effect as if enacted into law on September 2, 2019.

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**SA 6359.** Ms. MURKOWSKI 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 C of title VIII, add the following:

**SEC. 848. MODIFICATION OF DEFINITION OF DOMESTIC SOURCE UNDER DEFENSE PRODUCTION ACT OF 1950.**

Section 702(7)(A) of the Defense Production Act of 1950 (50 U.S.C. 4552(7)(A)) is amended by striking ''the United States or Canada'' and inserting ''the United States, the United Kingdom, Australia, or Canada (or, in the case of actions carried out pursuant to Presidential Determination No. 2022–11 (87 Fed. Reg. 19775), the United States)''.

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**SA 6360.** Mr. TUBERVILLE 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. _____. FUNDING FOR RESEARCH AND DEVELOPMENT RELATING TO RARE EARTH ELEMENTS.**

(a) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated for the National Defense Stockpile Transaction Fund, as specified the funding table in section 4501, is hereby increased by $2,000,000 (with the amount of such increase to be used to strengthen and implement the domestic industrial base for rare earth metallization related to permanent magnet production and related projects.

(b) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Army, as specified in the corresponding funding table in section 4201, for system development and demonstration, integrated personnel and pay system-Army (IPPS-A) (PE 0605018A), line 123, is hereby reduced by $2,000,000.

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**SA 6361.** Mr. TUBERVILLE 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 B of title XIV, add the following:

**SEC. 1414. REPORT ON STRATEGIC AND CRITICAL MATERIALS.**

(a) FINDING.—Congress finds that the annex provided by the Department of Defense under section 851 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3773) did not contain every element required under such section.

(b) REPORT REQUIRED.—Not later than June 1, 2023, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing strategic and critical materials requirements of the Department of Defense, including the gaps and vulnerabilities in supply chains of such materials.

(c) ELEMENTS.—The Under Secretary shall include in the report required by subsection (b) the following:

(1) The overall annual tonnage of each strategic or critical material used by the Department of Defense during the 10-year period ending on December 31, 2021.

(2) An evaluation of the benefits of a robust domestic supply chain for strategic and critical materials.

(3) An evaluation of the effects of the use of waivers by the Strategic Materials Protection Board established under section 187 of title 10, United States Code, on the domestic supply of strategic and critical materials.

(4) An identification of the improvements to the National Defense Stockpile that are required to further ensure that the Department of Defense has access to strategic and critical materials, aligning the goals of the stockpile with those of the Department and prioritize existing and future needs for emerging technologies.

(5) An evaluation of the domestic processing and manufacturing capacity required to supply strategic and critical materials to the Department of Defense, including identifying, in consultation with the Director of the United States Geological Survey, domestic locations of proven sources of such strategic and critical materials with existing commercial manufacturing capabilities.

(6) An identification of all minerals that are strategic and critical materials, and supply chains for such minerals, that originate in or pass through the Russian Federation.

(7) An evaluation of the process required to immediately halt the procurement of minerals described in paragraph (6) or products by the Federal Government without adversely affecting national security.

(8) Any limits on the availability of information preventing or limiting the Under Secretary from fully addressing an element described in paragraphs (1) through (7) in the report.

(9) Any legislative recommendations, statutory authority, or appropriations necessary to improve the ability of the Department to monitor and address its strategic and critical materials requirements.

(d) FORM.—The report required in subsection (b) shall be submitted in unclassified form but may include a classified annex.

(e) STRATEGIC AND CRITICAL MATERIALS DEFINED.—In this section, the term ''strategic and critical materials'' has the meaning given such term in section 12 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–3).

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**SA 6362.** Mr. JOHNSON 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 D of title XII, add the following:

**SEC. 1254. ELIGIBILITY OF TAIWAN FOR THE STRATEGIC TRADE AUTHORIZATION EXCEPTION TO CERTAIN EXPORT CONTROL LICENSING REQUIREMENTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Taiwan has adopted high standards in the field of export controls.

