPECIFIED.—The amounts specified in this paragraph are—

(A) $1,000,000,000 over the 10-year period beginning with the current year; and

(B) $100,000,000 in any given year during such 10-year period.

(b) NONDISCRETIONARY ACTIONS.—

(1) IN GENERAL.—If an agency determines that an administrative action that would increase direct spending is required by law and therefore is not a covered discretionary administrative action, before the agency finalizes that administrative action, the head of the agency shall—

(A) submit to the Director a written opinion by the general counsel of the agency, or the equivalent employee of the agency, explaining that legal conclusion;

(B) submit to the Director a projection of the amount of direct spending under the least costly implementation option reasonably identifiable by the agency that meets the requirements under the statute; and

(C) consult with the Director regarding implementation of the administrative action.

(2) APPROVAL REQUIRED.—An administrative action described in paragraph (1) shall have no effect unless the Director—

(A) certifies the administrative action is required by law and therefore is not a covered discretionary administrative action; and

(B) approves the administrative action in advance in writing and the written approval is publicly available online prior to the issuance of the administrative action.

(c) PROJECTIONS.—Any projection for purposes of this title shall be conducted in accordance with Office of Management and Budget Circular A–11, or any successor thereto.

(d) ISSUANCE OF ADMINISTRATIVE GUIDANCE.—Not later than 90 days after the date of enactment of this Act, the Director shall issue instructions regarding the implementation of this title, including how covered discretionary administrative actions that increase direct spending and nontax receipts will be evaluated.

SEC. 264. REGULATORY PLANNING AND BUDGET.

(a) UNIFIED AGENDA AND ANNUAL REGULATORY PLAN.—

(1) UNIFIED REGULATORY AGENDA.—During the months of April and October of each year, the Director shall publish a unified regulatory agenda, which shall include—

(A) regulatory and deregulatory actions under development or review at agencies;

(B) a Federal regulatory plan of all significant regulatory actions and associated deregulatory actions that agencies reasonably expect to issue in proposed or final form in the current and following fiscal year; and

(C) all information required to be included in the regulatory flexibility agenda under section 602 of title 5, United States Code.

(2) AGENCY SUBMISSIONS.—In accordance with guidance issued by the Director and not less than 60 days before each date of publication for the unified regulatory agenda under paragraph (1), the head of each agency shall submit to the Director an agenda of all regulatory actions and deregulatory actions under development at the agency, including the following:

(A) For each regulatory action and deregulatory action:

(i) A regulation identifier number.

(ii) A brief summary of the action.

(iii) The legal authority for the action.

(iv) Any legal deadline for the action.

(v) The name and contact information for a knowledgeable agency official.

(vi) Any other information as required by the Director.

(B) An annual regulatory plan, which shall include a list of each significant regulatory action the agency reasonably expects to issue in proposed or final form in the current and following fiscal year, including for each significant regulatory action:

(i) A summary, including the following:

(I) A statement of the regulatory objectives.

(II) The legal authority for the action.

(III) A statement of the need for the action.

(IV) The agency's schedule for the action.

(ii) The estimated cost.

(iii) The estimated benefits.

(iv) Any deregulatory action identified to offset the estimated cost of such significant regulatory action and an explanation of how the agency will continue to achieve regulatory objectives if the deregulatory action is taken.

(v) A best approximation of the total cost or savings and any cost or savings associated with a deregulatory action.

(vi) An estimate of the economic effects, including any estimate of the net effect that such action will have on the number of jobs in the United States, that was considered in drafting the action, or, if such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the action has been considered.

(C) Information required under section 602 of title 5, United States Code.

(D) Information required under any other law to be reported by agencies about significant regulatory actions, as determined by the Director.

(b) FEDERAL REGULATORY BUDGET.—

(1) ESTABLISHMENT.—In the April unified regulatory agenda described in subsection (a), the Director—

(A) shall establish the annual Federal Regulatory Budget, which specifies the net amount of incremental regulatory costs allowed by the Federal Government and at each agency for the next fiscal year; and

(B) may set the incremental regulatory cost allowance to allow an increase, prohibit an increase, or require a decrease of incremental regulatory costs.

(2) DEFAULT NET INCREMENTAL REGULATORY COST.—If the Director does not set a net amount of incremental regulatory costs allowed for an agency, the net incremental regulatory cost allowed shall be zero.

(3) BALANCE ROLLOVER OF INCREMENTAL REGULATORY COST ALLOWANCE.—

(A) IN GENERAL.—If an agency does not exhaust all of the incremental regulatory cost allowance for a fiscal year, the balance may be added to the incremental regulatory cost allowance for the subsequent fiscal year, without increasing the incremental regulatory costs allowed for the Federal Government for the subsequent fiscal year.

(B) TOTAL CARRYOVER.—The Director shall identify the total carryover incremental regulatory cost allowance available to an agency in the Federal Regulatory Budget.

(c) SIGNIFICANT REGULATORY ACTION REQUIREMENTS.—Except as otherwise required by law, a significant regulatory action shall have no effect unless—

(1) the—

(A) head of the agency identifies not less than 2 deregulatory actions to offset the costs of the significant regulatory action, and to the extent feasible, issues those deregulatory actions before or on the same schedule as the significant regulatory action;

(B) incremental costs of the significant regulatory action as offset by any deregulatory action issued before or on the same schedule as the significant regulatory action do not cause the agency to exceed or contribute to the agency exceeding the incremental regulatory cost allowance of the agency for that fiscal year; and

(C) significant regulatory action was included on the most recent version or update of the published unified regulatory agenda; or

(2) the issuance of the significant regulatory action was approved in advance in writing by the Director and the written approval is publicly available online prior to the issuance of the significant regulatory action.

(d) GUIDANCE BY OMB.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director shall establish and issue guidance on how agencies should comply with the requirements of this section, which shall include the following:

(A) A process for standardizing the measurement and estimation of regulatory costs, including cost savings associated with deregulatory actions.

(B) Standards for determining what qualifies as a deregulatory action.

(C) Standards for determining the costs of existing regulatory actions that are considered for repeal, replacement, or modification.

(D) A process for accounting for costs in different fiscal years.

(E) Methods to oversee the issuance of significant regulatory actions offset by cost savings achieved at different times or by different agencies.

(F) Emergencies and other circumstances that may justify individual waivers of the requirements of this section.

(G) Standards by which the Director will determine whether a regulatory action or a collection of regulatory actions qualifies as a significant regulatory action.

(2) UPDATES TO GUIDANCE.—The Director shall update the guidance issued pursuant to this section as necessary.

SEC. 265. WAIVER.

(a) IN GENERAL.—The Director may waive the requirements of section 263(a) if the Director concludes that the waiver—

(1) is necessary for the delivery of essential services; or

(2) is necessary for effective program delivery.

(b) PUBLICATION.—Any waiver determination under subsection (a) shall be published in the Federal Register.

(c) APPLICABILITY OF THE CONGRESSIONAL REVIEW ACT.—A waiver determination under subsection (a) shall be considered a rule for the purposes of chapter 8 of title 5, United States Code.

SEC. 266. GAO REPORT.

Within 180 days of the date of enactment of this Act, the Comptroller General shall issue a report on the implementation of this title.

SEC. 267. CONGRESSIONAL REVIEW ACT COMPLIANCE ASSESSMENT.

Section 801(a)(2)(A) of title 5, United States Code, is amended by inserting after ''compliance with procedural steps required by paragraph (1)(B)'' the following: '', and shall in addition include an assessment of the agency's compliance with such requirements of the Regulatory Budgeting and Administrative Pay-As-You-Go Act of 2023 as may be applicable''.

SA 131. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Beginning on page 9, strike line 18 and all that follows through page 11, line 13, and insert the following:

(e) ADDITIONAL SPENDING LIMITS.—For purposes

SA 132. Mr. MERKLEY (for himself, Mr. WELCH, Mr. MARKEY, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

Strike sections 321 through 323.

SA 133. Mr. MERKLEY (for himself and Mr. KAINE) submitted an amendment intended to be proposed by him to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; which was ordered to lie on the table; as follows:

On page 17, between lines 8 and 9, insert the following:

SEC. 104. ADDITIONAL PRESIDENTIAL MODIFICATION OF THE DEBT CEILING.

(a) SHORT TITLE.—This section may be cited as the ''Protect Our Citizens from Reckless Extortion of our Debt and Irresponsible Tactics Act of 2023'' or the ''Protect Our CREDIT Act of 2023''.

(b) AMENDMENTS.—Subchapter I of chapter 31 of subtitle III of title 31, United States Code, is amended—

(1) in section 3101(b), by inserting ''or 3101B'' after ''section 3101A''; and

(2) by inserting after section 3101A the following:

''§ 3101B. Additional Presidential modification of the debt ceiling

''(a) DEFINITION.—In this section, the term 'joint resolution' means only a joint resolution—

''(1) that is introduced during the period—

''(A) beginning on the date a certification described in paragraph (1) or (2) of subsection (b) is received by Congress; and

''(B) ending on the date that is 3 legislative days (excluding any day on which it is not in order to introduce resolutions) after the date described in subparagraph (A);

''(2) which does not have a preamble;

''(3) the title of which is only as follows: 'Joint resolution relating to the disapproval of the President's exercise of authority to increase the debt limit, as submitted under section 3101B of title 31, United States Code, on _____' (with the blank containing the date of such submission); and

''(4) the matter after the resolving clause of which is only as follows: 'That Congress disapproves of the President's exercise of authority to increase the debt limit, as exercised pursuant to the certification submitted under section 3101B(b) of title 31, United States Code, on _____.' (with the blank containing the date of such submission).

''(b) SUBMISSIONS TO CONGRESS.—

''(1) ANNUAL SUBMISSION.—Before the beginning of each fiscal year, the President shall submit to Congress a written certification specifying the amount of obligations that are subject to limit under section 3101(b), in addition to the amount of such obligations authorized to be outstanding on the date of the certification, that the President determines it shall be necessary to issue during the next fiscal year to meet existing commitments.

''(2) SUBMISSION DURING FISCAL YEAR.—If the President determines during a fiscal year that the debt subject to limit under section 3101(b) is within $250,000,000,000 of such limit and that further borrowing is necessary to meet existing commitments, the President shall submit to Congress a written certification—

''(A) specifying the amount of obligations that are subject to limit under section 3101(b), in addition to the amount of such obligations authorized to be outstanding on the date of the certification, that the President determines it shall be necessary to issue during the fiscal year to meet existing commitments; and

''(B) containing the reason for any discrepancy from the certification submitted under paragraph (1) for the fiscal year.

''(3) EFFECT OF FAILURE TO ENACT DISAPPROVAL.—If a joint resolution is not enacted with respect to a certification under paragraph (1) or (2) during the 15-legislative-day period beginning on the date on which Congress receives the certification, the limit under section 3101(b) is increased by the amount specified in the certification.

''(4) EFFECT OF ENACTMENT OF DISAPPROVAL.—If a joint resolution is enacted with respect to a certification under paragraph (1) or (2) during the 15-legislative-day period beginning on the date on which Congress receives the certification, the limit under section 3101(b)—

''(A) shall not be increased by the amount specified in the certification; and

''(B) shall be increased in accordance with subsection (c)(2).

''(c) SUSPENSION FOR MID-YEAR CERTIFICATION.—

''(1) IN GENERAL.—Section 3101(b) shall not apply for the period—

''(A) beginning on the date on which the President submits to Congress a certification under subsection (b)(2); and

''(B) ending on the earlier of—

''(i) the date that is 15 legislative days after Congress receives the certification; or

''(ii) the date of enactment of a joint resolution with respect to the certification.

''(2) SPECIAL RULE RELATING TO OBLIGATIONS ISSUED DURING SUSPENSION PERIOD.—

''(A) IN GENERAL.—If a joint resolution is enacted with respect to a certification under subsection (b)(2), effective on the day after such date of enactment, the limitation in section 3101(b) is increased to the extent that—

''(i) the face amount of obligations issued under this chapter and the face amount of obligations whose principal and interest are guaranteed by the United States Government (except guaranteed obligations held by the Secretary of the Treasury) outstanding on the calendar day after such date of enactment, exceeds

''(ii) the face amount of such obligations outstanding on the date on which the President submits the certification.

''(B) LIMITATION.—An obligation shall not be taken into account under subparagraph (A) unless the issuance of such obligation was necessary to fund a commitment incurred by the Federal Government that required payment during the 15-legislative-day period described in paragraph (1)(B)(i).

''(d) EXPEDITED CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

''(1) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House of Representatives without amendment not later than 5 calendar days after the date of introduction of the joint resolution. If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

''(2) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House of Representatives or has been discharged from its consideration, it shall be in order, not later than the sixth day after introduction of the joint resolution, to move to proceed to consider the joint resolution in the House of Representatives. All points of order against the motion are waived. Such a motion shall not be in order after the House of Representatives has disposed of a motion to proceed on a joint resolution addressing a particular submission. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(3) CONSIDERATION.—The joint resolution shall be considered as read. All points of order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except 2 hours of debate equally divided and controlled by the proponent and an opponent. An amendment to the joint resolution or a motion to reconsider the vote on passage of the joint resolution shall not be in order.

''(e) EXPEDITED PROCEDURE IN SENATE.—

''(1) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, a joint resolution shall be immediately placed on the calendar.

''(2) FLOOR CONSIDERATION.—

''(A) IN GENERAL.—Notwithstanding rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the day after the date on which Congress receives a certification under paragraph (1) or (2) of subsection (b) and ending on the sixth day after the date of introduction of a joint resolution (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

''(B) CONSIDERATION.—Consideration of the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

''(C) VOTE ON PASSAGE.—If the Senate has voted to proceed to a joint resolution, the vote on passage of the joint resolution shall occur immediately following the conclusion of consideration of the joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

''(D) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

''(f) COORDINATION WITH ACTION BY OTHER HOUSE.—

''(1) IN GENERAL.—If, before passing the joint resolution, one House receives from the other a joint resolution—

''(A) the joint resolution of the other House shall not be referred to a committee; and

''(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House, except that the vote on final passage shall be on the joint resolution of the other House.

''(2) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If the Senate fails to introduce or consider a joint resolution under this section, the joint resolution of the House shall be entitled to expedited floor procedures under this section.

''(3) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

''(4) CONSIDERATION AFTER PASSAGE.—

''(A) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President signs, allows to become law without his signature, or vetoes and returns the joint resolution (but excluding days when either House is not in session) shall be disregarded in computing the legislative day period described in paragraphs (3) and (4) of subsection (b) and subsection (c)(1).

''(B) DEBATE.—Debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

''(5) VETO OVERRIDE.—If within the legislative day period described in paragraphs (3) and (4) of subsection (b) and subsection (c)(1), Congress overrides a veto of a joint resolution, except as provided in subsection (c)(2), the limit on debt provided in section 3101(b) shall not be raised under this section.

''(g) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—Subsections (a), (d), (e), and (f) (except for paragraphs (4)(A) and (5) of such subsection) are enacted by Congress—

''(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

''(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.''.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 31 of title 31, United States Code, is amended by inserting after the item relating to section 3101A the following:

''3101B. Additional Presidential modification of the debt ceiling.''.

SA 134. Mr. BUDD proposed an amendment to the bill H.R. 3746, to provide for a responsible increase to the debt ceiling; as follows:

Strike title I of division B and insert the following:

TITLE I—RESCISSION OF UNOBLIGATED FUNDS

SEC. 201. RESCISSION OF UNOBLIGATED CORONAVIRUS FUNDS.

The unobligated balances of amounts appropriated or otherwise made available by the American Rescue Plan Act of 2021 (Public Law 117–2), and by each of Public Laws 116–123, 116–127, 116–136, and 116–139 and divisions M and N of Public Law 116–260, are hereby permanently rescinded, except for—

(1) such amounts that were appropriated or otherwise made available to the Department of Veterans Affairs; and

(2) amounts made available under section 601 of division HH of Public Law 117–328.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have three 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 ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10 a.m., to conduct a hearing.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10:30 a.m., to conduct a business meeting.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, June 1, 2023, at 10 a.m., to conduct an executive business meeting.

PRIVILEGES OF THE FLOOR

Mr. PAUL. Madam President, I ask unanimous consent that the following interns from my office be granted floor privileges until June 30, 2023: Maddie Jackson, Joseph Thoburn, Maddalena Wasinger, Brett Logsdon, and Mary Kate Barbee.

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

SIGNING AUTHORITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the junior Senator from Illinois, the senior Senator from Hawaii, and the junior Senator from Maryland be authorized to sign duly enrolled bills or joint resolutions from June 1, 2023, through June 5, 2023.

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

RESOLUTIONS SUBMITTED TODAY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the en bloc consideration of the following Senate resolutions: S. Res. 232, S. Res. 233, S. Res. 234, and S. Res. 235.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be considered made and laid upon the table, all en bloc.

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

The resolutions were agreed to.

The preambles were agreed to.

(The resolutions, with their preambles, are printed in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR FRIDAY, JUNE 2, 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned to convene for a pro forma session with no business being conducted on Friday, June 2, at 10:15 a.m.; that when the Senate adjourns on Friday, it stand adjourned until 3 p.m. on Tuesday, June 6; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that following the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Crane nomination; further, that the cloture motions filed during today's session ripen at 5:30 p.m. on Tuesday, June 6.

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

ADJOURNMENT UNTIL 10:15 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 11:25 p.m., adjourned until Friday, June 2, 2023, at 10:15 a.m.

NOMINATIONS

Executive nomination received by the Senate:

DEPARTMENT OF STATE

SEAN PATRICK MALONEY, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.