

not provide for a listing of any country if the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths, or would increase fraud or abuse of the nonimmigrant visa system.

(d) CONFORMING AMENDMENTS.—

(1) DOCUMENTATION REQUIREMENTS.—Section 212(a)(7)(B)(iii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)(iii)) is amended to read as follows:

“(iii) SPECIAL VISA WAIVER PROGRAMS.—For a provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, see subsection (l).”

(2) ADMISSION OF NONIMMIGRANTS.—Section 214(a)(1) of such Act (8 U.S.C. 1184(a)(1)) is amended by striking “Guam or the Commonwealth of the Northern Mariana Islands” each place such term appears and inserting “Guam or the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States”.

(e) FEES.—The Secretary of Homeland Security shall establish an administrative processing fee to be charged and collected from individuals seeking to enter the Virgin Islands of the United States in accordance with section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)), as amended by this Act. Such fee shall be set at a level that will ensure recovery of the full costs of such processing, any additional costs associated with the administration of the fees collected, and any sums necessary to offset reduced collections of the nonimmigrant visa fee or the electronic travel authorization fee that otherwise would have been collected from such individuals.

SA 6400. Mr. BOOKER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. ____ . PILOT PROGRAM ON RESEARCH AND DEVELOPMENT OF PLANT-BASED PROTEIN FOR THE NAVY.

(a) ESTABLISHMENT.—Not later than March 1, 2023, the Secretary of the Navy shall establish and carry out a pilot program to offer plant-based protein options at forward operating bases for consumption by members of the Navy.

(b) LOCATIONS.—Not later than March 1, 2023, the Secretary shall identify not fewer than two naval facilities to participate in the pilot program and shall prioritize facilities (such as Joint Region Marianas, Guam, Navy Support Facility, Diego Garcia, and U.S. Fleet Activities Sasebo, Japan) where livestock-based protein options may be costly to obtain or store.

(c) AUTHORITIES.—In establishing and carrying out the pilot program under subsection (a), the Secretary of the Navy may use the following authorities:

(1) The authority to carry out research and development projects under section 4001 of title 10, United States Code.

(2) The authority to enter into transactions other than contracts and grants under section 4021 of such title.

(3) The authority to enter into cooperative research and development agreements under section 4026 of such title.

(d) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prevent offering livestock-based protein options alongside plant-based protein options at naval facilities identified under subsection (b).

(e) TERMINATION.—The requirement to carry out the pilot program established under this section shall terminate three years after the date on which the Secretary establishes the pilot program required under this section.

(f) REPORT.—Not later than one year after the termination of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the pilot program that includes the following:

(1) The consumption rate of plant-based protein options by members of the Navy under the pilot program.

(2) Effective criteria to increase plant-based protein options at naval facilities not identified under subsection (b).

(3) An analysis of the costs of obtaining and storing plant-based protein options compared to the costs of obtaining and storing livestock-based protein options at selected naval facilities.

(g) DEFINITIONS.—In this section:

(1) The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate; and

(B) the Committee on Armed Services of the House of Representatives.

(2) The term “plant-based protein options” means edible vegan or vegetarian meat alternative products made using plant and other non-livestock-based proteins.

SA 6401. Mr. BOOKER (for himself, Mr. PORTMAN, Mr. TILLIS, Mr. Kaine, Mr. KING, Mr. BLUNT, Ms. HIRONO, Mrs. CAPITO, Ms. MURKOWSKI, Ms. COLLINS, and Mr. COONS) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ELIMINATION OF INCREASED PENALTIES FOR COCAINE OFFENSES WHERE THE COCAINE INVOLVED IS COCAINE BASE.

(a) CONTROLLED SUBSTANCES ACT.—The following provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) are repealed:

(1) Clause (iii) of section 401(b)(1)(A) (21 U.S.C. 841(b)(1)(A)).

(2) Clause (iii) of section 401(b)(1)(B) (21 U.S.C. 841(b)(1)(B)).

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The following provisions of the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.) are repealed:

(1) Subparagraph (C) of section 1010(b)(1) (21 U.S.C. 960(b)(1)).

(2) Subparagraph (C) of section 1010(b)(2) (21 U.S.C. 960(b)(2)).

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(2) PAST CASES.—In the case of a defendant who, before the date of enactment of this Act, was convicted or sentenced for a Federal offense involving cocaine base, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

SA 6402. Mr. BOOKER (for himself, Mrs. GILLIBRAND, Mr. MENENDEZ, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 10 ____ . NEW YORK-NEW JERSEY WATERSHED PROTECTION.

(a) DEFINITIONS.—In this section:

(1) APPROVED PLAN.—

(A) IN GENERAL.—The term “approved plan” means any plan for management of the Watershed—

(i) that has been approved by a Federal, regional, State, Tribal, or local governmental entity, including State Wildlife Action Plans, Comprehensive Conservation Management Plans, and Watershed Improvement Plans; or

(ii) that is determined by the Secretary, in consultation with the entities described in clause (i), to contribute to the achievement of the purposes of this section.

(B) INCLUSIONS.—The term “approved plan” includes—

(i) the New York-New Jersey Harbor & Estuary Program (HEP) Action Agenda;

(ii) the Hudson Raritan Comprehensive Restoration Plan;

(iii) the Hudson River Comprehensive Restoration Plan;

(iv) the Hudson River Estuary Program Action Agenda;

(v) the Mohawk River Action Agenda;

(vi) the Sustainable Raritan River Initiative Action Plan;

(vii) the Lower Passaic and Bronx & Harlem Federal Urban Waters Partnership Workplans;

(viii) the New Jersey Sports and Exhibition Authority Meadowlands Restoration Plan; and

(ix) such other conservation projects in the region that achieve the purposes of this section, as determined by the Secretary.

(2) ENVIRONMENTAL JUSTICE.—The term “environmental justice”, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies, means the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income.

(3) FOUNDATION.—The term “Foundation” means the National Fish and Wildlife Foundation.

(4) GRANT PROGRAM.—The term “grant program” means the voluntary New York-New Jersey Watershed Restoration Grant Program established under subsection (c)(1).

(5) PROGRAM.—The term “program” means the New York-New Jersey Watershed Restoration Program established under subsection (b)(1).

(6) RESTORATION AND PROTECTION.—The term “restoration and protection” means the conservation, stewardship, and enhancement of habitat for fish and wildlife, including water quality—

(A) to preserve and improve ecosystems and ecological processes on which those fish and wildlife depend; and

(B) for use and enjoyment by the public.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service.

(8) WATERSHED.—The term “Watershed” means the New York-New Jersey Watershed, which is comprised of—

(A) all land area the surface water of which drains into the New York-New Jersey Harbor;

(B) the waters contained within that land area; and

(C) the estuaries associated with those watersheds.

(b) NEW YORK-NEW JERSEY WATERSHED RESTORATION PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a nonregulatory program, to be known as the “New York-New Jersey Watershed Restoration Program”.

(2) PURPOSES.—The purposes of the program shall include—

(A) coordinating restoration and protection activities among Federal, State, Tribal, local, and regional entities and conservation partners throughout the Watershed;

(B) carrying out coordinated restoration and protection activities, and providing for technical assistance for those activities, throughout the Watershed—

(i) to sustain and enhance fish and wildlife habitat;

(ii) to improve and maintain water quality to support fish, wildlife, and their habitats, as well as to improve opportunities for public access and recreation in the Watershed consistent with the ecological needs of fish and wildlife habitats;

(iii) to advance the use of natural climate solutions and natural infrastructure, including living shorelines and other green infrastructure techniques, to maximize the resilience of communities, natural systems, and habitats experiencing the impacts of climate change;

(iv) to engage the public, particularly communities experiencing environmental injustice, through outreach, education, and community involvement to increase capacity, support, and workforce development for coordinated restoration and protection activities in the Watershed;

(v) to increase scientific capacity to support the planning, monitoring, and research activities necessary to carry out coordinated restoration and protection activities in the Watershed;

(vi) to provide for feasibility and planning studies for green infrastructure projects that achieve habitat restoration and stormwater management goals;

(vii) to support land conservation and management activities necessary to fulfill the Watershed-wide strategy adopted under paragraph (3)(C);

(viii) to monitor environmental quality to assess progress toward the purposes of this section; and

(ix) to improve fish and wildlife habitats, as well as opportunities for personal recreation, along rivers and shore fronts within communities experiencing environmental injustice; and

(C) carrying out restoration and protection activities necessary, as determined by the Secretary, for the implementation of approved plans.

(3) DUTIES.—In carrying out the program, the Secretary shall—

(A) draw on existing and new approved plans for the Watershed, or portions of the Watershed;

(B) work in consultation with applicable management entities, including representatives of the New York-New Jersey Harbor and Estuary Program (HEP), the Hudson River Estuary Program, the Mohawk River Basin Program, the Sustainable Raritan River Initiative, the Federal Government, other State and local governments, and regional and nonprofit organizations, including environmental justice organizations, as appropriate, to identify, prioritize, and implement restoration and protection activities within the Watershed; and

(C) adopt a Watershed-wide strategy that—

(i) supports the implementation of a shared set of science-based restoration and protection activities developed in accordance with subparagraph (B);

(ii) targets cost-effective projects with measurable results;

(iii) maximizes conservation outcomes;

(iv) prioritizes the needs of communities experiencing environmental injustice; and

(v) implements the grant program.

(4) CONSULTATION.—In establishing the program, the Secretary shall consult with, as appropriate—

(A) the heads of Federal agencies, including—

(i) the Administrator of the Environmental Protection Agency;

(ii) the Administrator of the National Oceanic and Atmospheric Administration;

(iii) the Secretary of Agriculture;

(iv) the Director of the National Park Service; and

(v) the heads of such other Federal agencies as the Secretary determines to be appropriate;

(B) the Governor of New York;

(C) the Governor of New Jersey;

(D) the Commissioner of the New York State Department of Environmental Conservation;

(E) the Director of the New Jersey Division of Fish and Wildlife;

(F) the New York-New Jersey Harbor & Estuary Program; and

(G) other public agencies, Indian Tribes, and organizations with authority for the planning and implementation of conservation strategies in the Watershed, as determined appropriate by the Secretary.

(c) NEW YORK-NEW JERSEY WATERSHED RESTORATION GRANT PROGRAM.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a voluntary grant and technical assistance program, to be known as the “New York-New Jersey Watershed Restoration Grant Program”, to provide competitive matching grants to State, Tribal, and local governments, nonprofit organizations, institutions of higher education, and other eligible entities, as determined by the Secretary, to carry out the coordinated restoration and protection activities described in subsection (b)(2)(B).

(2) CRITERIA.—The Secretary, in consultation with the heads of Federal agencies, organizations, and other persons referred to in subsection (b)(4), shall develop criteria for the grant program to ensure that activities funded under the grant program—

(A) accomplish 1 or more of the purposes identified in subsection (b)(2)(B); and

(B) advance the implementation of priority actions or needs identified in the Watershed-wide strategy adopted under subsection (b)(3)(C).

(3) CAPACITY BUILDING.—In carrying out the grant program, the Secretary shall seek to increase the effectiveness of organizations that carry out restoration and protection activities described in subsection (b)(2)(B) within the Watershed by addressing organizational capacity needs.

(4) COST-SHARE.—

(A) FEDERAL SHARE.—

(i) IN GENERAL.—Subject to clause (ii), the Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 50 percent of the total cost, as determined by the Secretary, of that activity.

(ii) SMALL, RURAL, AND DISADVANTAGED COMMUNITIES.—

(I) IN GENERAL.—Subject to subclause (II), the Federal share of the cost of a restoration and protection activity carried out under the grant program that serves a small, rural, or disadvantaged community shall be 90 percent of the total cost of the activity, as determined by the Secretary.

(II) WAIVER.—The Secretary may increase the Federal share under subclause (I) to 100 percent of the total cost of the restoration and protection activity if the Secretary determines that the grant recipient is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share of the total cost of a restoration and protection activity carried out under the grant program shall be not more than 50 percent of the total cost, as determined by the Secretary, of that activity.

(ii) FORM OF PAYMENT.—The non-Federal described in clause (i) may be provided—

(I) in cash; or

(II) in the form of an in-kind contribution of services or materials.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary may enter into an agreement to manage the grant program with—

(i) the Foundation; or

(ii) a similar organization that offers grant management services.

(B) FUNDING.—If the Secretary enters into an agreement under subparagraph (A), the Foundation or similar organization selected, as applicable, shall—

(i) receive the amounts made available to carry out the grant program under subsection (e) for each applicable fiscal year in an advance payment of the entire amount on October 1 of that fiscal year, or as soon as practicable thereafter;

(ii) invest and reinvest those amounts for the benefit of the grant program; and

(iii) administer the grant program to support partnerships between the public and private sectors in accordance with this section.

(C) REQUIREMENTS.—If the Secretary enters into an agreement with the Foundation under subparagraph (A), any amounts received by the Foundation under this subsection shall be subject to the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3701 et seq.), excluding section 10(a) of that Act (16 U.S.C. 3709(a)).

(d) ANNUAL REPORTS.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the implementation of this section, including a description of each activity that has received funding under this section in the preceding fiscal year.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary for fiscal year 2023.

(2) GRANT PROGRAM.—Of the amounts made available under paragraph (1), the Secretary shall use not less than 75 percent to carry out the grant program, including for technical assistance relating to the grant program.

SA 6403. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADMISSION OF ESSENTIAL SCIENTISTS AND TECHNICAL EXPERTS TO PROMOTE AND PROTECT NATIONAL SECURITY INNOVATION BASE.

(a) SPECIAL IMMIGRANT STATUS.—In accordance with the procedures established under subsection (f)(1), and subject to subsection (c)(1), the Secretary of Homeland Security may provide an alien described in subsection (b) (and the spouse and each child of the alien if accompanying or following to join the alien) with the status of a special immigrant under section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)), if the alien—

(1) submits a classification petition under section 204(a)(1)(G)(i) of such Act (8 U.S.C. 1154(a)(1)(G)(i)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for lawful permanent residence.

(b) ALIENS DESCRIBED.—An alien is described in this subsection if—

(1) the alien—

(A) is a current or past participant in research funded by the Department of Defense;

(B) is a current or past employee or contracted employee of the Department of Defense;

(C) earned a master's, doctoral, or professional degree from an accredited United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), or completed a graduate fellowship or graduate medical education at an accredited United States institution of higher education, that entailed research in a field of importance to the national security of the United States, as determined by the Secretary of Defense;

(D) is a current employee of, or has a documented job offer from, a company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; or

(E) is a founder or co-founder of a United States-based company that develops new technologies or cutting-edge research that contributes to the national security of the United States, as determined by the Secretary of Defense; and

(2) the Secretary of Defense issues a written statement to the Secretary of Homeland Security confirming that the alien possesses scientific or technical expertise that will

contribute to the national security of the United States.

(c) NUMERICAL LIMITATIONS.—

(1) IN GENERAL.—The total number of principal aliens who may be provided special immigrant status under this section may not exceed—

(A) 10 in each of fiscal years 2023 through 2032; and

(B) 100 in fiscal year 2033 and each fiscal year thereafter.

(2) EXCLUSION FROM NUMERICAL LIMITATION.—Aliens provided special immigrant status under this section shall not be counted against the numerical limitations under sections 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4)).

(d) DEFENSE COMPETITION FOR SCIENTISTS AND TECHNICAL EXPERTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and implement a process to select, on a competitive basis from among individuals described in subsection (b), individuals for recommendation to the Secretary of Homeland Security for special immigrant status described in subsection (a).

(e) AUTHORITIES.—In carrying out this section, the Secretary of Defense shall authorize appropriate personnel of the Department of Defense to use all personnel and management authorities available to the Department, including the personnel and management authorities provided to the science and technology reinvention laboratories, the Major Range and Test Facility Base (as defined in section 196(i) of title 10, United States Code), and the Defense Advanced Research Projects Agency.

(f) PROCEDURES.—Not later than 360 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly establish policies and procedures implementing the provisions in this section, which shall include procedures for—

(1) processing of petitions for classification submitted under subsection (a)(1) and applications for an immigrant visa or adjustment of status, as applicable; and

(2) thorough processing of any required security clearances.

(g) FEES.—The Secretary of Homeland Security shall establish a fee—

(1) to be charged and collected to process an application filed under this section; and

(2) that is set at a level that will ensure recovery of the full costs of such processing and any additional costs associated with the administration of the fees collected.

(h) IMPLEMENTATION REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall jointly submit to the appropriate committees of Congress a report that includes—

(1) a plan for implementing the authorities provided under this section; and

(2) identification of any additional authorities that may be required to assist the Secretaries in fully implementing this section.

(i) PROGRAM EVALUATION AND REPORT.—

(1) EVALUATION.—The Comptroller General of the United States shall conduct an evaluation of the competitive program and special immigrant program described in subsections (a) through (g).

(2) REPORT.—Not later than October 1, 2026, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the evaluation conducted under paragraph (1).

(j) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(B) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

(2) NATIONAL SECURITY INNOVATION BASE.—The term “National Security Innovation Base” means the network of persons and organizations, including Federal agencies, institutions of higher education, federally funded research and development centers, defense industrial base entities, nonprofit organizations, commercial entities, and venture capital firms that are engaged in the military and non-military research, development, funding, and production of innovative technologies that support the national security of the United States.

SA 6404. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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

SEC. 575. PROMOTION OF CERTAIN FOOD AND NUTRITION ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Each Secretary concerned shall promote, to members of the Armed Forces under the jurisdiction of the Secretary, awareness of food and nutrition assistance programs administered by—

- (1) the Department of Defense; and
- (2) the Department of Agriculture.

(b) REPORTING.—Not later than one year after the date of the enactment of this Act, each Secretary concerned shall submit to the appropriate congressional committees a report summarizing activities taken by the Secretary to carry out subsection (a).

(c) DEFINITIONS.—In this section:

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

- (A) the congressional defense committees;
- (B) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and
- (C) the Committee on Agriculture of the House of Representatives.

(2) SECRETARY CONCERNED.—The term “Secretary concerned” has the meaning given that term in section 101 of title 10, United States Code.

SA 6405. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

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