(2) Taiwan has declared its unilateral adherence to the Missile Technology Control Regime, the Wassenaar Arrangement, the Australia Group, and the Nuclear Suppliers Group.

(3) At the request of President George W. Bush, section 1206 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228; 22 U.S.C. 2321k note) required that Taiwan be treated as if it were designated as a major non-NATO ally (as defined in section 644(q) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(q)).

(b) ELIGIBILITY FOR STRATEGIC TRADE AUTHORIZATION.—The President, consistent with the commitments of the United States under international arrangements, shall take steps so that Taiwan may be treated as if it were included in the list of countries eligible for the strategic trade authorization exception under section 740.20(c)(1) of the Export Administration Regulations to the requirement for a license for the export, re-export, or in-country transfer of an item subject to controls under the Export Administration Regulations.

(c) CRITERIA.—Before the President may treat Taiwan as eligible for the exception described in subsection (b), the President shall ensure that Taiwan satisfies any applicable criteria normally required for inclusion in the Country Group A:5 list set forth in Supplement No. 1 to part 740 of the Export Administration Regulations, particularly with respect to alignment of export control policies with such policies of the United States.

(d) EXPORT ADMINISTRATION REGULATIONS DEFINED.—In this section, the term ''Export Administration Regulations'' has the meaning given that term in section 1742 of the Export Control Reform Act of 2018 (50 U.S.C. 4801).

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**SA 6363.** Mr. JOHNSON 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. 1077. PROTECTION OF ELECTRIC GRID OF UNITED STATES FROM CYBER WARFARE AND ELECTROMAGNETIC PULSE THREATS.**

(a) IN GENERAL.—The Secretary of Defense and the Director of the Cybersecurity and Infrastructure Security Agency shall provide information and resources, including through the procurement or construction of large power transformers, to entities described in subsection (b) to protect the electric grid of the United States from cyber warfare and electromagnetic pulse threats, including—

(1) a high-altitude nuclear electromagnetic pulse attack;

(2) a natural electromagnetic pulse generated by a solar superstorm; and

(3) other cyber electromagnetic pulse threats, such as radiofrequency weapons.

(b) ENTITIES DESCRIBED.—The entities described in this subsection are the following:

(1) State governmental entities responsible for national and homeland security.

(2) Public utility commissions.

(3) The North American Electric Reliability Corporation.

(4) Utilities that supply electricity to military installations and critical defense industries, as determined by the Secretary of Defense, within the continental United States.

(c) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary of Defense $4,000,000,000 to carry out this section.

(2) OFFSET.—Of the unobligated balances made available under the American Rescue Plan Act of 2021 (Public Law 117–2; 135 Stat. 4), or an amendment made by such Act, there is rescinded, on a pro rata basis, $4,000,000,000.

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**SA 6364.** Mr. JOHNSON 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 C of title VII, add the following:

**SEC. 753. USE OF CERTAIN DOMESTICALLY PRODUCED MEDICAL ISOTOPES BY DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS.**

(a) INCREASED USE.—Beginning not later than September 30, 2023, the Secretary of Defense and the Secretary of Veterans Affairs shall take steps to increase the use of technetium 99m patient doses procured from domestically manufactured molybdenum 99 (including by developing a plan to increase the use of technetium 99m patient doses procured from domestically manufactured molybdenum 99) only if such increase does not result in a cost increase compared to the competitive market.

(b) REPORT.—Not later than September 30, 2023, and on an annual basis thereafter until September 30, 2028, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report on the percentage of technetium 99m patient doses procured by each Secretary from domestically manufactured molybdenum 99 during the one-year period preceding the date of the report.

**SA 6365.** Mr. JOHNSON 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. 1077. COUNTERING EMERGING AERIAL THREATS TO DIPLOMATIC SECURITY.**

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2561a et seq.) is amended by adding at the end the following:

**"SEC. 64. PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.**

''(a) DEFINITIONS.—In this section:

''(1) The term 'appropriate committees of Congress' means—

''(A) the Committee on Foreign Relations, the Committee on the Judiciary, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on the Judiciary, the Committee on Transportation and Infrastructure, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

''(3) The term 'covered facility or asset' means any facility or asset that—

''(A) is identified as high-risk and a potential target for unlawful unmanned aircraft activity by the Secretary of State, in coordination with the Secretary of Transportation with respect to potentially impacted airspace, through a risk-based assessment;

''(B) is located in the United States; and

''(C) directly relates to the security or protection operations of the Department of State, including operations pursuant to—

''(i) section 37; or

''(ii) the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801 et seq.).

''(4) The terms 'electronic communication', 'intercept', 'oral communication', and 'wire communication' have the meanings given those terms in section 2510 of title 18, United States Code.

''(5)(A) The term 'personnel' means—

''(i) an officer, employee, or contractor of the Department of State, who is authorized to perform duties that include safety, security, or protection of people, facilities, or assets; or

''(ii) an employee who is trained and certified to perform those duties, including training specific to countering unmanned aircraft threats and mitigating risks in the national airspace.

''(B) To qualify for use of the authorities described in subsection (b), a contractor conducting operations described in that subsection must—

''(i) be directly contracted by the Department of State;

''(ii) provide, in the contract, insurance coverage sufficient to compensate tort victims;

''(iii) operate at a government-owned or government-leased facility or asset;

''(iv) not conduct inherently governmental functions;

''(v) be trained to safeguard privacy and civil liberties; and

''(vi) be trained and certified, including use-of-force training and certification, by the Department of State to meet the established standards and regulations of the Department of State.

''(6) The term 'risk-based assessment' means an evaluation of threat information specific to a covered facility or asset and, with respect to potential impacts on the safety and efficiency of the national airspace system and the needs of law enforcement and national security at each covered facility or asset identified by the Secretary of State, of each of the following factors:

''(A) Potential impacts to safety, efficiency, and use of the national airspace system, including potential effects on manned aircraft and unmanned aircraft systems or unmanned aircraft, aviation safety, airport operations, infrastructure, and air navigation services relating to the use of any system or technology for carrying out the actions described in subsection (c).

''(B) Options for mitigating any identified impacts to the national airspace system relating to the use of any system or technology, including minimizing, when possible, the use of any technology that disrupts the transmission of radio or electronic signals, for carrying out the actions described in subsection (c).

''(C) Potential consequences of the impacts of any actions taken under subsection (c) to the national airspace system and infrastructure if not mitigated.

''(D) The ability to provide reasonable advance notice to aircraft operators consistent with the safety of the national airspace system and the needs of law enforcement and national security.

''(E) The setting and character of any covered facility or asset, including—

''(i) whether the covered facility or asset is located in a populated area or near other structures;

''(ii) whether the covered facility or asset is open to the public;

''(iii) whether the covered facility or asset is used for nongovernmental functions; and

''(iv) any potential for interference with wireless communications or for injury or damage to persons or property.

''(F) Potential consequences to national security, public safety, or law enforcement if threats posed by unmanned aircraft systems or unmanned aircraft are not mitigated or defeated.

''(7) The terms 'unmanned aircraft' and 'unmanned aircraft system' have the meanings given those terms in section 44801 of title 49, United States Code.

''(b) AUTHORITY OF THE DEPARTMENT OF STATE.—Notwithstanding section 46502 of title 49, United States Code, or sections 32, 1030, 1367, and chapters 119 and 206 of title 18, United States Code, the Secretary of State may take, and may authorize personnel with assigned duties that include the safety, security, or protection of people, facilities, or assets to take, actions described in subsection (c) that are necessary to detect, identify, monitor, track, and mitigate a credible threat (as defined by the Secretary of State, in consultation with the Secretary of Transportation through the Administrator of the Federal Aviation Administration) that an unmanned aircraft system or unmanned aircraft poses to the safety or security of a covered facility or asset.

''(c) ACTIONS DESCRIBED.—

''(1) IN GENERAL.—The actions authorized by subsection (b) are the following: