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Senate

The Senate met at 10 a.m. and was called to order by the Honorable PETER WELCH, a Senator from the State of Vermont.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, we are reminded of Your mercies that have been of old. You have been our dwelling place in all generations. Because of Your mercies, we are not consumed. Great is Your faithfulness.

Today, guard and guide our Senators. Lord, provide them with a sense of purposeful direction as they strive to unite their best efforts for the health, strength, and safety of this Nation. May they also work for peace and justice in our world. Cleanse anything in our lawmakers that would block the flow of Your blessings and joy. May gratitude to You be the motive for everything they think, say, and do.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mrs. MURRAY).

The senior assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 2024.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PETER WELCH, a Senator from the State of Vermont, to perform the duties of the Chair.

PATTY MURRAY,
President pro tempore.

Mr. WELCH thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3935, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 3935) to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

Pending:

Schumer (for Cantwell) modified amendment No. 1911, in the nature of a substitute.

Schumer amendment No. 2026 (to amendment No. 1911), to add an effective date.

Schumer motion to commit the bill to the Committee on Commerce, Science, and Transportation, with instructions, Schumer amendment No. 2027, to add an effective date.

Schumer amendment No. 2028 (to (the instructions) amendment No. 2027), to add an effective date.

Schumer amendment No. 2029 (to amendment No. 2028), to add an effective date.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BORDER SECURITY

Mr. SCHUMER. Mr. President, let me read a few quotes from the last 6 months, about securing our southern border, from some of my Republican Senate colleagues:

This crisis requires swift, serious, and substantive action.

It makes no sense to me for us to do nothing when we might be able to make things better.

This moment will pass. Do not let it pass.

Yes, indeed, these are words of our Republican Senate colleagues, uttered at press conferences and floor speeches and interviews from just the last few months. There are many, many, many more quotes like these, going back years, from Republican Senators, from Republican Congress Members, from the Republican Speaker, and from the former Republican President.

We kept hearing the same thing again and again and again: ''We need to do something about the border now,'' they shouted. ''The border is an emergency,'' they screamed. ''We cannot put this off until tomorrow''—and on and on and on.

So 3 months ago, here on the floor, Republicans got a chance to back up their angry words with real action by voting on the strongest bipartisan border bill Congress has seen in decades. And practically every Republican voted no, including my Republican colleague who said: ''It makes no sense to do nothing.'' Then he voted no. Including my Republican colleague who said: ''This crisis requires swift . . . action''—he voted no. And the Republican Speaker, JOHNSON, who said: ''The time to act'' on the border ''is yesterday,'' and then told the whole world that our bipartisan border bill would die in the House if we sent it over to them.

Donald Trump has spent years bellyaching and bemoaning the problems at

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the border. But when Congress finally reached a breakthrough on a strong and bipartisan border bill, he told his MAGA acolytes to kill it so that he could exploit the chaos at the border for political gain. He was bold and open about that. He wanted to exploit the chaos at the border for his own political gain.

That is cynical even for Republicans—even, maybe, for Donald Trump, whose cynicism knows no bounds. For Democrats, the situation at the border is utterly unacceptable. That is why we worked with our Republican colleagues for months to write the strongest border security bill Congress has seen in generations—a bill that had the support of the Border Patrol union and the Chamber of Commerce and the extremely conservative Wall Street Journal editorial board.

But Donald Trump, desperate to exploit the border for the campaign trail, torpedoed this bill right in its tracks. He knew it would take real action to secure our border. That is why he didn't want it to happen.

Republicans will go on and on about the border this year, but their rhetoric, their political ads, everything else, will ring hollow because the border bill they killed in Congress will linger over them like stink on garbage.

ARTIFICIAL INTELLIGENCE

Mr. President, now, on AI, I just returned from the Special Competitive Studies Project's first ever expo on artificial intelligence, where I spoke about the Senate's ongoing efforts to tackle AI. As I have said before, tackling AI must be an all-hands-on-deck approach. AI is so complex, so rapidly evolving, so broad in its impact that it will take all of us working together to maximize its potential and minimize its harms.

That is why I was pleased to see President Biden will announce a $3.3 billion investment from Microsoft, later today, for a new AI center in Wisconsin. This investment from Microsoft will create thousands of new, good-paying jobs and help America keep a competitive edge on AI.

AI will remain a top priority for this U.S. Senate. We just finished our bipartisan AI Insight Forums, where we learned so much about AI's promises and challenges. Very soon, our bipartisan AI working group will release our policy roadmap highlighting the findings and the areas of consensus from our forums, which will help our committees fine-tune their work on AI legislation. We look forward to moving forward on AI.

H.R. 3935

Mr. President, now on FAA, last night, I filed cloture on the underlying bill and the Cantwell substitute amendment, with the next procedural vote scheduled for tomorrow. All of us need to work constructively and with urgency to finish the job on FAA.

Nobody—absolutely nobody—should want us to slip past the deadline. That would needlessly increase risks for so many travelers and so many Federal workers.

To get FAA done, we need three things: cooperation, haste, and a common desire to get to yes. Any single Member who insists on extraneous change will only increase the likelihood that we miss the deadline. God forbid something should happen when we do.

I hope that we will finish this job very soon so we can send a bill to the House in time for them to act. I thank Chair CANTWELL, the ranking member of the committee, CRUZ, and all my colleagues who have worked assiduously to get FAA done.

ABORTION

Mr. President, now, on abortion, just when we thought Republicans' anti-choice rhetoric couldn't get any more extreme, Republicans keep stooping to new lows. In an interview yesterday, Donald Trump, the presumptive Republican nominee for President, was asked about claims that he ''would support certain states with bans monitoring a woman's pregnancy.'' Donald Trump's response? ''Well, that would be up to the States.''

That would be up to the States?

Let me say that again so the American people hear how extreme this is. Donald Trump was asked yesterday if he would support States that want to monitor women's pregnancies—monitor women's pregnancies. Instead of condemning this grotesque invasion of women's privacy, Donald Trump thinks that if the States decide to do so, that is apparently A-OK with him. It is revolting.

In just the last few months, we have seen States like Florida enact some of the most extreme and cruel abortion bans in decades. So if Donald Trump and hard-right Republicans get back into power, should there be any surprise if some States pass laws allowing for women's pregnancies to be monitored?

I ask my Senate colleagues: Do you agree, Senate colleagues—Republican Senate colleagues—do you agree with Donald Trump's extreme, intrusive, crazy view that States should be able to monitor pregnant women if they want? Do my Senate Republican colleagues, who say they are the party of individual freedom, believe States should have the power to track movements of millions of women if they so choose?

Make no mistake, Senate Republicans created the mess we are in right now, where the presumptive Republican nominee is seemingly open to States monitoring pregnant women. Senate Republicans owe the American people an answer on where they stand on this absurd invasion to Americans' privacy.

CHIPS AND SCIENCE ACT

Mr. President, finally, on the Chips and Science bill. Yesterday, the New York Times reported a remarkable statistic from a recent study on the semiconductor industry. Thanks to funding provided by the Chips and Science Act, ''the United States will triple its domestic Chips manufacturing capacity by 2032, the largest increase in the world.''

The report goes on: Had Congress not passed Chips and Science, American share of global chip production would have kept slipping, but, instead, it is expected to triple—to triple—in less than a decade.

This report is great news for American jobs and America's economy and is precisely what we envisioned in the Senate as we worked on the bipartisan Chips and Science bill. With help from the Federal Government, communities in New York and Arizona and Ohio and Texas and Montana will become the next hubs of tech innovation.

We are seeing growth happen right now, in front of our eyes: Micron is expanding, Samsung is expanding, Intel is expanding, BAE Systems is expanding, and more. All of these companies are expanding in the United States thanks to the CHIPS Act.

When I began working on the Endless Frontier Act years ago, this was the hope: a new wave of tech jobs, a new wave of scientific research, and a revival of Federal investment in these areas. This report on the impact of Chips and Science shows America is on the right track, and our confidence in passing this legislation is vindicated.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ISRAEL

Mr. MCCONNELL. Mr. President, the attacks of October 7 brought the world face-to-face with the savage terrorists who have tried to destroy the Jewish State for decades. They forced us all to take a sober look at what our ally Israel has to defend against every single day.

In the months since, I have insisted repeatedly that America should provide Israel the time, the space, and the support it needs to defeat Iran-backed terrorists and restore its security, and I have made it clear that the consensus of Israel's national unity war cabinet—that lasting security can only come after Hamas is defeated—ought to be our position here in America as well.

Early on, there was reason to believe that President Biden shared this view. I was encouraged by his initial willingness to move quickly to transfer needed munitions to Israel, by his request for an emergency national security supplemental, including urgent security assistance to Israel, and by what he called his administration's ''ironclad'' commitment to Israel's security.

Unfortunately, we have since seen that iron bend under the heat of domestic political pressure from his party's anti-Israel base and the campus communists who decided to wrap themselves in the flags of Hamas and Hezbollah. We have seen his administration cave in to growing demands to

condition and limit assistance to our democratic ally. We have seen public attempts to micromanage Israel's self-defense, to constrain Israel's freedom of action. A few days ago, we saw reports that the President was delaying weapons shipments to Israel, creating daylight between America and a close ally.

As it turns out, these reports were true, and the decision to pause these shipments was withheld from Congress. We still don't know the key facts.

I speak with some experience in the difficulties of standing up to extreme elements in one's own political party, but the President's apparent inability to keep the most radical voices on his left flank out of the Situation Room isn't just a shameful abdication of leadership; it is actually dangerous.

Failing to pass the emergency national security supplemental would have been devastating to Ukraine's defense and America's credibility. For the administration to withhold assistance from Israel is devastating in its own right. At home, it will only whet the appetite of the anti-Israel left, and abroad, it will embolden Iran and its terrorist proxies.

There is no secret shortcut to restoring peace and security. A return to the status quo ante doesn't solve the challenge at hand. The status quo before October 7 was what allowed Iran the latitude to export terror across the Middle East and allowed Hamas to exploit a cease-fire to launch the attacks.

For those who care about the humanitarian situation in Gaza—and I would count myself among those who do—the most enduring way to help the Palestinian people is to help Israel defeat Hamas. A return to the status quo ante will only perpetuate the conditions that have long plagued the people of Gaza and threatened the people of Israel. In the last week, their terrorist oppressors have struck the main humanitarian entrance to Gaza twice with mortars.

It is time for the President to stop letting domestic political demands of the far left determine his foreign policy, and it is time to stop doubting the will of Israel's unity government and the overwhelming view of the Israeli people. A future of peace for Israelis and Palestinians is one in which Iran-backed terrorists play no part.

NATIONAL SECURITY

Now, Mr. President, on a related matter, Israel knows it cannot blink in the face of savages who seek to destroy it. The same cannot be said of the Biden administration—the disastrous retreat from Afghanistan; the delusion that over-the-horizon counterterrorism could fill in for on-the-ground operations; and, of course, an abiding fixation on releasing hardened killers from the terrorist detention facility at Guantanamo Bay so they can symbolically end the War on Terror.

Negotiations between Federal prosecutors and representatives of the masterminds of the September 11 massacre have been ongoing for years. The terrorists' defense has tried every trick in the book to dodge justice—from bids for transfer to U.S. soil for medical treatment to plea deals that would take a capital sentence off the table. Many of our colleagues have followed these proceedings with great interest. Many of us feel strongly that a terrorist mass murderer ought to get his just desserts.

The way this story is sometimes covered in the press, you might think there is something wrong about a U.S. Senator insisting on it. So let's clear up a couple of things.

First, Khalid Shaikh Mohammed deserves nothing less than the death penalty, and the fact that he hasn't yet received it is a disgrace.

Second, on President Biden's watch, the terrorist threat has grown significantly while our ability to combat it has actually shrunk. Law enforcement and intelligence officials confirm the urgency of the threat to our homeland. We have been kicked out of the Sahel, and we are blind in Afghanistan. The President's precipitous withdrawal from Bagram Air Base led to the emptying of the terrorist detention facility there and fueled ISIS-K terrorist plots against America.

Finally, if the President and his Attorney General let the perpetrators of the deadliest terrorist attack on American soil plead out or cut a secret deal for better healthcare and living conditions, the Biden administration will pay a steep political price.

PRESCRIPTION DRUG COSTS

Mr. President, on one final matter, last week, the Biden administration rolled out the second wave of guidance in the price-fixing scheme he calls the Medicare Drug Price Negotiation Program, but, as I said the first time around, the word ''negotiation'' is doing a lot of work in that name. Calling administration bureaucrats' strong-arm tactic a negotiation is like calling jury duty a paid vacation.

What we are really talking about here is prescription drug socialism. The administration is dictating to America's world-leading medical innovators the maximum fair price for their products. In response, producers have three choices: Eat the fixed price, pay an exorbitant excise tax, or stop participating in Medicare and Medicaid drug programs altogether.

Of course, we know it is not that neat and tidy. The underlying problem with price-fixing is that it simply doesn't work. When the Federal Government predetermines outcomes, it kills the incentives that prompt innovators to bet big on cutting-edge research and development.

Artificially fixing the price for a life-saving cure doesn't make it cheaper; it makes it less likely to exist in the first place. By one estimate, over the next 10 years, the sort of prescription drug socialism the Biden administration is driving at could snuff out development on nearly 140—140—new treatments before they begin. Needless to say, the people who stand to lose the most from state meddling in the market for medical treatments are the people who rely on them—American patients, especially seniors.

There is a reason the United States leads the world in pharmaceutical development. It is precisely because we encourage innovation and welcome risk-taking, and it is because, until now, we have kept Washington from pouring cold water on the most prolific engine of lifesaving cures in our history.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HICKENLOOPER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

H.R. 3935

Mr. THUNE. Mr. President, this week, the Senate is finally considering the Federal Aviation Administration Reauthorization Act, and I am glad we are here—even if belatedly.

Our Nation depends on a safe, efficient, and robust national aviation system. The bill before us today will help strengthen aviation safety, address the pilot shortage, and improve airport infrastructure—all of which will contribute to a better experience for the traveling public.

I am particularly pleased that my proposal to create an enhanced qualification program for prospective airline pilots was included in the bill. The United States is facing a serious pilot shortage, which has resulted in reduced air service at airports around the country. This has real impacts on the flying public, particularly for those in rural States like South Dakota since smaller, regional airports have tended to see the greatest reduction in flights.

To help address this shortage and improve the quality of pilot training, Senator SINEMA and I introduced a proposal to create an enhanced qualification proposal for prospective airline pilots. Our proposal was a direct response to a recommendation from the Air Carrier Training Aviation Rulemaking Committee—a body of industry, labor, and safety representatives who meet regularly under the auspices of the FAA's Office of Aviation Safety—which recommended the implementation of such a program to create a structured pathway for pilots to obtain intensive training.

While the United States has stringent requirements for the number of flight hours prospective airline pilots must complete before obtaining their pilot's license, the quality of that cockpit time is often less than optimal preparation for flying commercial jets. So, to better prepare pilots for airline jobs, our proposal will implement an

enhanced qualification program—designed and audited by the FAA and administered by air carriers—that will give aspiring airline pilots intensive training with experienced air carrier pilots and other experts.

Intensive training in the kind of air carrier environment where prospective airline pilots will be flying is something that is largely missing from current training, and getting the chance to work closely with seasoned pilots will help turn out highly qualified pilots who are better prepared for flying commercial jets.

In addition, our program's use of simulator training, whose proven value has resulted in its extensive use by the military, will give prospective airline pilots exposure to the cockpits of the jets they will be flying and, crucially, allow them to experience what it is like to handle challenging and dangerous situations in those cockpits.

For obvious reasons, standard flight training hours don't involve deliberately flying into perilous weather conditions or dealing with things like fires or engine failure, but simulator training offers prospective airline pilots the chance to deal with all those situations and more and deal with them again and again until their responses to these situations are finetuned.

Our proposal is a win-win. It will turn out better prepared pilots, and it will help address the pilot shortage by making training more accessible. I am very pleased it was included in the bill that is before us today.

I am also very pleased that Senator KLOBUCHAR's Aviation Workforce Development and Recruitment Act, which I cosponsored, was included in the bill. This measure will help address workforce challenges across the aviation industry by expanding resources to help recruit and train pilots, aviation manufacturing workers, and mechanics.

Finally, with rural air service once again in mind, I am very pleased that my provision to allow communities to receive multiple Small Community Air Service Development Program grants for the same project was included in the legislation before us today. This will help make it easier to expand sorely needed air service for rural communities.

The bill also includes language providing small airports with more flexibility to use AIP funding for terminal improvements, which will be crucial for enabling rural airports to expand access as construction costs continue to rise.

On another topic, the legislation before us today includes my bipartisan Increasing Competitiveness for American Drones Act with Senator WARNER, which will streamline the approval process for beyond visual line of sight drone flights and clear the way for drones to be used for commercial transport of goods across the country. The wider deployment of drones has potential to transform the economy with innovative opportunities for transportation and agriculture that would benefit rural States like South Dakota.

And my bill will help ensure that the United States remains competitive in a growing industry increasingly dominated by countries like China.

I am also pleased that legislation I cosponsored with Senator DUCKWORTH to help improve the flying experience for individuals who use mobility aids was included in the final legislation that we are considering.

No bill is perfect, but I believe that the legislation before us today will make real progress toward a safer and more reliable aviation system and an improved flying experience for the American public.

I am grateful to all those who contributed to getting this bill to the floor today. As a former chairman of the Commerce Committee, I know how much work goes into the process of drafting and moving an FAA reauthorization bill, and I want to thank the chair and ranking member and all of their staff.

I particularly want to thank Ranking Member TED CRUZ for his tireless efforts, both in getting this bill to the finish line and ensuring that we ended up with a strong piece of legislation. His work to ensure that we have strong staffing mandates for air traffic controllers, as well as his efforts to reduce backlogs and improve the FAA's efficiency, deserves particular recognition.

I also want to thank Senators MORAN and DUCKWORTH for their leadership at the Subcommittee on Aviation Safety, Operations, and Innovation.

As I said, final passage of the FAA Reauthorization Act has been a long time coming, but the day is finally here. I look forward to seeing this bill enacted into law in the very near future.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

Mr. GRASSLEY. Mr. President, today, I come to the Senate floor to talk about my ongoing Bureau of Alcohol, Tobacco, Firearms and Explosives oversight regarding the intentional misclassification of law enforcement positions—all of this costing the taxpayers tens of millions and dollars.

As my colleagues know, I have done a lot of ATF oversight work, dating back more than a decade. The Obama-Biden administration coverup in ''Fast and Furious'' is just one example. But, today, we don't need to go back to 2011. Today, we will start in January 2018.

According to emails provided to me by ATF whistleblowers, ATF leadership was notified in January 2018 that some non-law enforcement positions were misclassified as law enforcement. That misclassification cost taxpayers tens of millions of dollars because law enforcement gets paid more than non-law enforcement positions.

Specifically, in these ATF emails from January and June of 2018, whistleblowers alerted ATF officials that positions in the human resources division were misclassified. The positions were classified as law enforcement, but they performed no law enforcement duties. This is an example that I keep telling my colleagues we need to pay more attention to, information that comes from these patriotic people we call whistleblowers.

Accordingly, these positions were misclassified in violation of law. That is what oversight by Congress is all about: to make sure that the executive branch faithfully executes the laws according to the Constitution.

Emails from July 2019 show that whistleblowers contacted the Justice Management Division at the Department of Justice headquarters about these very problems. The whistleblowers informed the Justice Management Division that they notified ATF management of the misclassified positions and that ATF hadn't corrected this illegal conduct. Based on what whistleblowers have told my office, the Justice Department didn't even bother to get back to the whistleblowers.

Then, in July 2019, one whistleblower reported the matter to the Office of Special Counsel, and the other whistleblowers made their report to that same office April of 2020.

After the second whistleblower reported ATF's misconduct to the Office of Special Counsel, that office opened the claim for investigation in May of 2020.

On June 9, 2020, the Office of Special Counsel determined there was a substantial likelihood both whistleblowers' allegations disclosed violations of law, of rule, or regulation; a gross waste of funds; and gross mismanagement—once again, emphasizing tens of millions of dollars wasted here. The Office of Special Counsel referred the matter to the Attorney General for investigation.

Then, on November 2, 2020, the Office of Personnel Management partially suspended ATF's position classification authority. That office did so after preliminary findings from their investigation revealed that certain ATF non-law enforcement positions were misclassified in violation of statute and regulations.

On March 1, 2021, the Office of Personnel Management issued their final report substantiating the whistleblowers' claims and found that ''ATF leadership had acted outside of merit system principles and demonstrated disregard for the rule of law and regulations.''

This illegal scheme came to light because of brave whistleblowers. The

ATF whistleblowers, we now know, were right. All those government bureaucrats should have listened to the whistleblowers from the beginning. Instead, ATF rudely ignored their evidence and, obviously, ignored whistleblowers doing what they thought was right for our country.

I wrote Attorney General Garland and then-Acting ATF Director Richardson concerning these findings on October 6, 2021. I asked for copies of the final Office of Personnel Management report and an accounting of how much taxpayer dollars were wasted due to ATF's illegal misconduct. I also asked how long ATF unlawfully misclassified positions and the total number of misclassified positions within all of the ATF.

On December 15, 2021, the Justice Department responded that it couldn't provide answers because of various ongoing investigations. How tired I am of hearing from our law enforcement Agencies in the Federal Government that they can't comment to oversight investigations by Congress because of ''ongoing investigations.'' It is an excuse to avoid what they promise us every time they come before Congress: that they will answer our questions.

Going on now to April 7—6 months later—in 2022, the Justice Department provided me with a redacted copy of their investigative report, which they submitted to the Office of Special Counsel on March 29 of 2022. But they still failed to fully answer all of my questions.

Let me remind the executive branch yet again: The U.S. Congress maintains independent constitutional authority to investigate the Federal Government, irrespective of any ongoing investigation.

After the conclusion of the investigations, which was May 2, 2023, the Office of Special Counsel notified President Biden that ''whistleblowers' allegations were wholly substantiated.''

That investigation found ''substantial waste, mismanagement, unlawful employment practices at the ATF.'' It also found ''for years, the agency intentionally misclassified jobs as law enforcement and paid those employees benefits to which they were not entitled.'' The Office of Special Counsel also found that ATF's illegal scheme wasted at least 20 million taxpayer dollars.

When is the government going to learn that it needs to listen to whistleblowers instead of treating these patriotic whistleblowers like skunks at a picnic? ATF could have saved the taxpayers at least $20 million if they would have listened to these brave whistleblowers.

Then, on November 6, 2023, the Office of Personnel Management wrote to ATF and the Justice Department. Incredibly, if you can believe this, that letter restored ATF's position classification authority effective immediately even though ATF was unable to provide the necessary evidence to support that its updated position classifications were proper and within the law. This restoration doesn't bring this matter to a close.

On January 30 this year, my colleague from Iowa, Senator ERNST, and I wrote to the Justice Department and to the ATF. In that letter, we noted that ATF Internal Affairs Division had been investigating the illegal scheme. We asked for answers and for findings relating to that investigation. Those government employees who were notified of the illegal misconduct and did nothing to investigate or stop it must be held accountable because in this town, if heads don't roll, nothing changes. And that applies the same, of course, to those who participated in that scheme of misclassification.

No one is above the law. But as of right now because of ATF's failure to give any update on the internal investigation, all Congress knows is that nobody has been held accountable.

It is very clearly hypocritical of the Biden administration's ATF to revoke the licenses of firearm sellers for innocent clerical errors but at the same time refuses to hold its own employees accountable for an illegal misclassification scheme.

Finally, in our January 2024 letter, we also noted that whistleblowers alleged to us that the ATF had been illegally misclassifying positions for more than the 5-year period reviewed by the Office of Personnel Management. The Office of Special Counsel noted in their letter to President Biden that the evidence suggests that ATF engaged in this illegal activity since at least 2003–2004.

The whistleblowers also alleged to us that hundreds of employees across all ATF field divisions and offices occupied positions that were identified as ''misclassified.'' Accordingly, if true, the cost to taxpayers for these misclassifications is likely significantly higher than $20 million. And if true, the review done by the Office of Personnel Management was really, really narrow.

Clearly, the Justice Department and the ATF have a lot of explaining to do. The taxpayers deserve to know how much of their money ATF wasted. The taxpayers deserve to know who was held accountable and how they were held accountable. And if nobody was held accountable, why not?

The entire matter is an example of the important role whistleblowers play in shining light on government waste, fraud, and abuse. Without the continued persistence of these brave whistleblowers to report wrongdoing that they know about and maybe the people in the head of the departments don't know about, ATF's illegal misclassification scheme, substantial waste of taxpayers' funds, and gross mismanagement would have likely continued.

I commend the grit of these whistleblowers. Senator ERNST's and my oversight on this issue will continue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Louisiana.

TRANSGENDER ATHLETICS

Mr. KENNEDY. Mr. President, with me today are two of my valuable colleagues from my office, Ms. Maddy Dibble and Mr. Christian Amy, and I am glad to have them today and thank them for their good work.

From afar, being an NFL football player looks like a lot of fun, but if you have ever been down on the field when those guys are playing, it is brutal. I mean, it is brutal.

Some NFL linemen weigh over 300 pounds, and it is all muscle. A lot of NFL quarterbacks, they are pretty big themselves, but they are not 300 pounds. They probably miss their high school days when they only had a chubby 16-year-old lineman trying to tackle them under those Friday night lights.

We have a player on the New Orleans Saints that we are all proud of in Louisiana, Mr. Cam Jordan. I will bet even Mr. Jordan, who is a starting defensive end for the Saints, one of the best in the NFL, has days when he wishes his competitors were only half as big as the ones he faces every Sunday and every day in practice.

But think about this, if Mr. Jordan were to announce tomorrow that he identifies as a 16-year-old and if Mr. Jordan then tried to join the football team at Zachary High School, my alma mater, no one in America would pretend that Mr. Jordan is actually a student athlete with the right to take the field along with teenage boys.

I mean, most Americans would think you are from outer space. They would be thinking, What planet did he just parachute in from?

I mean, every sane person in Louisiana and on planet Earth would understand that a 34-year-old NFL player has no place attacking kids who haven't even been to the prom yet, for God's sake.

Not only would it be unfair to allow Mr. Jordan on the Zachary High School football team, he would probably send a few kids to the hospital in the first quarter, in the first minute.

Men and women don't take the field against one another for the same reasons. It is fundamentally unfair, and women could get hurt.

Yet there are activists in our country today—I wish I didn't have to say this—and there is a President in our White House who think the laws of physics and biology don't apply to transgender athletes.

And these activists and President Biden are happy to destroy athletic opportunities for every woman in America to prove their point. These activists

and President Biden are working throughout the country—you have read about it in the media—to force biological women and girls to compete against biological men and boys.

The ACLU is one of those supporters. The ACLU, for example, says it is a ''fact'' that ''trans girls are girls.''

Now, these activists and President Biden say that it is ''a myth''—they call it a myth—that transgender female athletes have a physical advantage over biological girls.

As an aside, if that is the case, if this is a myth and not a fact, then you have to wonder why so few transgender men who are actually biological women are anxious to play on male sports teams, but I digress.

The fact is, you don't need a graduate degree in anatomy to know that these claims are specious. They just are. Both medical and the physical science and the data show that men have obvious and significant advantages over female athletes.

I mean, unless you are the reason that your parents drink, you know that. It is just a fact. That is how our Creator made us. Even before birth, baby boys begin developing different hormones and skeletal structures that help them outperform women athletically.

Testosterone exposure in the womb, before the baby is born, alters brain development in boys. This improves their motor skills, increases their aggression, two traits that benefit competitive athletes.

Boys also experience what doctors and scientists call a ''mini puberty.'' They call it a mini puberty in the womb, so that shortly after birth baby boys will gain weight faster than baby girls.

That is biology. That is not political ideology; that is biology. And that ultimately contributes to boys being taller than girls, on average, later in life.

The differences between boys and girls, as I think most of us know, explode during puberty. They explode during puberty. Girls develop hearts that are 14 percent smaller than boys. Girls develop lungs, smaller lungs, that are 12 percent smaller than men, on average.

That helps boys take in more oxygen—duh. It helps them pump blood more efficiently than girls can. That is biology, and that gives boys a clear edge in endurance sports, sports like running, cycling, swimming, rowing.

Girls, also during puberty—again, a biological fact—develop a wider pelvis, on average, and this decreases the amount of force their legs can exert when they are lifting or kicking or pedaling. That is another relative disadvantage when you compare female athletes to male athletes.

Boys develop broader shoulders. I think most of us know that. Common sense is illegal in Washington, DC, but it is not in the rest of America, and I think Americans know that. Boys develop broader shoulders to make space for more upper body muscle mass—again, a biological fact.

It is hard to think of a sport—I can't think of one—in which a higher muscle-to-fat ratio isn't helpful.

The average boy will also grow 5 inches taller than the average girl during this time. Even when women and men are the same height, men have higher levels of bone density, which helps them move more forcefully and escape more injuries in athletics—a biological fact.

Women are at a competitive physical disadvantage against men from birth, and this is especially clear at the very elite levels of athletics. Top-ranked high school boys, for example, regularly outsprint female Olympians. Many high school boys—now, we are talking the elites in high school, I wasn't one of those, but the really, fine male athletes in high school, they could run faster than female Olympians, and they are in high school.

In 2016, for example, American female sprinter Allyson Felix, Ms. Felix earned an Olympic Gold Medal in the women's 400-meter race. Ms. Felix is a wonderful athlete. A year later, after she won a gold medal, more than 285 American teenage boys logged a faster 400-meter time than Ms. Felix.

Don't take my word for it, it came from a study done at Duke University. More than 4,300 adult male athletes across America clocked faster 400-meter times than Ms. Felix, and she was an Olympian.

In many Olympic track or swimming events, the female world record holder wouldn't even qualify—wouldn't even qualify—to compete against men. In strength-based sports, such as weight lifting, men outperform elite women in the same weight class by as much as 30 percent.

Activists try to distract from biological reality by claiming that men lose their advantages over women when the men begin taking cross-sex hormones. That is not true. The differences between men and women begin in the womb, and no number, no amount of hormone treatments or surgeries can undo those.

Estrogen shots don't shrink a man's heart or his lungs, nor do they change the structure of the pelvis or the size of a skeleton, nor do they change your height.

One study revealed that men who have been taking cross-sex hormone treatments for 2 years can still run 12 percent faster and do 10 percent more pushups, on average, than women. That is just a biological fact. If you think that is misogynistic, curse our Creator, if you have the courage. It is just a biological fact.

Perhaps that is why the University of Pennsylvania swimmer—you have heard of her. When she first competed, her name was William Thomas. She was a male. She is now a transgender female, very prominent athlete. She now goes by Lia Thomas. She went from being the 554th ranked man in swimming to a top-ranked woman in the 200-yard freestyle when she was allowed to compete with biological women as a transgender female.

Now, at least in swimming, each athlete gets their own lane. A mediocre male athlete's transition into a top-tier female athlete kills the dreams, and it steals the scholarships of biological women. I will talk more about that later. But at least the female swimmers aren't usually in physical danger because everybody has got their lane. Contact sports are a whole different—a whole different—thing.

Transgender athletes have seriously injured female competitors on several occasions, as President Biden's and these activists' movement have been forced on many of our schools. In May 2023, for example, about a year ago, a high school volleyball player in North Carolina sued her State's high school athletics association after a transgender player—transgender female, born a biological male—spiked the ball in her face. Boom, hit her, right in the face. She got a concussion. She is suffering from long-term physical and mental injuries—not just physical injuries but mental injuries.

Last October, a high school senior in California suffered a season-ending concussion after a transgender—born biological male, now a transgender female—after a transgender volleyball player spiked the ball and hit this young woman in the face during a game. She couldn't play high school volleyball anymore.

This February, a girls' basketball team in Massachusetts forfeited a game. They said ''no mas''; we quit; we can't go on. They forfeited a game after a transgender athlete—biological male, transgender female—injured three female players. The other team was going to run out of players, so they had to quit, and the coaches were worried that more of their players were going to be hurt.

Now how many women and girls are going to be rushed to the hospital while activists and President Biden create safe places in which transgender athletes can hurt female athletes as a matter of course? Shouldn't we be asking that question?

Some activists say that a biological man—as I indicated, some activists may say that a biological man has the same physicality as a biological woman. Put down the ball if you believe that, but some—this is America. You are entitled to say what you want. And some say that a biological man doesn't have any advantage physically over a biological female, but that doesn't change the laws of nature. That doesn't change the laws of science. That doesn't change the laws of anatomy. The truth is that a woman's bone doesn't care that the person who snapped it identifies as a woman or a man or whatever. They just know their bone is broken.

American female athletes are not lab rats. They are not lab rats we can subject to a social experiment. They have

goals and dreams, too, and they have worked hard, too, to develop their skills, to earn scholarships, to win championships. No girl, no woman, no female in America should end up on the bench with her arm in a sling because the Biden administration wanted a biological man to feel included.

Broken bones will heal in most cases, but transgender athletes have also inflicted a different kind of pain on female athletes, a pain that is a lot harder to mend. I am thinking of the pain felt by athletes like the swimmer from the University of Florida who missed out on the chance to swim as an All American because Ms. Lia Thomas, formerly Mr. William Thomas, who ranked 554 as a man in swimming took her place and dominated the women's race. We should all worry about the swimmer from Virginia Tech who didn't get to compete in the final race of her collegiate career. That is a race she will never get back because Ms. Thomas stole her spot in the pool.

How discouraging. How discouraging it must be to dedicate your life to a goal, only to have these activists and President Biden rip them away because institutions are unwilling to accept the immutable facts of anatomy.

I reject the proposition. I do. I reject the proposition that it is OK that some young athlete is losing out—spends hours in the pool or in the gym each night—has to have her college championship taken away by a biological boy because the Biden administration says so. I reject that.

Transgender athletes are not just undermining the game for female athletes, they are also stealing opportunities for women athletes to earn scholarships to get an education. This isn't just about competitive competition; this is about getting an education. That is why we call them scholar athletes. The NCAA, for example—not exactly a model of courage, by the way. You ever seen a catfish once you catch it and bring it up on the bank? It flips and flops, and it flips and it flops. That is the NCAA. They just go with the political winds. Their attitude is: We have standards. If you don't like our standards, we have others.

The NCAA sets limits on the number of scholarships available for every sport, men and women. By definition, giving a transgender athlete a scholarship means a nontransgender girl will not get one. Duh. Yet the University of Washington recently offered the first Division I women's volleyball scholarship in the country to a biological male. It won't be the last. This is the first Division I scholarship taken away from a female athlete, but it won't be the last.

Now, that makes President Biden happy. I am happy he is happy. But that makes most fairminded Americans sad. It makes me sad.

Additionally, we have only just begun to see how much money is at stake for female athletes who could earn private sponsorships. Have you followed the career of Angel Reese, our star—former star at LSU now playing in professional basketball? Have you followed the career of Ms. Caitlin Clark? They make a lot more money from their sponsorships than they do from their salary playing their sport.

Now, regardless of how you feel about paying college athletes, it is here. Name, image, and likeness sponsorships—they are here, and they present an enormous financial opportunity to athletes. From July of 2021 to June of 2022, about a year, college athletes earned nearly $1 billion in sponsorship deals. We are talking a lot of money here.

We don't know yet how much sponsorship money female athletes can earn. We are sort of in the infancy of this. But we know for certain that they won't earn a penny if a biological male takes their spot on the team. I know that.

A lot of girls are already suffering the consequences of this reality. Chelsea Mitchell—Ms. Chelsea Mitchell—for example, she missed out on several track and field championships because the State of Connecticut forced her to compete against biological boys. She sued her State high school athletic association—good for her—because she believes she could have earned a better scholarship if she had finished first. This is what she told reporters.

> When colleges looked at me, they didn't see a winner. They saw a second or a third place. I wasn't a first place finisher, and I think that is what really hurt me.

The playing field—I have talked a lot about it—the playing field is not the only place where young women worry about facing transgender females. The locker room has become a nightmare. Ms. Riley Gaines, a female swimmer, she has been very outspoken to protect female athletics. You have probably seen her interview. She said: I felt and feel ''extreme discomfort''—her words, not mine—sharing a locker room with a nude biological man. She added:

> We were not forewarned. We were not asked for our consent. And we did not give our consent.

Ms. Gaines and more than a dozen other female athletes recently sued the NCAA—good for them—for forcing them to share a locker room with Ms. Lia Thomas, formerly Mr. William Thomas. The plaintiffs say that what the NCAA did violated their 14th Amendment right to bodily privacy, and it is hard not to believe them.

If Ms. Gaines—who is a tremendous athlete, and she is very well-educated—felt disturbed and violated by having a biological man in her locker room, think how horrifying it is for a teenage junior high school girl—a teenage junior high school girl—in her locker room after soccer or volleyball practice with a biological male.

Imagine how helpless parents feel when they can't shield their teenage daughter from naked men and boys without killing their daughter's chances to play and win the sports they love. It is the choice parents face. You can either play the sport—their daughter can either play the sport they love, or they can be forced to look at a young boy's penis in the locker room. Are you kidding me?

The discomfort that adults and President Biden are subjecting female athletes to should be enough for us to say that biological males should not be in the girl's locker room, let alone exposing their penises in front of those girls.

Only fools would ignore the reality that some—not all, now—but some men would abuse misguided gender policies for their own sexual advantage. We have already seen some horrific instances of this. You have probably read about the disturbing assault in Loudoun County, VA, sexual abuse in girls restrooms by biological males.

I will happily send you the media articles, President Biden, if your staff has not shown them to you.

Now, look, I have great empathy. I have genuine empathy for the small percentage of Americans who struggle with gender dysphoria. I do. And I hope they can somehow find peace in their lives. But I do not think that we need to sacrifice the physical safety of women. I do not think that we need to or should sacrifice women's athletic, educational, or professional opportunities just because some activists and President Biden claim that injecting biological men into women's sports is the only way to make transgender Americans feel included.

And don't let activists and President Biden try to tell you that protecting women is a controversial opinion. They are going to try. And 70 percent—70 percent—of Americans polled—you will see this every time—70 percent of Americans think only girls should compete in women's sports. In fact, many transgender Americans are part of that 70 percent. They don't believe biological men should compete in women's sports because it is going to destroy women's sports. Yet their stories by some members of the media have been co-opted by people determined to force boys onto girls teams and into their locker rooms.

Now, Louisiana has already put a stop to this. In 2022, the Louisiana State Legislature passed a bill—it is now an act—called the Fairness in Women's Sports Act. It prohibits biological boys from competing against girls in elementary or high school sports. It sailed through our State legislature. It was bipartisan. Republicans voted for it, and a whole bunch of Democrats voted for it.

It is just common sense that biological girls should take the field against biological girls and biological boys should compete only against biological boys. That is how we in Louisiana see it. We need a whole lot more of Louisiana's common sense in Washington, DC.

Congress has done a lot. I am proud of this body. Congress has done a lot to protect women's sports in the 50 years

since title IX became law. I am very proud of title IX.

I think President Biden is trying to turn it into something that we don't recognize, and I don't think he has the authority to do it. But I am very proud of the original title IX, and it would be a great disgrace to allow activists and President Biden to erase all the progress that we have made in elevating women and women athletes in order to conduct a social experiment, in order to demand inclusion.

Let me give you the bottom line. Activists and President Biden want to force young female athletes to change clothes in front of biological boys in their locker rooms. They accept the biological man's slide tackle on the football field with a smile. That is what they want women to do—just grin and bear it. And President Biden and activists want young women to hide their tears when a biological male walks away with a trophy that those women have spent their entire lives working for. And it is wrong.

Pass me the sick bucket. Pass me the sick bucket. That is what most fair-minded Americans are thinking.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROHIBITING RUSSIAN URANIUM IMPORTS ACT

Mr. BARRASSO. Mr. President, I rise today to talk about a great win for the American people and for America's energy future. I want to start by saying something that I know Vladimir Putin is going hate to hear, and that is that Russia's choke hold on America's uranium supply is coming to an end. Putin's war machine has now lost one of its cash cows. America is finally starting to take back our nuclear energy security as well as our energy future.

Last week, this body unanimously passed legislation that I sponsored—bipartisan legislation—to ban the import of Russian uranium. It will soon become law. This victory is tremendous and transformative, and it is truly bipartisan.

I am very grateful for Senator MANCHIN, Senator RISCH, Senator LUMMIS, Senator HEINRICH, Senator COONS, and Senator MARSHALL for their critical work in helping get this bill into law. I also want to thank House Energy and Commerce Chairman CATHY MCMORRIS RODGERS. Together, we all worked to make America safer as well as more prosperous.

I am especially pleased because my home State of Wyoming has world-class uranium resources.

For years, Russia has used its nuclear monopoly to flood the market with uranium. Russia's monopoly could do so only because it owned, ran, and manipulated the entire situation and had it done by the Russian Government. Putin tried to corner the global market. He used enriched uranium to enrich himself and to further his dangerous ambitions.

Russia has been undermining America's nuclear industry for decades. As a result, Putin now controls 50 percent of the world's enrichment capacity.

Today, he supplies 24 percent of America's enriched uranium. Putin's control is so vast that currently, today, the equivalent of 1 out of 20 homes in America is powered by uranium enriched by Russia. My legislation ensures that Americans will no longer count on Russia to turn on our lights.

Even worse, Putin uses the money from selling uranium to pay for his war efforts in Ukraine. For 2 years, America has unintentionally helped fund Russia's invasion of Ukraine. That is not how we stand up for democracy. America can't talk about stopping Vladimir Putin's march through Europe while also helping fund it.

When it comes to national security, actions matter more than words, and our allies want to see consistency. Banning the sale of Russian uranium in the United States shows Putin that the world is united against him.

With our legislation, Putin will lose $1 billion in revenue each and every year. By banning Russian uranium, we are striking a serious blow to Putin's war machine.

Perhaps what is most important about this legislation is what it does to boost America's energy. We are helping America become the global leader once again in nuclear energy.

I have spoken to leaders of many American nuclear utilities. What I hear constantly is that they are ready to transition away from Russian uranium. They point out that expanding our enrichment capacity here at home can be expensive. It takes time, it takes money, and it takes certainty. This legislation provides American uranium producers with the support they need. The bill also dedicates dollars for strategic investments to help jump-start America's nuclear supply chain.

Of course, we are not starting over from scratch. No, we are not. Wyoming is ready to power American reactors with Wyoming nuclear fuel. My home State of Wyoming is America's energy breadbasket. We are America's leading uranium producer. We have large uranium resources, and we will keep building upon them. We have Crook County, Campbell County, Converse County, and Sweetwater County. They are ground zero for making sure America has the uranium our Nation needs. Wyoming has the uranium to free America from dependence on Russia, and we are ready to deploy it.

I have great confidence in Wyoming's energy resources and, of course, in Wyoming's energy workers—remarkable individuals. Through their hard work, America will once again be a world leader in uranium production, conversion, and enrichment.

America's nuclear supply chain must begin with American-mined uranium and end with American-made fuel.

Russia's control of the world's nuclear fuel supply is coming to an end. It is good news for Wyoming, it is good news for America, and it is good news for the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. LUMMIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

H.R. 3935

Ms. LUMMIS. Mr. President, every 5 years, Congress has the responsibility to fully fund the Federal Aviation Administration and National Transportation Safety Board to ensure airports across the country have the resources they need to bolster security measures and fulfill costs associated with meeting the demands of both national and global travel.

As the Cowboy State continues growing, making sure the people of Wyoming have reliable, safe, and affordable access to travel is critical to maintaining our State's economy. The FAA Reauthorization Act of 2024 stands to not only further boost our thriving tourism industry but eliminates burdensome regulations that challenge small airports across Wyoming and across the Nation.

For more than a year, I have fought to ensure that millions of Wyoming's tax dollars sent to Washington will be put to work to improve air travel across Wyoming. Wyoming is home to many small airports that serve what would otherwise be isolated parts of our State. This bill reauthorizes the Essential Air Service that supports flights for Cody and Laramie and increases funding for the program that multiple Wyoming airports use for capital projects.

As the Presiding Officer knows, Cody is the east entrance to Yellowstone National Park. It is home to the Buffalo Bill historical center, which is a world-class museum, and it is an important tourism and art destination. Laramie is the home of the University of Wyoming and many activities that improve our Nation, including efforts at carbon sequestration technologies. These are communities that need air transportation.

The bill counters Federal overreach that has threatened to burden airports by slapping them with multi-million-dollar expenses following arbitrary changes to Federal funding criteria for airport runways and taxiways or plunge essential renovations into sort of a regulatory purgatory. But thanks to critical improvements in this FAA reauthorization, not only will the Rock

Springs Airport be spared from arbitrary, new FAA requirements to pay for the upkeep of runways and taxiways, but Wyoming airports can now move forward with projects costing less than $6 million in Federal funds without being subject to unnecessary redtape.

These are the sizes of airports that we have in Wyoming, and to have these regulatory burdens and shackles taken off so these airports can improve runways and taxiways, which are essential to having an operational airport, is a true benefit of this bill.

I want to thank the full committee, and I want to thank the chair and the ranking member for understanding the importance of our small airports.

For too long, Congress has delivered FAA reauthorization bills that prioritize big aviation and overlook the needs of our rural airports, but this bill takes many of those rural airports into consideration. States like Wyoming rely on small airports to support entire regions of our State, and previous versions of this bill have reflected that misunderstanding. The bill we have in front of us fixes that misunderstanding. I am very, very pleased with how the treatment of small airports in this bill considers the needs of those small airports.

While we work to meet the needs of the Nation's largest airports, we cannot forget the smallest ones that work hard to serve rural America, and we have a responsibility to make sure this bill creates an environment where they can thrive and not just struggle to survive. My provisions included in this legislation help airports like Casper/Natrona County International address air traffic control staffing shortages and waive unrealistic rules that require EMTs to be on site at every airport when rural areas are already grappling with medical personnel shortages.

Unfortunately, these aren't the only challenges Wyoming airports face. My western colleagues and I know better than anyone how critical these small airports are, not only for serving our rural communities but also in fighting wildfires.

Wildfires continue to devastate our western habitats, and we need every tool readily available to mitigate the damage. Yet current regulatory hurdles dramatically slow response times. Every minute wasted trying to gain access to restricted airspace results in irreparable damage to wildlife, homes, and may even cost lives. My provision to this legislation eliminates costly hurdles to fighting wildfires, and establishes a reimbursement program for airport sponsors to replace firefighting agents and equipment that meet military specifications.

This legislation is a win for the State of Wyoming that will offer much needed support for our small airports and bolster our economy. Together, we have created a bipartisan and workable reauthorization that improves access to our Nation's Capital for all Americans, eliminates onerous regulations, and creates an environment where smaller airports can do more than just survive.

I want to thank the members of the Commerce Committee, including the Presiding Officer. I want to thank Chair CANTWELL and Ranking Member CRUZ, who worked together to create a bipartisan work product of which the committee can be proud, and they have prepared this FAA reauthorization for bipartisan passage.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. ROSEN).

SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT—Continued

The PRESIDING OFFICER. The Senator from Kansas.

UNANIMOUS CONSENT REQUEST

Mr. MARSHALL. Madam President, I rise today to ask this body for unanimous consent to call up and make pending our amendment to add the Credit Card Competition Act to the substitute amendment for the FAA reauthorization bill.

Kansans elected me to fight for them in Washington, to give them a voice at the highest levels of government. I humbly took this job and that responsibility seriously. For that reason, I stand here today to say that I will not fall in line and cower to the standard operating procedures up here that puts U.S. Senators in the backseat and blocks us from bringing our priorities—the priorities of the people—to the floor.

Kansans want their voices to be heard and not sidelined by DC lobbyists and special interest groups who are blocking and tackling our priorities behind the scenes. Every Senator in this Chamber should have the right to hear and vote on their amendments. Many of my colleagues and I welcome this debate. It is healthy. Let's have the debates. Let's take the hard votes. What is the harm? I ask everybody: What is the harm of these discussions of these debates and then letting the cards fall as they may with each vote? Each Senator deserves the opportunity to bring their amendments to the floor and make their case.

Back home, I crisscross Kansas, meeting with small businesses and owners across the State. And at every meeting, they look me in the eyes and they say they need some type of relief. The price of business is simply too high and unfair. Outrageous swipe fees from Wall Street and the Visa-Mastercard duopoly are pulling the rug out from under them, making it unaffordable to do business. Americans pay seven times more than our friends in the European Union do for the same swipe fee, four times more than our friends in Canada.

So we took these concerns to Washington, and we got to work. But I never could have imagined the uphill battle we would face up here to do the right thing, for doing what is best for hard-working Americans who are living paycheck to paycheck.

As a physician, once we diagnose a problem, we think the treatment should be quick. Our patients demand that quick turnaround. Once we figure out what is wrong: ''Here is the solution. Let's do it.'' I don't want our patients to wait any more longer than they have to.

But in Washington, I have learned and realized that, too often, we see the problem, but we sit on the solutions if they are not popular with the people who cut the biggest checks up here. For too long, the Visa-Mastercard duopolies use money and influence in Washington to turn politicians' eyes away from predatory swipe fees. Right now the Visa-Mastercard duopoly and four mega banks are robbing our American small businesses at the highest rate in the world with credit card swipe fees totaling over 90 billion—that is 90 with a ''b,'' billion—dollars each year.

These swipe fees are inflation multipliers on businesses and the consumers. Often, credit card swipe fees are one of business's highest costs, often topping utilities, rent, or even the employees' healthcare costs.

Mom-and-pop shops across Kansas, hotels across Kansas, franchise owners across Kansas, consumers are all asking for relief to be able to sell their goods at a lower price and hire more employees, which I know this Chamber all agrees with is a good thing. If only they could get Wall Street out of the way of Main Street's success.

The National Federation of Independent Businesses, the voice of small businesses, said 92 percent of their members are asking for this—92 percent. So 92 percent of small businesses are telling Congress how we can help them, yet this body refuses to vote on it. It is not going to cost taxpayers a dime. And 92 percent of businesses want this.

It has been 2 long years since Senator DURBIN and I introduced this bill—2 years of fighting, asking, begging for a vote. For 2 years, we have gotten nothing but excuses and empty promises and assurances. We begged for committee hearings, with no results. Crickets. Why are they so afraid to have a committee hearing up here even on this? It is because they are afraid of the truth. We jumped through every hoop asked of us by leadership to try to advance this legislation for a vote. Enough posturing.

Kansan legend and Statesman Bob Dole once said.

Leaders stand ready to make the hard decisions and to live with the consequences. They don't pass it off to somebody else.

I know this won't be popular for beltway insiders and Wall Street lobbyists, but it is good for small businesses. It is good for hard-working Americans.

I made my decision. I am sticking with Main Street every single time. I am sticking with hard-working Americans who take their lunch pail to work.

Madam President, I will close today with a reminder to this Chamber: I will not stop fighting until we get this vote.

I ask unanimous consent to set aside the pending amendment in order to call up amendment No. 1936.

The PRESIDING OFFICER. Is there objection?

The Senator from Washington.

Ms. CANTWELL. Madam President, reserving the right to object—and I will object—I thank my colleague from Kansas for his comments, but we are on the FAA bill.

The FAA and the National Transportation Safety Board need reauthorization by this Friday. So the leadership, both the House and Senate, have decided to best move forward to meet that deadline—the best thing we can do is to keep the subject of this debate to germane amendments. We have all four corners, not one person, not one individual, but all four leadership teams saying we need to get this bill done, and we will consider amendments that are germane to this subject.

I hope my colleagues will turn down my colleague from Kansas' request and move forward with an FAA bill so we can get this done to make sure that we are implementing the most important safety standards possible today—more air traffic controllers, more near-runway-miss technology, 25-hour cockpit recording—and make sure that we are giving consumers the refunds they deserve.

Madam President, therefore, I object to the Senator from Kansas.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas.

MOTION TO TABLE

Mr. MARSHALL. Madam President, I move to table the Motion to Commit, and I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arizona (Ms. SINEMA) is necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Indiana (Mr. BRAUN) and the Senator from Alabama (Mr. TUBERVILLE).

The PRESIDING OFFICER (Ms. BALDWIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 12, nays 85, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—12

Cassidy	Johnson	Schmitt
Cornyn	Kennedy	Scott (FL)
Ernst	Lee	Sullivan
Hawley	Marshall	Vance

NAYS—85

Baldwin	Graham	Peters
Barrasso	Grassley	Reed
Bennet	Hagerty	Ricketts
Blackburn	Hassan	Risch
Blumenthal	Heinrich	Romney
Booker	Hickenlooper	Rosen
Boozman	Hirono	Rounds
Britt	Hoeven	Rubio
Brown	Hyde-Smith	Sanders
Budd	Kaine	Schatz
Butler	Kelly	Schumer
Cantwell	King	Scott (SC)
Capito	Klobuchar	Shaheen
Cardin	Lankford	Smith
Carper	Luján	Stabenow
Casey	Lummis	Tester
Collins	Manchin	Thune
Coons	Markey	Tillis
Cortez Masto	McConnell	Van Hollen
Cotton	Menendez	Warner
Cramer	Merkley	Warnock
Crapo	Moran	Warren
Cruz	Mullin	Welch
Daines	Murkowski	Whitehouse
Duckworth	Murphy	Wicker
Durbin	Murray	Wyden
Fetterman	Ossoff	Young
Fischer	Padilla	
Gillibrand	Paul	

NOT VOTING—3

Braun	Sinema	Tuberville

The motion was rejected.

The PRESIDING OFFICER. The junior Senator from Virginia.

H.R. 3935

Mr. KAINE. Madam President, I rise today, certain that, by now, some of the desk staff have memorized the speech I am about to give because it is the third time that I will have given it in the last few weeks on a topic that is really important to Virginia—the FAA reauthorization bill that is now pending before the body.

I want to thank Chairwoman CANTWELL, Ranking Member CRUZ, and the members of the Commerce Committee because, as a general matter, this is a necessary bill with a lot of good provisions in it—in particular, the work on air traffic control recruitment and training and pilot training hours.

I feel very, very good about that work that has been done. But the gist of this bill is to promote air safety, and there is one provision in the bill that is dramatically contrary to the thrust of this bill. It will not increase air safety. It will reduce air safety, and it will reduce air safety in the Capital of the United States—at Reagan National Airport, otherwise known as DCA.

I am going to summarize quickly the arguments I made in the last couple of weeks, but then I want to respond to at least three questions that folks who take a position opposite to me have raised and use some data to demonstrate that those questions, though honestly raised, have answers, and the answers actually verify and uphold the position that I and my Maryland and Virginia colleagues take: that we should not be jamming more flights onto the busiest runway in the United States.

Reagan National Airport, DCA, was built a long time ago. It is a postage stamp; it is 860 acres. By order of comparison, Dulles Airport is about 12,000 acres; Dallas-Fort Worth is about 19,000 acres; and Denver is 32,000 acres.

When Reagan National was built, it was a little bit the trend to build these smaller airports near downtowns because the airplanes were smaller, they were props with fewer passengers, they were lighter, and they didn't need as much runway space to take off or land.

When Reagan National was built on these 860 acres—and if you have been there, you know that it is 860 that can't be expanded because it is surrounded on three sides by water and on the other side by the George Washington Parkway; there is no way to expand this—it was built with three runways: a primary runway and two commuter runways.

The estimate was, in the 1960s, that Reagan National, with these three runways, could accommodate 15 million passengers a year—15 million passengers a year. Well, where are we today, circa 2024? Reagan National has now 25½ million passengers a year—25½ million passengers—an additional two-thirds over what it was built for on a landlocked footprint, with three runways.

There have been a couple other important changes at Reagan National. The idea was to spread the 15 million passengers over three runways, but that was when the planes were smaller and they were props. Now they are jets, and they can't land on the shorter runways. So today at Reagan National, 90 percent of the traffic into Reagan National has to use the main runway.

Think about this: If it was 15 million equally divided, then each runway would bring about 5 million passengers a year. Now the main runway doesn't have 5 million, it was 22½ million passengers a year, with only about 2½ to 3 million on the other two runways.

There has been another major change since this projection of 15 million a year was made, and that is 9/11. In the aftermath of 9/11, we imposed dramatically more stringent security requirements on the air patterns over Reagan National to make it much harder to get into a landing zone to land or to take off.

So what does that mean? Built for 15½ million on a landlocked spot, now at 25 million—what does it mean? Well, it means that the main runway at Reagan National is now the single busiest runway in the United States. Reagan National, because it is small, is not the busiest airport in the United States. It is only 19th in terms of total passengers in and out. But that main runway, with 90 percent of the traffic, is the busiest runway in the United States.

What does that mean? What does it mean to have one primary runway with 90 percent of the traffic that is the busiest in the United States? Well, it is pretty easy to predict. It means very

significant congestion. Let me give some stats about that.

Reagan, as the 19th busiest airport in the United States, has the 8th most daily delays. You calculate daily delay by the percentages of incoming and outgoing that are delayed and multiply it by the average delay. More than 20 percent of flights into and out of Reagan National are delayed. They are not delayed by a little. There are some airports that have worse on-time records, but the delay is a little bit of a delay. The average delay of flights in and out of Reagan National, once delayed, is 67 minutes already. That accounts to over 11,000 minutes of delay every day.

What does delay mean? Delay means, OK, you are late arrival or you are late taking off. But if you are taking off, you might be trying to make a connecting flight. It also means you take off late, and you are likely to miss your connecting flight. If you are coming in late and the plane is supposed to leave to take some people out and go somewhere else, the delay cascades down, and it affects the entire system.

Delay isn't the only measure of this airport's congestion; the second one is the number of canceled flights. Some airports have cancellations—I mean, maybe in Madison when the weather is not so great or Anchorage or the Windy City or Minneapolis. DCA has the third worst cancellation rate among these airports. And it is not because of weather. The weather here in DC may not be great, but it is not catastrophic either. The delay is a function of congestion.

Here is another measure: Planes that are landing, that upon landing have to get rerouted into a looping pattern—DCA is the third worst in that. Why does that matter? Well, first, it creates delay, but second, if you are looping planes through a constricted airspace as planes are taking off and landing every minute, you are increasing the risk of accident.

By all these measures—delay, average daily delay, cancellations, looping patterns—this airport, built for 15 million and now at 25 million, has serious problems already before you add any more flights to it.

The problems are more than just delay; the problems are also safety. I mean, we are all experienced folks, and we know that on roads, the more congested the road, the more likely an accident. Roads that are lightly traveled are less likely to have accidents. Roads that are more heavily traveled are more likely to have accidents.

I talked about this before I had a chance to play the air traffic control tape for colleagues of mine. I can't do that on the floor of the Senate. But about 2 weeks ago, there was a plane maneuvering on the main runway to take off and another plane trying to maneuver to one of the smaller runways to take off, and they almost collided. The frantic voice of the air traffic controller can be heard shouting ''Stop! Stop!'' These planes ended up stopping within 300 feet of each other, inside 100 yards of each other, at this super-busy airport.

Thank God a collision and a catastrophe were averted, but more and more planes on this busiest runway in the United States is just going to increase the chance of a significant incident. Don't take my word for it. Even though as Senators I know we like to think we are experts about everything, there are experts on this—the Federal Aviation Administration and the Metropolitan Washington Airports Authority. What does the FAA say about this? They point out—all the statistics I have just given you come from the FAA.

There is a Senate proposal before us that would add 10 flights into Reagan National. That is called five slots. Each slot is a flight in and a flight out—a total of 10 more flights a day.

What does the FAA say about it? They have given the committee and they have given the Senators from the region the same set of data, and what they say is that you can't even add one flight in without increasing delay, which is already significant, but if you add 10—5 slots—the delay will increase by 751 minutes a day.

There are already more than 11,000 minutes of delay a day. If you take the flights that are delayed and you multiply it by the minutes that they are delayed, adding 5 slots—10 flights—will add to that 751 additional minutes of delay; 751 minutes that make people late, that jeopardize their ability to get a connection, that cause cascading delays in the other airports, which are going to maybe be the recipients of planes taking off later from Reagan National.

That is what the FAA, charged with the safe and efficient operation of American airspace, is telling the U.S. Senate.

The Metropolitan Washington Airports Authority—Congress created it in the late 1980s. Congress appoints its Board and charges it with the operation not only of Reagan National but also Dulles Airport. What does the MWAA say? MWAA says: Stop. Stop. Don't add any more flights because the delay is already unacceptable, and if you jam more flights onto the busiest runway in the United States, you raise the safety risk.

Again, we Senators like to think we know a lot. We don't know as much about efficient and safe air traffic operations as the Federal Aviation Administration. We don't know as much as the Metropolitan Washington Airports Authority.

So when the delay statistics already point out that this is unacceptable, when the cancellation and looping into loop statistics are dangerous, when we have had a near collision that is a flashing red warning signal right in our face before this vote, when the FAA has said you can't even put one flight in without increasing what is already unacceptable delay, and when the Metropolitan Washington Airports Authority that we created, and we appoint their Board, says don't do this, why would we do this? Why would we do this?

The Senators from the region who have the most at stake stand uniform—Senators CARDIN, VAN HOLLEN, WARNER, and I—opposed to the slot increase that is in the Senate bill that is pending before us. We have an amendment that would strip those 5 slots—10 flights—out so that we don't make this worse.

Since I last appeared on the floor to talk about this last week, colleagues have come up to me with some questions. They have raised three.

Here is one: DCA is under capacity because DCA was approved for more than 1,000 flights a day in the 1960s, and there are only 890 flights in and out today, so therefore there must be more capacity at DCA.

Those who ask that question are stating a truth. DCA was approved for over 1,000 flights a day in the 1960s when most of the flights had props, not jets; when most of the craft were smaller and had fewer passengers and could take off and land on shorter runways. So, yes, in the aviation world of the 1960s, DCA was approved for over 1,000 flights, but in the aviation world of 2024, where it is jets with more passengers that take more time to land and take off, that isn't that relevant. It is not that relevant.

In fact, another change that has happened that is important, that I alluded to earlier, is we were set up for more than 1,000 in and out in the 1960s—well, 9/11 happened since then. After 9/11, thank God, we have imposed much more stringent criteria on air traffic over the DC region—the Capitol, the Pentagon, the White House, Congress—to make sure there aren't challenges in the airspace that would lead to really serious harm and risk to people on planes and people who live in the area.

So the FAA has said: You are right, we did approve a higher capacity in the 1960s, but the changes in the number and size of planes have constricted them to the one runway, and changes in the airspace have made it harder. That is why even though we are not at the capacity that was established in the 1960s, you can't even put one more flight—one more flight—into DCA without expanding delay.

So that is the first argument. Yes, the 1960s was different, and 2024 is a completely different kettle of fish. You shouldn't be jamming flights onto this runway.

The second thing I have heard said is, well, DCA actually has pretty good on-time percentage—not bad delay, good on-time percentage.

It is true, if you just look at the percentage of planes that land or take off on time, DCA is better than some airports. Now, it is kind of sad to say that 20-plus percent of our flights are delayed in and out, and that is better

than some others. But here is what you have to know: Which airport would you feel more comfortable flying into—one with an 80-percent on-time record but where the average delay in that 20 percent was 67 percent or what if you flew into one with a worse on-time record but where the average delay was 10 minutes? Sixty-seven minutes is a hassle. Sixty-seven minutes means a missed connection. Sixty-seven minutes means cascading delay throughout the system. Three minutes or ten minutes doesn't.

So just looking at the on-time percentage doesn't give you the full picture of this airport, and that is why the FAA measures delay not in on-time percentage but in total daily delay. Based on that measure, DCA is not a high performer. It is already a poor performer, and we shouldn't add to it.

The last thing I will say, and then I will yield to other colleagues who wish to speak, is that some have said: Oh, this is just a fight between some airlines. You know, United likes it one way. Delta likes it another way. Maybe some other airlines aren't expressing their position.

Who cares about them? Who cares about the airlines? We ought to care about safety. We ought to care about passengers. We ought to care about the 25½ million people who are using this DCA airport on an annual basis, and we ought to weigh that 25½ million a lot heavier than a couple of dozen people in the Senate who would like to have more convenience on flights at DCA.

And this is ultimately about the Senate, because, as I have said to my colleagues, the House took up the same issue in the FAA reauthorization bill, and in the committee, they chose not to jam more flights into DCA. Then, when the bill was on the floor, someone tried to make the amendment that is the same amendment that is before us today: Hey, why not add 5 flights, 10 flights?

And the House rejected this. So this is not a battle with the House. The House has accepted the advocacy of the FAA and MWAA and the regional delegation. They paid heed to the potential impacts on delays and cancellations and even potential collisions, and they said: We are not going to run this risk. The last thing we want is for there to be something bad happen out at that airport, and people stick a mic in our face and say: You knew all this, and you were warned. But you voted for it anyway?

So the House rejected this, and what Senator WARNER and I and Senators VAN HOLLEN and CARDIN, the four Senators from the region affected by this bill—affected very dramatically by the bill—are asking is, we hope our Senate colleagues will too.

We want to support this FAA bill. It has a lot of good in it. But when it comes to jamming more flights on the busiest runway in the United States, we are saying exactly what this air traffic controller said, narrowly avoiding a collision: Stop! Stop! For God's sake, stop!

I yield the floor.

The PRESIDING OFFICER. The senior Senator from Kansas.

Mr. MORAN. Madam President, I return from a weekend at home. And last week, on the floor, I spoke about the same topic, and I rise today to again discuss the legislation that is now pending before the U.S. Senate, a long-term, 5-year reauthorization of the Federal Aviation Administration.

I appreciated the opportunity to work with you and others on the Commerce Committee as we worked our way through this process. I think we have been at this about 14 months, and the time is for us to bring this to a conclusion.

A long-term reauthorization must be a priority. It should be a priority as it was in our subcommittee, and, certainly, it should be a priority of this Senate.

I am disappointed to learn, just a few moments ago, that it appears that the House of Representatives is set to vote on a 1-week extension. I hope that we do not utilize that development in the Senate to delay our consideration and passage of the legislation. Perhaps, that is the way for the House next week to finish the work, but as we often do here when there is extra time, we take every moment and much more than what is really available. After 14 months of negotiations, the most recent extension expires Friday of this week, May 10. It is time to come together and pass a long-term FAA reauthorization.

I am the ranking member of the Aviation Subcommittee, where I worked closely with Chairs CANTWELL and DUCKWORTH and Ranking Member CRUZ to balance the priorities of the FAA, the aviation community, its academia partners, and the flying public in a bill that demonstrates Congress's commitment to aviation safety and excellence.

This legislation strengthens the standards for air safety, bolsters the aviation workforce, modernizes American airports in urban and rural settings, promotes innovation in American aviation, and enhances consumers' air travel experience.

My home State of Kansas is steeped in aviation history and will continue to contribute to the greater industry as a result of the passage of this legislation.

The FAA reauthorization safeguards the Essential Air Service Program, ensuring that rural communities and small airports are connected to the national airspace system, increasing business and tourism and access to educational opportunities and employment throughout the country—invaluable to States like mine, States like Kansas.

This allows small airports in rural communities to continue to have regional air service. Previous FAA reauthorization bills created the Aviation Workforce Development Grant Program, aimed at strengthening the pool of pilots and aviation maintenance workers. The text of agreement expands this highly competitive grant program to grow the aviation workforce and is broadened to open eligibility for aircraft manufacturing workers. Whether you are an airline looking for a pilot or an airplane manufacturer looking for a worker, there is great demand in our country for those who have those technical capabilities, that engineering experience, and those who love the joy of flying.

Bolstering this grant program means increased competitiveness, which only drives innovation and will create more opportunities and economic development for our State and my colleagues' States. Every place you go, people are looking for workers. In America, we are known as the place in which aviation is king. Aerospace is a driving force in our country. A workforce is critical to its future.

Similarly, this bill encourages research on how best to introduce emerging aviation technologies in the airspace, including electric propulsion and hypersonic aircraft. As the ''Air Capital of the World,'' Kansas is the leader in new aviation research, development, and technologies. These are significant components of our educational system in our community colleges, technical colleges, and our universities. This legislation also provides a unique opportunity, not only to address current demands of the industry, current technical needs, but also to address the future ones.

The FAA oversees the world's busiest and most complex airspace system in the world, managing approximately 50,000 flights and 3 million passengers every day. In order to address shortcomings in air safety and modernization, Congress must do its job and pass a reauthorization bill that is tailored to the needs of the aviation community and the flying public. Recent incidents and near misses have made clear the urgency of this responsibility. No matter what else we do, we need to make certain that flying is as safe as it possibly can be.

This bill also makes considerable investment in modernization of the National Airspace System and FAA's systems for oversight.

As air traffic increases and new manned and unmanned aviation technologies are deployed, this bill provides essential updates to the FAA and to the NTSB's regulatory mandate. This bill addresses the need for additional numbers of air traffic controllers.

With an eye toward the future of aviation, this bill invests extensively in research and development around advanced materials, including at Wichita State University, innovative fuel research, and emergent aviation technologies.

The bill equips the FAA to meet its mission, to provide a safe and efficient operating environment for civil and commercial aviation in the United States.

Beyond innovative safety and workforce solutions, the bill provides the aviation industry, academia, and regulatory Agencies with the resources needed to maintain and extend America's leadership in aviation.

The path to a long-term FAA reauthorization has not been easy; nor has it been a short one. But this critical legislation can no longer take a backseat. Delaying this important legislation any further only exacerbates the challenges that the American civil and commercial aviation industries face and essentially condones bad behavior and lack of incentive by Congress.

Madam President, I hope that we do not use—if the House does pass a short-term extension, I hope we do not use it as an excuse to not proceed further today, tomorrow, and Friday to complete our work.

It is time we come together. It is time we get this bill done. It is past time for us to come together and get this bill done. The flying public and our aviation industry partners want it and our country and our citizens deserve it and need it.

I yield the floor.

The PRESIDING OFFICER. The junior Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am back with my trusty battered ''Time to Wake Up'' chart here to talk about the climate warnings that now predict climate-related damage in the trillions of dollars—trillions of dollars.

A full third of our national debt already comes from economic shocks like COVID and the 2008 mortgage meltdown. I have been using the Budget Committee to spotlight warnings that the next big economic shock will be caused by climate change. Climate change is not just about polar bears or green jobs. It is about economic storm warnings to which we had better start paying attention. Today, I will talk about three.

The most recent comes from the Potsdam Institute.

Madam President, I ask unanimous consent to have the report summary printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Nature, volume 628, pages 551–557 (2024)]

THE ECONOMIC COMMITMENT OF CLIMATE CHANGE

(By Maximilian Kotz, Anders Levermann & Leonie Wenz)

ABSTRACT

Global projections of macroeconomic climate-change damages typically consider impacts from average annual and national temperatures over long time horizons. Here we use recent empirical findings from more than 1,600 regions worldwide over the past 40 years to project sub-national damages from temperature and precipitation, including daily variability and extremes. Using an empirical approach that provides a robust lower bound on the persistence of impacts on economic growth, we find that the world economy is committed to an income reduction of 19% within the next 26 years independent of future emission choices (relative to a baseline without climate impacts, likely range of 11–29% accounting for physical climate and empirical uncertainty). These damages already outweigh the mitigation costs required to limit global warming to 2°C by sixfold over this near-term time frame and thereafter diverge strongly dependent on emission choices. Committed damages arise predominantly through changes in average temperature, but accounting for further climatic components raises estimates by approximately 50% and leads to stronger regional heterogeneity. Committed losses are projected for all regions except those at very high latitudes, at which reductions in temperature variability bring benefits. The largest losses are committed at lower latitudes in regions with lower cumulative historical emissions and lower present-day income.

MAIN

Projections of the macroeconomic damage caused by future climate change are crucial to informing public and policy debates about adaptation, mitigation and climate justice. On the one hand, adaptation against climate impacts must be justified and planned on the basis of an understanding of their future magnitude and spatial distribution. This is also of importance in the context of climate justice, as well as to key societal actors, including governments, central banks and private businesses, which increasingly require the inclusion of climate risks in their macroeconomic forecasts to aid adaptive decision-making. On the other hand, climate mitigation policy such as the Paris Climate Agreement is often evaluated by balancing the costs of its implementation against the benefits of avoiding projected physical damages. This evaluation occurs both formally through cost-benefit analyses, as well as informally through public perception of mitigation and damage costs.

Projections of future damages meet challenges when informing these debates, in particular the human biases relating to uncertainty and remoteness that are raised by long-term perspectives. Here we aim to overcome such challenges by assessing the extent of economic damages from climate change to which the world is already committed by historical emissions and socio-economic inertia (the range of future emission scenarios that are considered socioeconomically plausible). Such a focus on the near term limits the large uncertainties about diverging future emission trajectories, the resulting long-term climate response and the validity of applying historically observed climate—economic relations over long timescales during which socio-technical conditions may change considerably. As such, this focus aims to simplify the communication and maximize the credibility of projected economic damages from future climate change.

In projecting the future economic damages from climate change, we make use of recent advances in climate econometrics that provide evidence for impacts on sub-national economic growth from numerous components of the distribution of daily temperature and precipitation. Using fixed-effects panel regression models to control for potential confounders, these studies exploit within-region variation in local temperature and precipitation in a panel of more than 1,600 regions worldwide, comprising climate and income data over the past 40 years, to identify the plausibly causal effects of changes in several climate variables on economic productivity. Specifically, macroeconomic impacts have been identified from changing daily temperature variability, total annual precipitation, the annual number of wet days and extreme daily rainfall that occur in addition to those already identified from changing average temperature. Moreover, regional heterogeneity in these effects based on the prevailing local climatic conditions has been found using interactions terms. The selection of these climate variables follows micro-level evidence for mechanisms related to the impacts of average temperatures on labour and agricultural productivity, of temperature variability on agricultural productivity and health, as well as of precipitation on agricultural productivity, labour outcomes and flood damages (see Extended Data Table 1 for an overview, including more detailed references). References contain a more detailed motivation for the use of these particular climate variables and provide extensive empirical tests about the robustness and nature of their effects on economic output, which are summarized in Methods. By accounting for these extra climatic variables at the sub-national level, we aim for a more comprehensive description of climate impacts with greater detail across both time and space.

Mr. WHITEHOUSE. The institute warns that ''global annual damages are estimated to be at 38 trillion dollars, with a likely range of 19–59 trillion dollars in 2050.'' Thirty-eight trillion dollars is the midpoint in a range that could go as high as $59 trillion. That is pretty bad.

But it gets worse. This is not a complete accounting of the expected damages. It does not fully account for damage from weather extremes, things like storm and wildfire damage.

To quote the Potsdam report about its damage predictions, ''accounting for other weather extremes such as storms or wildfires could further raise'' these predictions.

And even that is not the end of it. It gets worse still. The Potsdam economic estimates leave out damages that are hard to monetize but, nonetheless, can be very real to real people. Again, quoting from the report, ''that is without even considering non-economic impacts such as loss of life or biodiversity.''

If your grandfather taught you to fish in a certain place and you can't pass that on to your granddaughter because the fish aren't there or because the creek isn't there, that is a real and genuine harm, but they can't monetize it. So they don't even count it.

I am sorry to report that it gets even worse. The Potsdam global damage estimates are based on existing levels of fossil fuel pollution.

Back to the report:

These near-term damages are a result of our past emissions. We will need more adaptation efforts if we want to avoid at least some of them. And we have to cut down our emissions drastically and immediately—if not, economic losses will become even bigger in the second half of the century.

Well, with an entire industry and an entire political party, dedicated here in Congress to make sure that we do not cut down our emissions drastically or immediately, this damage estimate is virtually certain to be worse in the out years.

In sum, economic damages could be as high as $59 trillion annually in 2050,

plus whatever added damages come from storm and wildfire, plus whatever added damages come that are hard to monetize, plus whatever economic damages come from failing to reduce emissions drastically and immediately.

How do these damages hit us? Here is the report:

These damages mainly result from rising temperatures but also from changes in rainfall and temperature variability.

Those factors lead to ''income reductions . . . for the majority of regions, including North America . . . caused by the impact of climate change on . . . agricultural yields, labor productivity or infrastructure.''

The result:

Climate change will cause massive economic damages within the next 25 years in almost all countries around the world, [including] the United States.

That is report one: ''massive economic damages'' to the United States.

Let's move on to report two, the cover article from a recent issue of the Economist magazine, titled ''The Next Housing Disaster.''

From the Economist's opening paragraph:

About a tenth of the world's residential property by value is under threat from global warming—including many houses that are nowhere near the coast. From tornados battering Midwestern American suburbs to tennis-ball-size hailstones smashing the roofs of Italian villas, the severe weather brought about by greenhouse-gas emissions is shaking the foundations of the world's most important asset class.

Going on, the article says:

The potential costs . . . are enormous. By one estimate, climate change and the fight against it could wipe out 9 percent of the value of the world's housing by 2050—which amounts to $25 trillion.

We have had testimony in the Budget Committee about how this works. There is the potential direct cost of damage from wildfires or major storms. Hurricane Ian cost Florida more than $100 billion, and it was just a category 4 storm at landfall, below the maximum category 5 strength.

Some scientists believe we will actually need category 6 in the future for storms that are made even more powerful due to ever-warming seas.

There is the related risk of insurance coverage failing to pay claims after such a major disaster, leaving homeowners stranded economically in ruined homes. Then, there is the broader risk of insurance collapse, even without a single devastating storm.

How does that work? Again, from Budget Committee testimony: First, unprecedented, unpredictable wildfire or flooding risks drive up insurance costs. We are already seeing that happen.

Then, continued unpredictability and worsening risk make properties in certain areas uninsurable. We are beginning to see that. You can't get a policy for any amount of money.

Without insurance, then, it is near impossible to get a mortgage. And by the way, a 30-year mortgage doesn't look just at today's conditions; it looks out 30 years.

So a mortgage crisis follows the insurance problem. And when properties can't get a mortgage, the only buyers for the property are cash buyers. Buyer demand crashes, and your property values crash along with that.

This is how the chief economist of Freddie Mac predicted, years ago, a coastal property values crash that he said could hit the American economy as hard as the 2008 mortgage meltdown and subsequent global economic crisis: first, insurance crisis; second, mortgage crisis; third, coastal property value crisis.

And unlike the mortgage meltdown of 2008, when property values could recover and did recover from an economic shock, properties that are predictably going to be underwater physically or repeatedly burn down during the 30-year period of a mortgage, they won't recover their value. This is not a temporary market panic that crashes and then rebounds to something near normal.

In this kind of crash, the unpredictable conditions and the underlying risk that caused it just get worse—for decades, if we get serious, finally, about fossil fuel emissions, and for centuries or forever if we don't. We are playing near the edge of an economic precipice.

Back to The Economist:

The $25 trillion bill will pose problems around the world. But doing nothing today will only make tomorrow more painful.

This is what is called a systemic shock. It does not stay confined to the affected homeowners and industries.

To quote The Economist here:

The impending bill is so huge, in fact, that it will have grim implications not just for personal prosperity, but also for the financial system.

I continue here:

If the size of the risk suddenly sinks in, and borrowers and lenders alike realize the collateral underpinning so many transactions is not worth as much as they thought, a wave of repricing will reverberate through financial markets.

The punch line:

Climate change, in short, could prompt the next global property crash.

Now, The Economist article is a prediction just as to property markets.

For report three in this speech, let's go to Deloitte's research arm, which looks at broader economic trajectories: A, if we do respond effectively to climate change and, B, if we don't. The stakes are huge.

Deloitte is a corporate consulting firm; it is not a Green New Dealer. And Deloitte estimates that the global cost of doing nothing on climate will be around $180 trillion in economic damage by 2070—$178 trillion to be exact.

To quote the Deloitte report:

If we allow climate change to go unchecked, it will ravage our global economy.

Ravage our global economy.

But the Deloitte report goes on to say that if we act responsibly and enact policies that limit warming to 1.7 degrees Celsius, we can save ourselves from that ravaging and actually grow the global economy by over $40 trillion—$43 trillion to be exact.

So the swing in our economic future, based on what we do on climate, is over $220 trillion, the difference between a negative $178 trillion bad climate outcome if we keep shirking and dawdling, and a positive $43 trillion good climate outcome if we shape up. And to be clear, that $220 trillion, that is adjusted to present value.

Dialing down to the United States, the report predicts:

For the United States, the damages to 2070 are projected to reach $14.5 trillion, a lifetime loss of nearly $70,000 for each working American.

On the upside, a responsible climate path could add $885 billion in economic benefit for the United States for a swing of over $15.3 trillion, again, net present value, depending on which path we choose.

The Deloitte report warns:

[W]e have squandered the chance to decarbonize at our leisure. Given the costs associated with each tenth of a degree of temperature increase, every month of delay brings greater risks and forestalls the eventual economic gains.

They continue:

The global economy needs to execute a rapid, coordinated, and sequenced energy and industrial transition.

This is not the speech to lay out how we do that; that speech will come later, so stand by.

This speech is simply to highlight that there are now multiple damages assessments out there looking at the climate threat and assessing that threat into the tens of trillions of dollars.

There is much that we don't know, but the common level, moving into the tens of trillions ought to be a wake-up call for all of us.

There are some things that we do know. We do know that getting serious about these warnings will require breaking the filthy political hold of the fossil fuel industry on Congress.

It will require exposing and defeating fossil fuel's dark money influence and disinformation armada. And it will require learning to deal with the facts as they are, not as a deeply, ill-motivated industry would have us wrongly believe.

Wow, is it ever time to wake up.

I yield the floor.

The PRESIDING OFFICER (Ms. BUTLER). The Senator from West Virginia.

EPA

Mrs. CAPITO. Madam President, well, here we go again. The Environmental Protection Agency is back with a barrage of rules and regulations to accomplish two main goals: kill coal and natural gas once and for all, and in doing so, appease the climate activists who the President feels he needs to keep happy in an election year.

So what just happened? Well, in the last 2 weeks, the Biden EPA finalized a slate of four policies as part of their

latest—and punishing—climate crusade.

The first is the Clean Power Plan 2.0 that will eliminate coal power generation and block new natural gas plants from coming online in the future.

The second is the updated Mercury and Air Toxics Standards rule that is designed to put coal plants out West out of business by saddling them with unrealistic emissions requirements.

The third is the Coal Combustion Residuals Rule.

And the fourth is the Effluent Limitations Guidelines, sounds pretty technical, for coal plants which both impose unattainable requirements for disposing and discharging waste at these plants.

The ELGs will orphan millions in investments made just in the last 4 years. So our plants have readjusted to make sure they are following, and now they come back 4 years later and say, that $300 million? No good anymore; you have to spend another $340 million.

Again, this administration isn't being shy about what the desired end game is here.

These rules are meant to put coal and natural gas employees out of work. Now, let me tell you, the energy mix in this country now with coal and natural gas is 60 percent of our energy comes from the two of those combined. And the goal here is to shutter these baseload power plants once and for all.

But as I alluded to earlier, they have tried this before. We all remember when the Obama administration attempted to implement a similar, overreaching set of mandates, and the Supreme Court remembers that as well. They turned it down.

So why try again? Why get rejected by the highest Court in the land and then come back with the same playbook? Well, it, sadly, comes back to two of the overall—the same two overall goals: close down reliable American power plants, and try to prop up disappointing poll numbers.

The administration doesn't seem to care whether these regulations are struck down in the end. They are betting that by threatening the electricity sector with rule after rule, investment will be forced away from reliable, baseload power towards the energy sources of their choices, which, by the way, cannot produce the energy that is needed.

Beyond these four rules recently announced, the EPA has rolled out an electric vehicles mandate, an air rule meant to halt manufacturing projects, and a Federal plan that has already suffered legal blows in court because it dictates to States how to address their own unique environmental concerns.

Much of the regulations in the environment space—and we all want clean air and clean water—are left to the discretion of the States with oversight by the Federal.

But the EPA's broader strategy that costs hundreds of billions of dollars and purposefully violates legal constraints set by the Supreme Court is creating a massive problem that every member of the Biden administration just can't seem to see, or perhaps it is one that they choose to ignore.

All of President Biden's environmental regulations impacting everything from power plants to the kind of cars that we drive are working against each other and putting us on a path to an energy crisis.

They are driving up demand for electricity, so think electric vehicles, AI, higher manufacturing, more, more, more demand for energy, straining a grid that even the administration projects will see explosive demand in the coming years. We have seen instances where it has been too stressed, and it has had to pull back, while simultaneously cutting off the electricity supply from our baseload power needed to sustain that grid—more demand, less supply. It is kind of like a parent telling their child that they have to practice for hours and hours every day to make the high school baseball team, but in the same breath telling that same child: Well, you know what? I am going to take your bag, your bag of balls, your glove, and your bat, and I am going to put them in the garage. So good luck. So go get them.

The Biden administration and many on the left desperately need a reality check, and here it is: The inconvenient truth is that coal and natural gas are the backbone of America's current electric grid. I mentioned that earlier, 60 percent.

Many, many people know that I am a huge advocate for nuclear energy and hoping to get a bill passed to really spur the development of small modular nuclear and the advanced nuclear production because we want to see it grow to help with this baseload energy demand that we are going to see. I want energy sources of all kinds to continue playing an increased role, including renewables—wind and solar—in our energy mix, and I believe that with innovation and time, this absolutely will happen.

But, as I said, the reality is roughly 60 percent of electric generation in the United States comes from the two sources of power that the Biden administration is trying to close forever. Not only do these attacks on coal- and gas-fired powerplants make no sense, they pose serious threat to our grid reliability. That means: Is our grid going to be able to sustain the great energy appetite that we have?

And experts have sounded the alarm. Public utilities commissioners, nonpartisan grid operators from Blue States and Red States, the Federal Energy Regulatory Commission—better known as FERC—and the nonprofit North American Electric Reliability Corporation all shouted from the rooftops about the ways the Biden administration's proposed Clean Power Plan 2.0 and other rules would jeopardize the reliability of our electric grid. It would ''undermine reliability''; ''materially and adversely impact electric reliability''; ''potentially catastrophic reliability problems.''

These are just a few of the warning signs that we heard about when the EPA brought their plan forward.

The finalized rules announced by the EPA largely brushed aside these concerns. This is what gets me. They ask you for comments and concerns, and then they never listen to the comments or concerns. They brushed aside these concerns and pressed ahead to close down major sources of baseload power with no plan to replace it.

So let's take a step back and look at these rules and regulations from the outside. The results of the EPA's latest action means—what will happen? Americans will lose their jobs, and certainly in my State of West Virginia that will occur. American families and small businesses will pay more for their electricity at a time when Bidenomics is already causing inflation. Just go to the grocery store. Every time we go, we see it.

America's entire grid will be in jeopardy, our electric grid will be in jeopardy. And with an inexplicable ban on new natural gas exports still in place, America's allies will have to go to Russia and Iran and ask for extra help.

It is plain to see that the President's entire energy and environmental strategy actually hurts America and helps our adversaries. So as the Biden administration attempts to put the final nail in the coffin of America's baseload power sources, remember their objectives. To them, it is about accomplishing a decades-long goal of closing down coal and gas plants and hoping it is enough to get over the finish line in an election year. They have shown they have no regard for the opinions of our Supreme Court, no regard for the workers in West Virginia, and no regard for the truth about what happens when you undermine our Nation's electric grid.

The Biden administration has chosen whose side they are on: They are on the side of the climate activists over the well-being of Middle America, and they have chosen to shut the lights off for the rest of us without so much as a ''good luck.''

With that, I yield the floor to my friend from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mrs. HYDE-SMITH. Madam President, the Biden administration continues to fail the American people with its consistent attacks on our Nation's energy supply and production. These attacks are happening as Americans continue to suffer through the burden of record inflation caused by this administration.

Energy is the lifeblood of civilization: lighting our homes; fueling our transportation; powering innovation; and for those of us in rural America, heating our poultry houses—much like the area where you and I come from, Madam President.

Energy of all forms—from oil and gas to nuclear, to wind, to solar—not only powers our world, but it protects our world. To threaten any energy source is to threaten the vitality of our Nation and its communities. But from day one, President Biden did just that. It started with a barrage of excessive Executive orders aimed at American energy production, including the cancellation of the Keystone XL Pipeline, and only got worse from there.

Agencies under this administration have been emboldened to ram through harmful policies and rules that are driving us straight toward a cliff. The Department of the Interior continues to hold domestic energy production back by releasing a 5-year leasing plan for oil and gas production that contains the lowest amount of lease sales in history, with the option for the Secretary to cancel any one of them as she deems necessary.

The Bureau of Land Management has issued rules that weaken our domestic energy production and create additional more redtape. The Environmental Protection Agency has issued rules that weaken our domestic energy production and limit consumer choice for vehicles. The Department of Energy has issued rules that weaken our domestic energy production, limit consumer choice for natural gas appliances in our houses, and place a pause on liquefied natural gas export. It makes no sense.

Even the Securities and Exchange Commission has now decided it wants to get involved with climate policy, releasing a greenhouse gas disclosure rule that would lead to mountains of burdensome paperwork for companies and higher costs for consumers. The SCC is meant to protect investors, facilitate capital formation, and maintain markets. It has absolutely no authority to address political or social issues, much less serve as a climate change taskmaster.

If you threw a dart at a dartboard labeled with all the Biden Agencies that have a hand in targeting energy production, chances are that you will hit an Agency that has committed an overreach of its statutory authority.

The administration continues to slow-walk permitting, most recently attacking LNG facilities for climate considerations, whatever that is.

Well, is the administration aware that by continuing to ignore the law and not holding lease sales in the Gulf of Mexico, it hamstrings future GOMESA funds that would come back to the Gulf States to support critical coastal protection activities, including conservation, coastal restoration, and hurricane protection? That is right. The administration's Interior Department is jeopardizing actual climate and conservation goals for my State, and we aren't the only State sounding the alarm on these terrible policies. These policies are driving up energy costs and emboldening our enemies.

President Biden and his allies continue to paint the fossil fuel industry as the enemy, but both the Secretaries of Energy and Interior have stated that fossil fuels will be around for a long time because they are needed. Yet they continue to try and diminish its production without the necessary technology and grid capacity replacements.

Not only could we see higher energy costs under these policies, but we could see more blackouts during extreme weather events, something that has Mississippians very concerned.

The American people deserve better than failing energy policies from a tone-deaf administration and Agencies that are doing everything they can to circumvent Congress and force their radical energy agendas on this entire Nation.

Still, the hard-working people in our energy industry are not letting President Biden crush their spirits. My colleagues and I are battling back with everything we can to challenge these rulings on behalf of the American people.

With CRA resolutions of disapproval, appropriations, and committee hearings, we have the opportunities to try to hold these Agencies accountable for their continued overreach.

I will keep fighting alongside my colleagues until this ship is back on the correct course of independent energy production for the betterment of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise today to discuss the Biden administration's regulatory blizzard that is restricting energy development and making energy more expensive and less reliable for homes and businesses not only across my State but across the country.

According to data from the Federal Energy Regulatory Commission, or FERC, electricity demand is expected to increase almost 5 percent over the next 5 years. At the same time, FERC Commissioners and grid operators are warning of more blackouts and brownouts because powerplants are retiring before new generation capacity can be brought online.

Simply put, energy prices are high because demand is outpacing supply, and Americans are being forced to pay higher prices at the pump and higher utility bills. Because the cost of energy is built into every good and service across the economy, higher energy prices are fueling persistent inflation.

Instead of bringing more supply online to reduce prices, the Biden administration is imposing a regulatory blizzard that seeks to curtail energy production. It starts with the EPA, which is imposing new, costly, unworkable mandates specifically designed to reduce traditional energy production.

Just 2 weeks ago, the EPA finalized four new regulations targeting the power sector, including an overly stringent, new mercury and air toxic standards, or MATS, rule, despite the EPA's own regulatory analysis stating that the existing rule is adequately protecting public health; also, the Clean Power Plan 2.0, requiring existing coal-fired and new gas-fired plants to reduce CO_2 emissions by 90 percent—90 percent—when carbon capture and storage is not yet commercially viable; and new burdensome requirements on water discharge at powerplants and costly new coal ash management requirements as well.

On top of all these burdensome regulations on the power sector, the EPA is placing onerous new methane regulations on oil and gas producers, and the EPA is implementing a new tax on natural gas.

Collectively, these EPA rules will require the power sector to spend billions of dollars to comply with these regulations or, worse, force the premature retirement of reliable coal-fired baseload plants.

Ultimately, these costs are passed along to electric ratepayers—families and businesses across the country.

To push back against this regulatory blizzard, I will be introducing a Congressional Review Act resolution of disapproval to overturn the MATS rule. Also, I am joining Senator CAPITO in her efforts to overturn the Clean Power Plan 2.0 rule.

All these things are driving inflation. Essentially, the Biden administration is putting handcuffs on our energy producers, and they are forcing up the price of energy. They are doing it not only with the regulatory burden that creates costs for the plants to continue to operate, but they are also putting baseload energy out of business. That puts us at risk of blackouts and brownouts across the country, and it undermines the stability of the grid. It also forces energy prices higher for every single consumer—every business and every individual. Who does that impact the most? Low-income people. So it goes right at low-income individuals.

If you live in a place like, I don't know, California, maybe Texas, it can get pretty warm, and you want those air-conditioners running. You don't want a brownout right at peak time when you need that power.

On top of the EPA's regulatory onslaught, this blizzard is continuing at the Interior Department, which manages 245 million acres of public land and 700 million acres of subsurface minerals.

Our vast taxpayer-owned energy reserves are a national strategic asset, ensuring that our Nation remains energy dominant. Why, then, is the Biden administration doing everything it can to seemingly lock away access to our taxpayer-owned energy reserves? It makes no sense.

Last month, the Interior Department's Bureau of Land Management, or BLM, issued its public lands rule. This rule allows environmental groups to utilize a new conservation lease that will directly conflict with longstanding multiple-use stewardship of Federal lands, including energy development.

So the law says that on these Federal lands, they have to be for multiple use. That is energy development. That is agriculture. That is tourism. That is all of these different uses. But with these new environmental or conservation leases, that will restrict the use of that land to one use. One use is not multiple use. That absolutely violates the law.

Along with Senator BARRASSO, I will be introducing a CRA resolution of disapproval to block this rule as well.

The BLM has also finalized a new onshore oil and gas rule and a new venting and flaring rule. These are designed as well to and will drive up the cost of energy production on Federal lands. It affects small businesses. It affects consumers. It affects every single business that uses energy, which is just about all of them. It affects every consumer because we all use energy.

In North Dakota, the BLM is proposing a new—just my State alone—a draft resource management plan that would close off leasing to 45 percent of Federal oil and gas acreage. Texas produces the most oil, and then it is either North Dakota or New Mexico that produces the second most. We produce I think about 1.2 million barrels a day of oil, and we have a lot of Federal land. But this resource management plan that the BLM is putting forward would close off leasing to 45 percent of the Federal oil and gas acreage—45 percent. Half of it.

As far as coal, we provide electricity I think to as many as 12 different States with coal-fired electricity. Ninety-five percent of Federal coal acreage would be closed off under this new rule.

Furthermore, given the scattered nature of Federal minerals across North Dakota, this plan is particularly problematic because it also blocks access to State- and privately-owned energy reserves.

Think about this: The Bureau of Land Management owns the surface acres, but they don't own the minerals. So a private individual may own those minerals underneath, but because the BLM owns the surface acres, that individual can't develop his minerals for oil, gas, or coal because they are blocked by the BLM—patently unfair, absolutely unfair, and I just don't think it is going to pass legal muster.

The BLM's mismanagement of our vast energy reserves reaches to other States as well, including the blocking of new oil and gas production, for example, in the National Petroleum Reserve in Alaska.

The goal of the Biden administration's regulatory blizzard is clear. It is a ''keep it in the ground''—part of the Green New Deal—agenda no matter what the economic or geopolitical costs are.

There is a better approach, and it means taking the handcuffs off our energy producers and unleashing the full potential of our Nation's most valuable strategic asset: our abundant energy resources—oil, gas, coal, all types of energy.

Instead of this regulatory blizzard, the Biden administration needs to work with us to increase the supply of energy to bring down prices for hard-working American families.

So, at the end of the day, it is this simple: The Biden administration is handcuffing our energy producers with one onerous regulation after the next. We just put a few of them up here on these charts. It is just one after the next.

Simple terms: What does it do? It restricts and reduces the supply of domestic energy here at home. That means our cost of energy goes up. That fuels inflation. So every single consumer and every single business now pays more for energy. And who does it hit the hardest? The low-income individual. It goes right at the low-income individual.

So that is the first thing to think about. Second, we compete in a global economy, so if you use energy, that is one of the important costs for your business. If you have low-cost, dependable energy, we can compete more effectively, create higher paying jobs, more jobs, and grow our economy, but all of that is handcuffed as well by the Biden energy plan.

Then let's talk about national security. Energy security is national security. Look at what is going on in the world right now. How is Russia fueling its war machine? With sales of oil and gas. So when we don't produce here at home, that means more people have to buy from places like Russia, from OPEC, from Venezuela—including our allies in Western Europe. It makes them dependent on Russian energy instead of getting natural gas from the United States. That is a national security issue not only for us but for our allies.

It is the same thing with Iran. How does Iran fuel its war machine? With oil. How does it fund Hamas, Hezbollah, the Houthis? With revenues from oil and gas. When we produce oil and gas, that mitigates, reduces, hurts their ability to continue, particularly if we combine it with the right kinds of sanctions, which we should have, on Iran. It not only mitigates their ability to fuel terror, but it strengthens America, and it strengthens our allies.

The final point I want to make in this regard is, let's talk about good environmental stewardship, good conservation. Who has the best environmental standards in the world? Is it Iran? Is it Russia? Is it Venezuela? Of course not. So how could it possibly make any kind of common sense to produce less energy in America, where we have the best environmental standards, and instead forfeit it to our adversaries, like Russia, Iran, and Venezuela, where they are not only our adversaries—not only our adversaries—but they have the worst environmental standards? That is an energy policy that makes absolutely no sense.

Instead of regulation after regulation after regulation and tax after tax, take the handcuffs off our energy producers. It is good for consumers, it is good for our economy, it is good for national security, and it is good for the environment to let us produce energy here in America. It is just common sense.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. RICKETTS. Madam President, I rise today to join my colleagues in opposing the Biden administration's anti-energy policies. From the EV mandate to the so-called Clean Power Plan 2.0, the Biden administration's war on American energy threatens the livelihoods of millions of Americans and American families.

Let's start with the EPA's delusional and reckless electric vehicle mandate. It requires up to two-thirds of all cars and light trucks being sold in 2032 to be electric vehicles.

It is delusional because it will block low-income families from owning a car. Owning a car is a pathway out of poverty for many Americans, including many people in my State, and Biden's EV mandate will drive up the cost of those used vehicles.

It is delusional because the Biden administration has no plan for how we are going to generate the power needed to be able to charge these cars or the transmission lines needed to transmit the energy from where it is being produced to where it is going to be needed.

It is also delusional because this EV mandate will make us more dependent on the Chinese Communist Party, which controls about 60 to 80 percent of all the critical minerals that are necessary to be able to make the batteries for EVs, and they are leading us in this EV battery technology.

This is how crazy stupid this administration is: They want to mandate EVs on the one hand, but they also want to attack any project that may allow us to be able to mine the minerals that we need to be able to create the batteries for EVs.

For example, EVs can use up to four times the amount of copper that a regular car uses. At the same time, though, the Biden administration has blocked a road that would go to the Ambler Mining District in Alaska. The Ambler Mining District is one of the places where we have a lot of copper. It is a major copper deposit. We need this copper. Yet the Biden administration is blocking us from being able to get to it. It makes no sense.

Another thing that makes no sense is an EV mandate that requires dramatically increasing our energy production and transmission on the one hand, and then, on the other hand, we have the Clean Power Plan 2.0, which is going to attack our energy production. It is a classic example of ''bureaucrats gone wild.'' It forces coal- or gas-generating electric plants to reduce up to 90 percent of their carbon emissions by the year 2039.

First, the Clean Power Plan 2.0 is illegal, explicitly countering the Supreme Court's decision in West Virginia v. EPA.

Second, the rule will stifle our industry not only in Nebraska but nationwide. In Nebraska, 49 percent of our electricity comes from coal-fired plants. It is the baseload generation we have.

Nebraska, actually, ranks pretty high when it comes to renewable energy. We have over 31 percent of our electricity coming from renewable energy, but we still need that baseload.

Nebraska, in 2022, also ranked No. 3 nationwide for the most industrial electricity customers of any State. It just ranked behind Texas and California with regard to those industrial consumers of electricity.

Fossil fuel plants generate about 60 percent of U.S. electricity nationwide, and coal contributes about 16.2 percent of all the electricity in this country. Under this rule, more than 78 percent of coal-powered plants would have to retire between the years 2028 and 2040 while coal remains the primary source of electricity in 18 of our States. Currently, a quarter of the existing 200 plants are scheduled to retire within the next 5 years. We don't have enough new plants coming online to be able to replace the power that is going offline. This plan will close down the reliable and affordable fossil fuel plants, and American consumers will end up paying the price.

Again, for us in Nebraska, when you are driving up these costs, you are hurting our families and, of course, our businesses that create the jobs that allow families to be able to send their kids to school, to go on the family vacation, and so forth.

The EPA does not have the authority—the legal authority—to force a complete shift in energy production through bureaucratic fiat, but the Biden administration doesn't care, and they are going ahead with it anyway.

The Biden administration's anti-energy agenda doesn't just stop there. President Biden's imposed moratorium on new oil and gas leases is also an attack on our energy system. The administration has slow-walked these permits for new construction and has added new layers of bureaucracy that hinder job-creating energy projects.

Instead of supporting high-skilled, high-waged jobs, this administration has prioritized the interests of coastal elites and radical environmentalists. They would rather see fossil fuel plants closed and thousands of workers lose their jobs than stand up to these activists.

This appeasement of the far-left, radical, environmentalist wing of the Democratic Party is wrong. It must stop. We must reverse course. We must have some common sense. I am here today to join my colleagues in standing up for American energy, for American workers, and for our way of life.

Together, we are going to do all we can to overturn this anti-energy agenda through Congressional Review Act legislation and other means. We are going to support an ''all of the above'' energy strategy. We are going to continue to fight to make sure our workers remain employed, our communities remain prosperous, and our Nation remains energy independent.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

DISASTER RELIEF FUNDING

Mr. SCHATZ. Madam President, disaster survivors are running out of time; disaster survivors are running out of money; and they are running out of patience. These people have been to hell and back, enduring the worst horrors of Mother Nature: wildfires, hurricanes, floods, tornadoes. They have lost loved ones. They have lost their homes. They have lost livelihoods. And after all that, after having their lives totally upended overnight, many have been stuck in limbo for months or even years waiting for help to arrive.

It hasn't always been this way. Over the years, Congress, on a bipartisan basis, has consistently stepped up to help hundreds of communities decimated by disasters, no matter the political color of the State or the size of the town or the pricetag of the cleanup. Why? Because we have recognized—correctly—that disasters do not discriminate and that helping communities recover is one of our most fundamental responsibilities in the Federal Government.

What is the Federal Government for if not to help our fellow Americans in their hour of need? What are we doing here if we can't agree that disaster relief is urgent and important and necessary for the well-being of our country?

It is not acceptable to keep survivors waiting. Congress must act. We need to pass disaster relief funding with the urgency that it demands and get survivors the assistance that they need to fully recover.

Nine months ago today, fires, fueled by 70-mile-an-hour winds, stormed the town of Lahaina on West Maui, incinerating everything in their path and leaving behind little more than ash, rubble, and smoke: 101 people died; 2,200 structures were leveled; and almost 12,000 people were immediately displaced. Just about everyone in that tight-knit community lost someone or something that day.

A few weeks after the fires, when President Biden came to Lahaina, he promised the survivors that his administration and the Federal Government would be there to help as they recovered—not just in those early weeks and months but throughout—for as long as it took; for as long as it took.

Nine months later, cleanup is still ongoing, not a single home has been rebuilt. And the infrastructure that was destroyed—the harbors, the roads, the water and sewer systems—all of it has yet to be restored.

The recovery was never going to be quick. The damage was so vast, the destruction so total and so toxic that bringing Lahaina back to anything close to normal was always going to be a multiyear endeavor. And that is the case for so many communities across the country that have been devastated by disasters.

When the President declares disaster in a community, it means a very specific thing. It not just like it is the President's whim or whether they like the place that has been hurt. It means that the community's recovery needs are so great that the State and local governments can't handle them alone. It means that the capacity of the local government has been exceeded, and the President is declaring that this place is a Federal disaster, so the Federal Government has to step in and help, which is why almost 7 months ago, the President of the United States submitted a supplemental funding request to Congress which included funding for disaster relief and specifically for the Community Development Block Grant Disaster Recovery, or CDBG-DR, Program.

The CDBG-DR serves a simple but essential purpose. It provides survivors with the funding and flexibility to rebuild their homes, small businesses, and communities over the long term. For more than 30 years and in practically every State in the country, the program has been a lifeline for people trying to get back on their feet and economies trying to get back on their feet.

But it has been a year and a half since Congress last funded CDBG-DR, and in that time, disasters have piled up in every part of the country. Unfortunately, we know more are coming, especially with hurricane season around the corner. So for Lahaina and dozens of communities nationwide, this funding is urgent.

Rebuilding after a disaster—as a community but also as a family or an individual—is among the hardest things that anybody is ever going to go through. One moment you are going about your day—going to work, dropping off your kids at school, making dinner for your family—and the next thing you know, you are living out of a hotel, if you are lucky, not knowing where your next paycheck will come from or when or where you will have a permanent place to call home again.

The ordeal of recovery is hard; it is long; it is confusing; it is painful; and it is expensive. And, understandably, survivors look to their government for help. They have waited a long time. But time is running out, and money has run dry. Congress must act and pass disaster aid as soon as possible.

We have done full-year appropriations. We have done an international supplemental appropriations bill. We are about to finish the FAA. The next big bill that we pass has to be providing disaster relief across the country.

I yield the floor.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The Senator from Vermont.

Mr. WELCH. Madam President, I thank the Senator from Hawaii. First of all, I want to acknowledge my great appreciation for the work that the Senator and his committee have done on bringing attention to the ongoing challenge that communities that have been hammered, like your community of Lahaina and my State of Vermont, from natural disasters, and I am going to speak in support of the efforts you are making to get supplemental funding for the absolutely essential, flexible funding that goes with the block grant Disaster Relief Fund. Thank you very, very much.

You know, we are all in this together. What Senator SCHATZ said about the formality of a Federal disaster declaration—the formality is it is an acknowledgement that what happened, through no fault of anybody in Hawaii, through no fault of anybody in Vermont, is beyond the capacity of the communities in Vermont and Hawaii—beyond the capacity of Vermont and beyond the capacity of Hawaii—to handle the entire consequence of those events.

What is more important, more essential for the Senate than to acknowledge that all of us as Americans, that there but for the grace of God goes our community when a natural disaster occurs? So we have to respond.

There are two times that there is a response. One is in the immediate trauma of the event. It is all hands on deck. The community does everything it can. And there is one story after another in Lahaina; in Ludlow, VT; in Johnson, VT, of people coming together literally to save fellow citizens and neighbors and oftentimes people they don't even know. And the Federal Government comes in—President Biden was immediately responsive in Vermont, as he was in Lahaina—and our FEMA administration came in and was immediately responsive, and that really helps. It really, really makes a difference.

But do you know what? This is a photograph of the capital of Montpelier right after the flood. It is totally inundated in water. Every business on Main Street was basically destroyed, and the immediate relief efforts were about the water going down, getting the mud out, trying to find some temporary place to live, and see if you can save your business. But on that Main Street in Montpelier, our businesses are coming back, but they are not all back yet.

What I have seen is that the money that comes in right away and the help that comes in right away gives hope to folks. It gives all of the citizens in the State who are sad by what has happened to their neighbors but who, by the grace of God, avoided their own home and their own business from being flooded, it gives them and me hope that those folks are going to get some help from the Federal Government. And they did. Our roads and bridges, we are putting them back together. Some of the water treatment facilities that were destroyed, we are putting some of those back together. But the reality is, there is a long and lasting trauma and practical challenge of trying to get everybody back on their feet.

I get asked by my colleagues—and I really appreciate their concern—PETER, how is Vermont doing? I don't quite know how to answer that because on one level, Vermont is doing great. We have moved on. That flood in July, we have done the major things that have to be done. The help we got from the Federal Government was really essential in doing that. The good wishes from my colleagues, I am so grateful for.

But the other part of that is when I am asked: How is Vermont doing? The Vermonters, if it was your home, if it was your business, if it was your farm, you are not doing well. You know, it is a lot to try to put that business back together. It is a lot to look at that home and realize you may not be able to get back in.

So let me just give an example. You know, I was in Barre, VT. That is about 5 miles from Montpelier. You are seeing that here. They got flooded, much like Montpelier did. In Montpelier, most of the damage was to businesses; in Barre, most of it was the homes.

FEMA Administrator Criswell joined me and Senator SANDERS and Congresswoman BALINT on the tour of homes. I returned in March, and the folks who came to our meeting and took a tour of Barre with me were a lot of the folks whose homes had been damaged. They are still trying to find out whether they can get bought out. They are still trying to find out whether they can get back in their home.

One couple was at the home when I showed up. They weren't able to get back in. They are living in a mobile home about 50 miles from where their home is. And there is a lot of confusion about what you can do and how you can do it. Those thorny questions about what is available and how are you going to implement what is needed for that home or for that business, those really linger.

At this point, FEMA—I don't want to say they are gone because they have done what their job is. But the pain and recovery, the pain is still very present for those folks: your farm, your business, your home. And the challenges of getting through the bureaucracy are very complicated. That is what I learned with the folks in Barre who basically have a group of volunteers who have managed to stay together to try to address concerns and questions that various members of the community have.

But the thing that is absolutely vital—absolutely vital—is the flexible funding that comes from the Disaster Relief Fund.

You know, no matter how hard and how competent and how professional our FEMA folks are, the reality is they have to move on to the next disaster. That is what is happening in this country.

But the pain in that community is behind, and it is the folks in the community who really have to have the capacity and the tools and the resources to do what only can be done by folks in Barre, in Montpelier, in Johnson, in Ludlow, in Weston. And I am sure that is true in Lahaina. Of course, those are the best people to do the work. They live in that community. The most important thing to them is to restore the vitality of the community that they love.

So the disaster relief funding is the absolutely essential component to allow the full rebuilding and the recovery for the folks who lost their homes, for those farmers whose crops have been wiped out, and for those businesses that are so vital, not just to that individual business owner but to that downtown community that depends on retail downtown so neighbors can come in, shop, see one another, and have a sense of community.

If we are going to have an effective disaster relief program, yes, it starts with the Federal declaration. Our President and previous Presidents, in my experience, have been very responsive to communities that, through no fault of their own, suffered a devastating loss from a weather event or a fire, as was in the case of Lahaina. But what happens after the waters recede, after the FEMA emergency folks are gone? It is the hard work of actually rebuilding that house, repairing that business. That is left in the community, and if they don't have that disaster relief funding and the flexibility that is required to respond to the very particular challenges in that community, then we haven't completed the job. And it creates a sense of frustration and anguish and pain that we can alleviate by having a disaster relief response that starts when the event occurs—that is the disaster declaration—but continues until the job is done.

And that is where the funding for the disaster relief is so absolutely essential for us in order to maintain the commitment that I believe this Senate has to help folks who have been on the receiving end of a catastrophic loss.

I am fully in support of the supplemental appropriations request that the Senator from Hawaii is making because, in my view, he speaks for all of us. In my view, there but for the grace of God goes your community. We in Vermont, just as Senator SCHATZ in Hawaii, have always been there to support the funding for communities around this country that have suffered losses such as what happened in Hawaii and what happened in Vermont. I thank the Senator for organizing this, and I look forward to working with Senator SCHATZ and others in order to make sure we get that disaster relief funding in the supplemental appropriations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

REMEMBERING SHIREEN ABU AKLEH

Mr. WELCH. Madam President, May 11 will mark the second anniversary of the fatal shooting of a Palestinian American and accomplished Al Jazeera journalist, Shireen Abu Akleh. She was shot in the head while reporting on an Israeli raid in the Jenin refugee camp in the West Bank. At the time of her death, she was wearing a bulletproof vest with ''PRESS'' written in large letters on the front and on the back.

While there had been some earlier exchanges of gunfire between Israeli soldiers and Palestinian militants, there is no credible evidence that has been produced that the shooter acted in legitimate self-defense. No one in Shireen's immediate vicinity was armed, and no shots were fired from her location. Another journalist near her was also shot, but he survived.

Shortly after Shireen's death, Secretary of State Antony Blinken rightly called for a credible, thorough investigation and that the individuals responsible should be held accountable.

Israeli officials first denied responsibility. But when it became clear where the shots were fired from, they called Shireen's death an unintentional, tragic mistake. The shooter reportedly fired from an armored vehicle that was 190 meters away.

The inescapable conclusion is that she was intentionally targeted. The question is: Why?

My predecessor, Senator Patrick Leahy, asked detailed questions about her case, including why the Leahy law was not applied to stop U.S. assistance to the unit—the particular unit—responsible for Shireen's death. His questions were never answered. Since then, there has been no credible investigation.

I am disappointed that Israeli authorities have failed to fully cooperate with U.S. efforts to determine what happened, and nobody has been held accountable.

Shireen Abu Akleh's case has become one of many unresolved shootings in the West Bank and Gaza. Since the Hamas attack—the terrible attack on October 7—more than 140 journalists have reportedly been killed in Gaza. None of those cases have been investigated, and no one has been held accountable.

We have not and we will not forget Shireen Abu Akleh. She was an American citizen. More importantly, she was an innocent civilian doing her job, which she paid for with her life. She, her family, and her colleagues in the press deserve justice.

On May 3, World Press Freedom Day, Secretary Blinken said:

> In their pursuit of truth, journalists often face unprecedented danger worldwide. On World Press Freedom Day, we recognize their bravery, resilience, and vital role in ensuring the free flow of accurate information. Our support for journalists and an independent media is unwavering.

My hope is that Secretary Blinken uses his influence and insists on the credible, thorough investigation of the killing of Shireen Abu Akleh that he called for 2 years ago and that those responsible be brought to justice.

I yield the floor.

The PRESIDING OFFICER (Mr. OSSOFF). The Senator from Oklahoma.

ANTI-SEMITISM

Mr. LANKFORD. Mr. President, October 7, 2023, was almost 5 years to the day after the attack on the Tree of Life synagogue—almost 5 years to the day. Anti-Semitism has been on the rise around the world and unfortunately here in America. We are seeing it on college campuses. We are seeing it in conversations online. It is not new, it is old, but it is on the rise in a way that we have not seen in a long time in the United States.

In 2019, Senator ROSEN and I launched the Senate Bipartisan Task Force for Combatting Anti-Semitism. We started that on the 1-year anniversary of the shooting at the Tree of Life synagogue. Our mission was pretty simple: We wanted to create a task force to be able to collaborate with law enforcement, Federal Agencies, State and local governments, educators, advocates, clergy—any stakeholders who wanted to be able to combat anti-Semitism with education, empowerment, and bringing communities together in conversation.

Our goal was to speak out with one voice about hate, to support legislative efforts to combat anti-Semitism, to promote Holocaust education, and to bring the issue of combatting anti-Semitism to the forefront of our national conversation and, quite frankly, international.

She and I have worked together to be able to contact other nations and their Parliaments on what we have seen as anti-Semitism in other countries, to be able to reach out to Ambassadors, but to also speak out on what we see here in the United States. That has not changed.

The State Department has offered this warning:

> History has shown that wherever anti-Semitism has gone unchecked, the persecution of others has been present or not far behind. Defeating anti-Semitism must be a cause of great importance not only for Jews, but for all people who value humanity and justice.

That is our own State Department.

So now what are we going do about what we are seeing on college campuses? Interestingly enough, people see this as a new thing just in the last 7 months. This has been on the rise on college campuses for quite a while. Many of us have been ringing that bell to say that there is something happening in the national conversation on our college campuses.

So let's find ways to be able to engage on this. Senator ROSEN and I have a piece of legislation that is a compilation of multiple pieces that we have worked on for a very long time to be able to talk about anti-Semitism and to say there are specific ways that our Nation can get involved with this.

I have affirmed President Biden in areas where we agree, and there are some areas that he has brought up in the task force that he has created on the executive level to take on anti-Semitism nationally. Some of those things have been actually executed and carried out, and some of them have not.

So we have continued to be able to nudge in ways that we thought were appropriate to be able to nudge and to be able to poke to say things can be done. It has been leadership at our State Department that has risen up on that, and some, we have been actively involved in trying to be able to get into those positions, to be able to lead.

My friend TIM SCOTT came to the floor to be able to ask for unanimous consent to be able to pass his resolution to condemn anti-Semitism on college campuses. I want to thank my friend TIM SCOTT for his leadership on this issue and what he has also done to be able to raise awareness. But unfortunately his request to be able to pass that resolution was denied.

We should be able to find common ground on issues that condemn hate. His resolution was a simple statement: What are we going to do as a body to be able to condemn hatred in this area? We should not ignore this.

The House of Representatives last week brought up the Anti-Semitism Awareness Act. It was a bipartisan piece of legislation that they passed overwhelmingly in the House of Representatives that they have now sent to this body to be able to take up and to debate and to discuss.

What has been interesting to me is, when they picked up the Anti-Semitism Awareness Act as a nonpartisan piece of legislation, this is a continuance of actually what happened under the Trump administration. President Trump used the same definitions and the same process of putting it in the Department of Education, using what is called the IHRA definition for ''anti-Semitism'' and the examples attached to it in Executive order 13899.

But what has been fascinating to me is, when the House of Representatives passed it, there was a whole group of folks and some folks from my own party who stepped up and said: No, we can't actually do this, because this would inhibit free speech.

I have smiled at those same folks and said: Did you say that when President Trump was actually using it as an Executive order under his administration? Because now they are talking about making a statutory, long-term change.

The IHRA definition is not new, by the way. The United States has been a party to this definition since the 1990s. The International Holocaust Remembrance Alliance definition—that is IHRA—has been recognized all over the world as a basic definition with examples of what anti-Semitism is.

It is not new to the United States. There are many athletic teams that

have recognized the IHRA definition for their teams in their conversations to be able to recognize what anti-Semitism is. There are 34 States, including my own State of Oklahoma, that have recognized the IHRA definition within our own States to say: This is how we are going to define ''anti-Semitism'' in our States.

This is a very basic principle. It is difficult to discourage what you cannot even define, and when someone makes just a blanket statement for anti-Semitism, it is helpful to put some definition to what it actually means and what it does not mean. For instance, if someone were to say they disagree with the Netanyahu government, is that anti-Semitic? The IHRA definition would say, clearly, it is not. We can disagree on governmental action. That is a normal part of dialogue.

It also is not something that inhibits free speech. Even hateful speech in the United States—even foolish, even stupid speech—can be said in the United States. It is a protected right to be able to say whatever crazy thing you want to be able to say in the United States, but when it shifts from free speech to inciting violence and threats, that has shifted. That has moved from just speech to now criminal action.

The IHRA definition in what the House of Representatives passed last week in the Antisemitism Awareness Act doesn't limit speech in any way. In fact, it very specifically states it is not trying to take away any free speech rights of anyone. It specifically notes a protection for the First Amendment rights of Americans to be able to say what they choose to say.

What it does say is, if you are on a college campus and you are choosing to discriminate against Jewish students, that should fall into the same as any other title VI discrimination falls into. It is no different. So if they are doing discrimination on a college campus, you can't just say: Well, they are discriminating against Jewish students, so that doesn't fall under title VI.

That clearly does fall under title VI areas and makes what has been implied clear. What has been done by Executive action in the past under the Trump administration makes it clear for every administration. What has been done under the Department of State for three decades in the United States is clear policy not just for the State Department but also for the Department of Education. I think that is a pretty reasonable way to take on this issue and to be able to clarify what anti-Semitism is on a college campus or any campus that is out there.

Some of the responses that I have already mentioned have been fascinating to me on this, things like I have already said: This is going to limit free speech.

No. You still have the right to say something, even to say something dumb. That is still a protected right in the United States.

We can say things that we both disagree with—that is a protected right—but you can't move into criminal activity. That is not protected, and a university cannot protect discrimination on their own campus. That would not be allowed.

My favorite thing is that it does not outlaw the Bible. I have had folks who have said: If you put in the IHRA definition, it outlaws the Bible.

I have just smiled and said: That is absolutely ridiculous.

And it is not just me saying this. Christian leaders who I know all over the country say that is just a ridiculous statement.

There is a letter that just came out this week from Pastor John Hagee, who leads what is called CUFI, the national Christians United for Israel, and Ralph Reed, who is the leader of the Faith and Freedom Coalition. They have made this simple statement:

> To the Biblically literate, claims that the Antisemitism Awareness Act is anti-Christian are as insulting as they are injurious.

I have made it very clear on this as well when people have asked me about this, to say that somehow the Antisemitism Awareness Act outlaws the Bible or limits speech around the Bible.

There is a statement in the IHRA definition that talks about using symbols and images associated with classic anti-Semitism, and the examples are claims that ''Jews killing Jesus are blood libel'' to characterize Israel or Israelis. So they take that one statement and pull that out and say: See? You couldn't use the Bible.

I have laughed, and I have said: Well, I would just say not only have Pastor Hagee and others said this—and other faith leaders around—but let me add a voice to this as well. The Scripture is very clear from John 10 that Jesus laid his life down for others. He had the power to lay it down and the power to be able to take it up. That is Orthodox Christianity. Orthodox Christianity says: My sin is what put Jesus on the cross. That is what Scripture says.

What the IHRA definition says is, if someone is biased to say ''I hate all Jews because Jews killed Jesus,'' they are saying that that is an anti-Semitic statement to say that. I would also say it is not only inconsistent with the clear teachings of Scripture, but it is inconsistent with the faith practices of individuals.

Not only is the New Testament exceptionally clear about respect for Judaism, but the guy on the cross was Jewish. His mom at the foot of the cross was Jewish. The disciples were all Jewish. The people who wrote the New Testament were Jewish. So to somehow believe that Christianity would discount all Jews is to ignore the basic teachings of the New Testament, besides the basic fact that the Romans put Jesus on the cross.

So somehow to say that this discounts Scripture—that I have heard over and over again on social media over the past week—I think is absurd, No. 1, and as John Hagee and Ralph Reed have said, it actually is insulting and injurious.

There are folks who have said that there will be an international organization that is now going to police speech in the United States. I would encourage them to please read the legislation, not what is on social media, to be able to understand what this actually does. It does not give authority to an international organization to be able to step into the United States and be able to police speech. It is very clear.

It just says this is what discrimination looks like under title VI, just like we have discrimination laws in other areas wherein the Department of Education could not say: Well, it doesn't specifically outline religion in this area, and so if there is discrimination against Jewish students, we can look the other way. That would stop under this piece of legislation.

First things first: Let's actually have real dialogue as a country. Are we as a nation going to look the other way when students are discriminated against on a campus, or are we going to step in and say: ''No, we are not going to just look the other way when there is discrimination''? Because, as I go back to the statement from our State Department, history has shown that wherever anti-Semitism has gone unchecked, the persecution of others has been present or not far behind. So let's speak out and stop it.

For individuals who want to have anti-Semitic beliefs, that is still legal in America to have an anti-Semitic belief. It is still protected as a right. I would say it is hateful, and I would say it is bigoted, but it is still your protected right to be able to have that belief. But, when that speech moves to threats of violence and intimidation, when it moves from a voice to an action, that is criminal activity, and we should treat it as such. We should not let it fester as criminal activity and think it will not spread. It will.

My final statement: For the folks who track through social media, where you see voices of anti-Semitism on social media, why don't you be bold enough to speak out for the people who are being bullied online and say every person has the right to their faith and to be able to live that faith and have that protected? We as Americans have the right to have any faith of our choosing, to change our faith, or to have no faith at all, and that would be protected. That should not be any less for Jewish students anywhere online or on their own campuses.

So let's speak out on their behalf. And instead of allowing them to be bullied on their campuses or online, why don't we speak out for their right to be able to live their faith and practice their faith as every other American? That is what I think we should do on college campuses, and that is a simple way we can honor the dignity of every student.

We are going to disagree. There are people who have strong disagreements

with the war that is happening right now in Israel and in Gaza. So let's talk about it, but let's not discriminate while we do it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

REMEMBERING KURT ENGLEHART

Ms. CORTEZ MASTO. Mr. President, I am here today to honor the life of Kurt Englehart, my senior adviser, a beloved Nevadan, friend, and family member who touched so many lives.

We lost Kurt very suddenly in April, and his loss is felt deeply by everyone in our office, some of whom are in the Galleries today, in the communities he impacted, and individuals he met throughout the State of Nevada, including—and I so appreciate my colleague Senator ROSEN being here and her staff as well. You could tell how beloved he was by the sheer volume of people who came to his funeral in Reno. Last month, there were Tribal leaders, law enforcement, farmers, ranchers, labor leaders, former coworkers, and Senate staffers, childhood friends and Nevadans from across the State who showed up to pay their respects.

Kurt touched so many lives, and he was able to make even strangers feel as though he was a close friend. Here is a picture of him, a photo of him, right here. There was always a smile on his face.

For the past 8 years, Kurt was an essential part of my team. He liked to call it Team CCM, not only because of his intimate knowledge of every community in northern Nevada, but because he had this contagious warmth that drew everyone in. You couldn't dislike Kurt if you tried. He had this way of attacking life that brought so much positivity and joy to both my campaign and my Senate offices.

I got to personally experience Kurt's zest for life on our many tours around rural Nevada. Every August, I travel through the rural counties in my State, and every August, Kurt was with me. That was when I got to know him the best. On the road, in the middle of the desert, I learned so much about Kurt's passions—about what inspired him to be so active in the community to the things that he enjoyed doing when he wasn't at the office.

One of the favorite things to talk about for Kurt was his deep enthusiasm for video games. Kurt loved his gaming community, and they all loved him. One of his friends who played World of Warcraft with him reminisced about how Kurt, in the game, played a healer, which meant he took care of the other players.

His friend said:

I would later learn that this was how he was in the real world.

And that is exactly true. That is exactly how Kurt was in the real world, always making people feel at ease and extending a helping hand to those who needed it.

In my Senate office, Kurt was a casework champion, addressing constituents' needs head on and working closely with Nevadans whose issues required special care and attention. Throughout his time in my office, Kurt worked on 638 cases. He was known by the Nevadans he worked with as a fierce advocate who knew how to get the job done for them.

One casework story Kurt was particularly proud of—and I was as well—happened in 2019. Kurt reached out to a veteran named John, who was considering ending his own life because he couldn't afford his medical bills. John had been kicked off his insurance the day he experienced a massive health issue, leaving him with hundreds of thousands of dollars to pay out-of-pocket. Kurt found out about this when he talked with John. He worked with John's insurance company to make sure that they retroactively paid every penny of John's bill. Kurt actually saved John's life, and he was lucky to have Kurt as an advocate for him.

That is just one example of Kurt's dedication to helping Nevadans in need. Whether he was working with the IRS to get people their tax refunds, advocating for the protection of sacred Tribal monuments, or resolving health benefit issues, Kurt gave each individual case his all. The Nevadans Kurt helped described him as going above and beyond to find solutions.

Kurt made people feel heard, taking on the issues of complete strangers as if they were his own. And after the fact, he followed up with them to make sure they had everything they needed because that is who Kurt was. Public service came so naturally to him. He believed in the power of good government; that our democracy is truly for the people; that our work here in the Senate can change people's lives for the better, even if it is one person at a time.

Kurt's determination to do the most good for the people of Nevada made him a giant all across the State and especially in our rural communities. Everyone from Reno to Elko, to our Tribal communities either knew Kurt personally or they knew of him. He drove from county to county talking with families, businessowners, farmers, ranchers, miners, Tribal leaders, and law enforcement about how our office could work with them and deliver for them. Democrats, Republicans, Independents—it did not matter—they all trusted Kurt to do the right thing by them, and he always did.

Kurt was originally from Ohio, but he advocated for Nevadans so well that he truly became a Nevadan. He was the type of down-to-earth guy who could win over even those who staunchly disagreed with him. He showed up to every meeting fully prepared and well-informed, no matter the topic, and he was ready to have a productive conversation with anyone.

And once Kurt made those connections, he maintained them. He got to know people on a deeper level and kept them in mind for future events he knew would interest them because he cared.

He was so loved by his colleagues in all of our offices. My staff have described him as someone who ''charted his own path'' and ''always found a way.'' He was known for being a straight shooter whom everyone could depend upon to tell them exactly what he was thinking, even if it meant—and sometimes it did from Kurt—hearing the hard truth.

When the work got intense—as it often does in Senate offices—Kurt would help his coworkers find the levity, even if he was just as frustrated as everyone else.

If you knew anything about Kurt, you knew he loved his family above all else. His pride and joy was his son Ender. They shared a special bond in so many ways, particularly one, because like his father, Ender is a master video gamer as well as being an outstanding young man.

Kurt cherished his family, and he talked about them endlessly: his mother Luann; his brother Matt; his girlfriend Siya; and Ender's mother Shaila. And he talked about Ender.

I got a chance to know Ender growing from a young boy to a young teen. And I will tell you, Kurt's proudest moments were with his son, always wanting him to have every opportunity to take chances but not to be afraid to lean in and take those risks. The good, the bad, all of the above, his main goal was to ensure that his son Ender had every opportunity in life.

Our office mourns this devastating loss, but we know Kurt will always be with us.

This is actually Kurt on one of our coal trains in Ely, NV. It is one of the many examples of how Kurt spent his time getting around Nevada and talking to everyone who lived there. He lives on in the stories of the countless Nevadans he helped, and he lives on in the actions of those he inspired with his unwavering passion. And he lives on in the hearts of those of us who knew him the best. He will be dearly missed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

REPORT ACT

Mrs. BLACKBURN. Mr. President, this week, we are taking a big step forward in the fight to end online child exploitation. The bipartisan REPORT Act, which you and I led, has been signed into law, and now law enforcement and the National Center for Missing & Exploited Children—or NCMEC, as we call it—will have the resources that they need to better protect vulnerable children and track down these predators and pedophiles. This legislation has been urgently needed. And, Mr. President, I thank you for your leadership on this issue.

Here is a frightening statistic: In America, a child is bought or sold for sexual exploitation once every 2 minutes. In this country, in 2024, a child is

bought or sold for sex once every 2 minutes. This abuse increasingly happens in the virtual space, where predators distribute child sexual abuse material; they recruit minors into sex trafficking rings; and they extort children into sharing explicit images of themselves.

Just last year, NCMEC received 36.2 million reports of online child sexual exploitation, a 23-percent increase over 2021.

NCMEC, whose CyberTipline serves as our country's centralized reporting system for online child abuse, does incredible work to track down these crimes and report them to law enforcement. But, tragically, so many more acts of online sexual abuse against children are going unreported.

Although criminal law requires electronic service providers to report any child sex abuse material on their sites, online platforms—including Big Tech sites, such as Facebook, Snapchat, Instagram—have no obligation to report content involving the sex trafficking or grooming of children or enticement crimes.

Most online platforms choose not to report this abhorrent material to law enforcement. And even when they do report the content, electronic service providers often omit necessary information to identify victims and track down their abusers.

We have also heard from victims, their families, and law enforcement about the need to modernize laws around reporting online sexual abuse. For example, children and their parents risk legal liability for transferring evidence of online sexual abuse that they have experienced when submitting reports to the NCMEC CyberTipline.

The REPORT Act addresses these issues and more to ensure that they are defending children against some of the most heinous crimes imaginable. Now, electronic service providers will be legally required to report child trafficking and enticement.

To ensure compliance with the law, the REPORT Act raises the fine for first violations from $150,000 up to as much as $850,000, and subsequent violations, that fee is raised from $300,000 up to $1 million.

At the same time, the legislation enables victims to report evidence of online exploitation to the authorities and allows for the secure cloud storage and safe transfer of reports from NCMEC to law enforcement.

It also increases the retention period for CyberTipline reports from 90 days to 1 full year; meaning, law enforcement will have more time to track down and prosecute these criminals.

All together, these measures will do so much to protect the most vulnerable among us from online exploitation and help to put an end to this horrific abuse.

PROTESTS

Mr. President, across the country, we are witnessing one of the worst waves of anti-Semitism that we have ever seen in our Nation's history. I appreciate that my colleague from Oklahoma spoke previously to this.

One of the things that we have learned is a little bit about the leading perpetrators of these protests that are taking place. What we have found is that far-left activists, including college students at some of the most prestigious universities, are involved in these activities.

We have all seen the pro-Hamas demonstrators who are harassing and intimidating Jewish students. They are blocking them from attending class or even from accessing public spaces. They are doing this with these protests and with these illegal encampments.

Here are some examples of what we have had reported to us and what we have seen from individuals who are walking through these encampments with their cell phones. At Columbia University, activists chanted: ''We are Hamas'' and ''Long live Hamas.'' At George Washington University, one pro-Hamas demonstrator walked around campus with a sign calling for a ''Final Solution'' against the Jewish people.

We have seen activists hand out fliers calling for ''Death to America'' and ''Death to Israeli real estate.'' And at schools like Princeton, students have waved the flag of terror groups, including the flag of Hezbollah.

One thing should be obvious, the anti-Israel protests on campuses across this country are hotbeds for terrorist sympathizers and for anti-Jewish hatred. Never did I think I would see this in the United States of America.

In fact, some of these college groups who are out protesting, including at Columbia, have allegedly held events with the terrorist organization Popular Front for the Liberation of Palestine. These demonstrations have absolutely no place in America, and Tennesseans are telling me these demonstrations have no place in our great State of Tennessee.

But instead of cracking down on these activists and the students who are out there peddling anti-Semitism and are glorifying terrorism, many schools are beginning to bow to their demands. I find this abhorrent and disgusting.

In negotiations with pro-Hamas demonstrators, Northwestern University agreed to offer coveted faculty positions to Palestinian academics and set aside full-ride scholarships for Palestinian students.

To appease its pro-Hamas students, Brown University, last week, agreed to hold a vote on divesting from Israel.

After negotiating with pro-Hamas activists for weeks, Columbia University has canceled its commencement ceremony.

We can only bring an end to this disturbing illegal behavior when there are actual consequences.

College students who promote terrorism on behalf of Hamas should be added to the TSA No Fly List, and we should deport foreign students on visas who support Hamas—a U.S.-designated terror organization. And universities that allow anti-Semitism on their campuses should be defunded. The Stop Anti-Semitism on College Campuses Act, which I introduced alongside Senator TIM SCOTT, would ensure that happens.

Instead of standing up for Jewish students, President Biden has drawn, unfortunately, a moral equivalence between pro-Hamas activists and pro-Israel Americans. When asked about the anti-Semitic demonstrations last month, the President said he ''condemn[s] those who don't understand what is going on with the Palestinians.''

At the same time, the President has focused on pushing billions in new illegal student loan forgiveness—forgiveness that could very well benefit the students who are out leading these demonstrations. So that is why I have joined my Senate Republican colleagues in introducing the No Bailouts for Campus Criminals Act, which would make any person who is convicted of a State or Federal offense in connection with a campus protest ineligible for any Federal student loan forgiveness.

The President is also reportedly looking to welcome Gazans to America as refugees. According to a recent poll, 71 percent of Gazans said they supported Hamas's horrific October 7 attack on Israeli civilians. Seventy-one percent of Gazans said they supported Hamas's horrific attack on October 7. More than 300 individuals on the Terror Watchlist have entered our country under President Biden, but, for some reason, this administration thinks that they can vet Gazans, who elected Hamas as their government, who support the terrorist attack. They think they can properly vet them and bring them into this country? Have they not asked Egypt, Jordan, other countries in the region why they will not take these Palestinian refugees? I think it would be instructive.

Our country cannot afford more failed leadership and not knowing who is coming into this country who may wish us harm. We would like to see the President rescind this and review his priorities and make it his priority to protect the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

ARMS SALES NOTIFICATIONS

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act

requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 24–0F. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 21–55 of August 25, 2021.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosure.

TRANSMITTAL NO. 24–0F

Report of Enhancement or Upgrade of Sensitivity of Technology or Capability (Sec. 36(b)(5)(C), AECA)

(i) Prospective Purchaser: Government of Australia.

(ii) Sec. 36(B)(1), AECA Transmittal No.: 21–55; Date: August 25, 2021; Implementing Agency: Navy.

(iii) Description: On August 25, 2021, Congress was notified by Congressional certification transmittal number 21–55, of the possible sale, under Section 36(6)(1) of the Arms Export Control Act, of defense services related to the future purchase of Standard Missile 6 Block I (SM–6) and Standard Missile 2 Block IIIC (SM–2 IIIC) missiles. These services included development; engineering, integration, and testing (EI&T); obsolescence engineering activities required to ensure readiness; U.S. Government and contractor engineering/technical assistance, and related studies and analysis support; technical and logistics support services; and other related elements of program and logistical support. The estimated total value was $350 million. There was no Major Defense Equipment (MDE) associated with this sale.

This transmittal notifies the inclusion of the following MDE items: up to four hundred (400) SM–2 IIIC All Up Rounds (AUR); and up to five hundred (500) SM–6 AUR. Also included are non-MDE missile canisters; associated support; and test equipment. The estimated total value of the new items is $4.15 billion. The estimated non-MDE value will increase by $150 million to a revised $500 million. The estimated total case value will increase by $4.15 billion to a revised $4.5 billion. MDE constitutes $4.0 billion of this total.

(iv) Significance: This notification is being provided as the MDE items were not enumerated in the original notification. The inclusion of this MDE represents an increase in capability over what was previously notified.

(v) Justification: This proposed sale will support the foreign policy and national security objectives of the United States. Australia is one of our most important allies in the Western Pacific. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the region.

(vi) Sensitivity of Technology:

The Standard Missile–6 (SM–6) is a surface Navy Anti-Air Warfare missile that provides area and ship self-defense. The missile is intended to project power through its ability to destroy manned fixed and rotary wing aircraft, Unmanned Aerial Vehicles (UAVs), Land Attack Cruise Missiles, and Anti-Ship Cruise Missiles in flight. It was designed to fulfill the need for a vertically launched, extended range missile compatible with the AEGIS Weapon System to be used against extended range threats at sea, near land, and overland. The SM–6 combines the tested legacy of Standard Missile 2 (SM–2) propulsion and ordnance with an active Radio Frequency seeker allowing for over-the-horizon engagements, enhanced capability at extended ranges, and increased firepower.

The SM–2 Block IIIC Active Missile maximizes existing SM–6 Block I active and SM–2 semi-active missile technology to deliver a low cost, medium range dual mode active/semi-active missile.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) Date Report Delivered to Congress: May 1, 2024.

ARMS SALES NOTIFICATIONS

Mr. CARDIN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is still available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications that have been received. If the cover letter references a classified annex, then such an annex is available to all Senators in the office of the Foreign Relations Committee, room SD–423.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE SECURITY COOPERATION AGENCY,
Washington, DC.

Hon. BENJAMIN L. CARDIN,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 24–30, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Malaysia for defense articles and services estimated to cost $80 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

JAMES A. HURSCH,
Director.

Enclosures.

TRANSMITTAL NO. 24–30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) Prospective Purchaser: Government of Malaysia.

(ii) Total Estimated Value:
Major Defense Equipment * $26 million.
Other $54 million.
Total $80 million.
Funding Source: National Funds.

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:
Major Defense Equipment (MDE):
Ten (10) AN/AAQ–33 Sniper Advanced Targeting Pods.

Non-MDE: Also included are technical data and publications; personnel training; software and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) Military Department: Navy (MF–P–LDA).

(v) Prior Related Cases, if any: None.

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known.

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Attached Annex.

(viii) Date Report Delivered to Congress: May 6, 2024.

*as defined in Section 47 (6) of the Arms Export Control Act.

TRANSMITTAL NO. 24–30

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex Item No. vii

(vii) Sensitivity of Technology:

1. The AN/AAQ–33 Sniper Advanced Targeting Pod is a single, lightweight targeting pod for military aircraft that provides positive target identification, autonomous tracking, global positioning system coordinate generation capabilities provided by Selected Availability Anti-Spoofing Module (SAASM) or M–Code, and precise weapons guidance from extended standoff ranges. It incorporates a high-definition mid-wave Forward-Looking Infrared (FLIR), dual-mode laser, visible-light high-definition television, laser spot tracker, video, data link, and a digital data recorder.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Malaysia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Malaysia.

POLICY JUSTIFICATION

Malaysia—Sniper Advanced Targeting Pods

The Government of Malaysia has requested to buy ten (10) AN/AAQ–33 Sniper Advanced

Targeting Pods. Also included are technical data and publications; personnel training; software and training equipment; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $80 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a key partner that is a force for political stability and economic progress in the Indo-Pacific region,

The proposed sale will improve Malaysia's capability to meet current and future threats by modernizing its current F/A–18D platform with a common targeting pod. This proposed sale will also mitigate future obsolescence concerns and allow the Royal Malaysian Air Force to meet future operational requirements. Malaysia will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region,

The principal contractor will be Lockheed Martin Corporation, located in Orlando, FL, and The Boeing Company, located in St. Louis, MO. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Malaysia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

UNANIMOUS CONSENT OBJECTION

Mr. WYDEN. Mr. President, I rise today to give notice of my intent to object to any unanimous consent agreement regarding Executive Calendar No. 630, the promotion of Col. David M. Church to be Brigadier General in the U.S. Army.

While serving as the senior intelligence officer at the National Guard Bureau, Colonel Church was involved in retaliation against an Army officer who had turned information over to the Department of Defense Inspector General.

The Continental Congress, on July 30, 1778, unanimously enacted the first whistleblower legislation, stating: ''It is the duty of all persons in the service of the United States, as well as all other inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.''

Unfortunately, to this day, there are still people in government who retaliate against those brave individuals who are the fail-safe for our government. Such people have no place in public service.

CONFIRMATION OF DONNA ANN WELTON

Mr. CARDIN. Mr. President, I come to the floor today in strong support of the confirmation of Donna Ann Welton to be the United States Ambassador to the Democratic Republic of Timor-Leste. This is a country that earned independence after centuries of colonial rule under the Dutch and, then, Indonesian Governments. Today, we still see senior figures coming to power in Indonesia that could drag up the Timor-Leste's painful past.

From helping our Peace Corps volunteers working in the country, to being a partner in Timor-Leste's energy transition, we need an Ambassador working in our Embassy that will support the democratic ambitions of Asia's youngest country.

Ms. Welton's experience and expertise means she is ready to hit the ground running. She recently served as Acting Deputy Assistant Secretary for Programs and Operations in the Bureau of Political-Military Affairs. Ms. Welton began her career with the United States Information Agency in the Republic of Korea and has served in Afghanistan and Finland. She is a career member of the Senior Foreign Service and someone who will stand up for human rights and advance good governance efforts in this important part of the world.

I am pleased that my colleagues voted to confirm Ms. Welton to be Ambassador to Timor-Leste.

ADDITIONAL STATEMENTS

REMEMBERING DR. CECIL ''CHIP'' MURRAY

● Mr. PADILLA. Mr. President, I rise today to celebrate the life of the Reverend Doctor Cecil L. ''Chip'' Murray, who passed away on April 5 at the age of 94 after nearly five decades of commitment to his south Los Angeles community.

Rev. Murray was born on September 26, 1929, in Lakeland, FL, and moved with his family to West Palm Beach at a young age. From seventh grade until the end of high school, he served as a junior pastor and led services and sermons, showing an early interest in the ministry. But his path to the pulpit wasn't always so clear: after high school, he enrolled in Florida A&M University, an HBCU, and majored in history, before serving in the Air Force.

Rev. Murray would serve in uniform for a decade, training in fighter jets and working as a radar intercept officer in the Korean war, even earning the Soldier's Medal of Valor. After a life-threatening plane crash, Rev. Murray decided to pursue his doctorate in divinity from Claremont School of Theology in Southern California.

His early career in the ministry began at Primm AME Church in Pomona, CA, delivering sermons to just a seven-member congregation, a crowd that would one day be dwarfed by the community he would build in south Los Angeles. After stops in Kansas City and Seattle, Rev. Murray eventually landed at the historic First AME Church in Los Angeles, where a congregation of a few hundred soon became a congregation of thousands.

During his tenure at First AME, Rev. Murray would become host to leaders like President Bill Clinton and President George W. Bush and officiant of funerals for stars like Ray Charles and Eazy-E.

But to many, it was his leadership during crisis in Los Angeles that left the most memorable imprint on the city.

Throughout his life, he had a profound understanding of racial tensions in America. He was the descendant of slaves, had been beaten as a child in the Jim Crow South, and would later be threatened by racists plotting to bomb his church. But for all the violence he experienced, at the height of racial tensions during the Rodney King riots of 1992, he preached peace. As fires engulfed the city, he served as a calming presence for the community, even raising $1.5 million to rebuild from the ashes in the aftermath of the riots.

As countless Angelenos know, his service didn't end there. For decades, his church was at the center of the community: a lifeline providing food and clothing, affordable housing and home loans, economic and employment assistance, and even starting a private school and providing thousands of college scholarships to students.

Looking back, whether in 1994 or 2024, one wonders what south Los Angeles would look like without the faith and leadership of Rev. Dr. Cecil ''Chip'' Murray. As we celebrate him alongside his son Drew and all the loved ones and community members graced by his life, we remember the difference he made for Los Angeles and the legacy he now leaves behind.●

TRIBUTE TO DR. BOB ROSS

● Mr. PADILLA. Mr. President, after nearly a quarter century of leadership, Dr. Bob Ross will step down this year from his position as president and CEO of the California Endowment. I rise today to honor the exemplary achievements of Dr. Ross in his role as a fierce health and safety advocate in California and for a lifetime of caring for communities across the country.

Whether in his role as director of San Diego County's Health and Human Services Agency, as commissioner for the Philadelphia Department of Public Health, or as an instructor of clinical medicine, Dr. Ross' extensive background in public health made him the perfect candidate to be appointed president and CEO of the California Endowment in September 2000.

In the time since his appointment, the California Endowment has helped change the culture of care in California for the better. Under Dr. Ross' leadership, the California Endowment has worked relentlessly in pursuit of ''Health for All,'' working to expand

coverage for undocumented immigrants, farmworkers, and Dreamers; to improve health outcomes for communities of color; and to increase diversity in the healthcare workforce.

Dr. Ross' leadership of the LA County Task Force on Alternatives to Incarceration helped reframe our approach to health in the justice system. His efforts have not only improved health outcomes but have also ensured that inclusion and equity are at the forefront of our health systems.

And of course, as a founding board member of Covered California, Dr. Ross' dedication to fostering an equitable healthcare delivery system was pivotal in bringing the Affordable Care Act to life in California.

While it is hard to believe there would ever come a day when the ''Yoda of Philanthropy'' would step down, we know the legacy he now leaves behind. It is a legacy of service, a commitment to equitable healthcare in California, and a roadmap for the California Endowment and all Californians to follow.

We are profoundly grateful for Dr. Ross' unyielding commitment to a healthier, more equitable California.●

TRIBUTE TO DONALD ''D.'' TAYLOR

● Mr. PADILLA. Mr. President, I rise today to congratulate Donald ''D.'' Taylor for a lifetime of commitment to the labor movement and the empowerment of workers across the Nation.

In March, Taylor stepped down as president of the UNITE HERE labor union, after dedicating four decades to mobilizing support and relentlessly advocating for working families.

Born in Williamsburg, VA, D. Taylor started his journey in the food services industry at just 14, working at a Kentucky Fried Chicken, before eventually waiting tables part time while he attended Georgetown University. It was there that Taylor joined the Hotel Employees and Restaurant Employees Union—HERE—the start of what would become an extraordinary career fighting for dignity of workers.

Not long after graduation, Taylor began work in the Reno-Tahoe area of Nevada for the Culinary Workers' Union, before eventually arriving in Las Vegas to help organize during a strike against the hotel-casino industry at a time when the union's membership had fallen to 18,000.

Taylor quickly rose the ranks of leadership, serving as staff director and chief lieutenant to the head of the Culinary, before eventually being elected secretary-treasurer himself in 2002. By the time he was elected president of the international parent union UNITE HERE 10 years later, the local Culinary had tripled in size, becoming an essential resource for hospitality workers in the region, and a powerhouse in Nevada politics.

Under his tenure as president of UNITE HERE from 2012 to 2024, over 140,500 workers have joined the union, making UNITE HERE the fastest growing private sector affiliate of the AFL–CIO.

On a personal note, as the proud son of a UNITE HERE Local 11 retiree, looking back, I now know why families like mine could see a doctor when we were sick or could take time off of work each year for vacation—or could even afford to buy a home. It is because of a good union contract. And it is because of the leadership of people like D. Taylor.

For decades, he has fought to improve the quality of working standards for service employees across the country, defending that most basic belief that no matter who you are or where you come from, ''One Job Should Be Enough.''

While we know his work advocating for working people doesn't end today, we honor D. Taylor for his tireless dedication and the transformative impact he has had on the lives of hundreds of thousands of workers.●

50TH ANNIVERSARY OF TABLE ROCK LAKE AREA CHAMBER OF COMMERCE

● Mr. SCHMITT. Mr. President, I rise today to recognize 50 years of steady economic development, volunteerism, and stewardship from the Table Rock Lake Area Chamber of Commerce in Missouri.

Formed in 1974 as the Kimberling City Chamber of Commerce, the group has adapted and changed to accommodate the needs and interest of its community. In the 1990s, the chamber launched an initiative to protect the waters of Table Rock Lake, which spawned a part of the organization known today as H2Ozarks. Now, the chamber has embarked on a 5-year economic development initiative called Launch Stone County and has recently moved to a new location in Branson West to provide additional services to the business community.

The chamber has remained committed to promoting tourism of Stone County and the Ozarks, working to preserve the beauty of Table Rock Lake for future generations to enjoy. I am proud that such a vibrant community of small businesses exists and thrives in Missouri and hope Table Rock Lake continues to be a celebrated tourist destination for years to come.●

PRESIDENTIAL MESSAGES

REPORT OF THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13873 OF MAY 15, 2019, WITH RESPECT TO SECURING THE INFORMATION AND COMMUNICATIONS TECHNOLOGY AND SERVICES SUPPLY CHAIN—PM 50

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13873 of May 15, 2019, with respect to securing the information and communications technology and services supply chain, is to continue in effect beyond May 15, 2024.

The unrestricted acquisition or use in the United States of information and communications technology or services designed, developed, manufactured, or supplied by persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries augments the ability of these foreign adversaries to create and exploit vulnerabilities in information and communications technology or services, with potentially catastrophic effects. This threat continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13873 with respect to securing the information and communications technology and services supply chain.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *May 8, 2024.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE ACTIONS OF THE GOVERNMENT OF SYRIA—PM 51

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to

the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004—as modified in scope and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, Executive Order 13460 of February 13, 2008, Executive Order 13572 of April 29, 2011, Executive Order 13573 of May 18, 2011, Executive Order 13582 of August 17, 2011, Executive Order 13606 of April 22, 2012, and Executive Order 13608 of May 1, 2012—is to continue in effect beyond May 11, 2024.

The regime's brutality and repression of the Syrian people, who have called for freedom and a representative government, not only endangers the Syrian people themselves, but also generates instability throughout the region. The Syrian regime's actions and policies, including with respect to chemical weapons and supporting terrorist organizations, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared in Executive Order 13338 with respect to Syria.

In addition, the United State condemns the brutal violence and human rights violations and abuses of the Assad regime and its Russian and Iranian enablers. The United States calls on the Assad regime, and its backers, to stop its violent war against its own people, enact a nationwide ceasefire, facilitate the unhindered delivery of humanitarian assistance to all Syrians in need, and negotiate a political settlement in Syria in line with United Nations Security Council Resolution 2254. The United States will consider changes in policies and actions of the Government of Syria in determining whether to continue or terminate this national emergency in the future.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *May 8, 2024*.

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13667 OF MAY 12, 2014, WITH RESPECT TO THE CENTRAL AFRICAN REPUBLIC—PM 52

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the Central African Republic declared in Executive Order 13667 of May 12, 2014, is to continue in effect beyond May 12, 2024.

The situation in and in relation to the Central African Republic has been marked by a breakdown of law and order; intersectarian tension; the pervasive, often forced recruitment and use of child soldiers; and widespread violence and atrocities, including those committed by Kremlin-linked and Yevgeniy Prigozhin-affiliated entities such as the Wagner Group. These dynamics threaten the peace, security, or stability of the Central African Republic and neighboring states, and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13667 with respect to the Central African Republic.

JOSEPH R. BIDEN, Jr.
THE WHITE HOUSE, *May 8, 2024*.

MESSAGES FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3354. An act to designate the facility of the United States Postal Service located at 220 North Hatcher Avenue in Purcellville, Virginia, as the ''Secretary of State Madeleine Albright Post Office Building''.

H.R. 6192. An act to amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes.

H.R. 7423. An act to designate the facility of the United States Postal Service located at 103 Benedette Street in Rayville, Louisiana, as the ''Luke Letlow Post Office Building''.

The message also announced that the House having proceeded to reconsider the resolution (H.J. Res. 98) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to ''Standard for Determining Joint Employer Status'', returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

At 5:25 p.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 8289. An act to extend authorizations for the airport improvement program, to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

ENROLLED BILL SIGNED

At 6:43 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1042. An act to prohibit the importation into the United States of unirradiated low-enriched uranium that is produced in the Russian Federation, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3354. An act to designate the facility of the United States Postal Service located at 220 North Hatcher Avenue in Purcellville, Virginia, as the ''Secretary of State Madeleine Albright Post Office Building'' ; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6192. An act to amend the Energy Policy and Conservation Act to prohibit the Secretary of Energy from prescribing any new or amended energy conservation standard for a product that is not technologically feasible and economically justified, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 7423. An act to designate the facility of the United States Postal Service located at 103 Benedette Street in Rayville, Louisiana, as the ''Luke Letlow Post Office Building'' ; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4405. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Chief Human Capital Officers Council's annual report to Congress for 2023; to the Committee on Homeland Security and Governmental Affairs.

EC–4406. A communication from the National Cyber Director, Executive Office of the President, transmitting, pursuant to law, a report entitled ''2024 Report on the Cybersecurity Posture of the United States''; to the Committee on Homeland Security and Governmental Affairs.

EC–4407. A communication from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4408. A communication from the Secretary, American Battle Monuments Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report

relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4409. A communication from the Staff Director, Federal Election Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4410. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, a report entitled ''Surface Transportation Board, Office of Equal Employment Opportunity Fiscal Year 2023 Annual Report to Congress'' received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4411. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–457, ''Black LGBTQIA+ History Preservation Establishment Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4412. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–459, ''Lee Elder Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4413. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–460, ''Jesse Mitchell Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4414. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–461, ''Floodplain Review Authority Amendment Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4415. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–462, ''Robert L. Yeldell Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4416. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–463, ''Self Storage Lien Enforcement Modernization Amendment Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4417. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–464, ''St. Luke's Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4418. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–465, ''Annie's Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4419. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–466, ''Pastor John W. Davis Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4420. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–467, ''Sladen's Court Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4421. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–468, ''Blue and White Marching Machine Way Designation Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4422. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 25–458, ''Office of Administrative Hearings Jurisdiction Amendment Act of 2024''; to the Committee on Homeland Security and Governmental Affairs.

EC–4423. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Appellate Jurisdiction Update''; to the Committee on Homeland Security and Governmental Affairs.

EC–4424. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–4425. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department of Defense's Agency Financial Report for fiscal year 2023; to the Committee on Homeland Security and Governmental Affairs.

EC–4426. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4427. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2024–05, Small Entity Compliance Guide'' (FAC 2024–05) received in the Office of the President of the Senate on April 23, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4428. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2024–05, Technical Amendments'' (FAC 2024–05) received in the Office of the President of the Senate on April 23, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4429. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; FAR Case 2022–006, Sustainable Procurement'' (RIN9000–AO43) received in the Office of the President of the Senate on April 23, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4430. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4431. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the Commission's fiscal year 2018 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4432. A communication from the Executive Director, Equal Employment Opportunity Office, United States Postal Service, transmitting, pursuant to law, the Postal Service's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4433. A communication from the Director, Congressional Affairs and Public Relations, U.S. Trade and Development Agency, transmitting, pursuant to law, the Agency's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4434. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4435. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the National Credit Union Administration's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4436. A communication from the Director of the Regulatory Secretariat Division, Office of the General Counsel, General Services Administration, transmitting, pursuant to law, the report of a rule entitled ''General Services Administration Acquisition Regulation (GSAR); Reformatting Clause for Direct 8(a) Contracting'' (RIN3090–AK56) received in the Office of the President of the Senate on April 16, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4437. A communication from the Chair of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act); to the Committee on Homeland Security and Governmental Affairs.

EC–4438. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Government in the Sunshine Act during calendar year 2023; to the Committee on Homeland Security and Governmental Affairs.

EC–4439. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a legislative proposal relative to authorizing protective services for former federal government officials or the reimbursement of pre-approved protective services to

such officials; to the Committee on Homeland Security and Governmental Affairs.

EC–4440. A communication from the Director of Acquisition Policy, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2024–04, Small Entity Compliance Guide'' (FAC 2024–04) received in the Office of the President of the Senate on April 11, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4441. A communication from the Acting Vice President of External Affairs, U.S. International Development Finance Corporation, transmitting, pursuant to law, the Department's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4442. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4443. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4444. A communication from the Chairman and Chief Executive and Administrative Officer, Federal Labor Relations Authority, transmitting, pursuant to law, the Office of Inspector General Semiannual Report for the period of October 1, 2023 through March 31, 2024 received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4445. A communication from the Chairman, Federal Labor Relations Authority, transmitting, pursuant to law, the Authority's fiscal year 2023 inventory that classifies that it performs as either inherently governmental or commerical, and includes the number of full-time equivalents needed to perform each activity and the place of performance; to the Committee on Homeland Security and Governmental Affairs.

EC–4446. A communication from the Director of Acquisition Policy, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Federal Acquisition Regulation; Federal Acquisition Circular 2024–04, Introduction'' (FAC 2024–04) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on Homeland Security and Governmental Affairs.

EC–4447. A communication from the Director, Equal Employment Opportunities and Diversity Programs, National Archives and Records Administration, transmitting, pursuant to law, the Administration's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4448. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Office's fiscal year 2023 report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of the President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4449. A communication from the Director, Office of Civil Rights, Department of Commerce, transmitting, pursuant to law, the Department's fiscal year 2023 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act) received in the Office of President pro tempore; to the Committee on Homeland Security and Governmental Affairs.

EC–4450. A communication from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting nine (9) legislative proposals relative to detect fentanyl suppliers or to defeat fentanyl traffickers; to the Committee on the Judiciary.

EC–4451. A communication from the Solicitor General, Department of Justice, transmitting, pursuant to law, a report relative to the decision not to seek Supreme Court review of the Valancourt Books, LLC v. Garland decision of the United States Court of Appeals for the District of Columbia Circuit; to the Committee on the Judiciary.

EC–4452. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Adoption of Updated WIPO Standard ST.26; Revision to Incorporation by Reference'' (RIN0651–AD80) received during adjournment of the Senate in the Office of the President of the Senate on May 5, 2024; to the Committee on the Judiciary.

EC–4453. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Jurisdictional Thresholds for Section 7A of the Clayton Act'' received during adjournment of the Senate in the Office of the President of the Senate on May 5, 2024; to the Committee on the Judiciary.

EC–4454. A communication from the Chief Regulatory Officer, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for 'T' Nonimmigrant Status'' (RIN1615–AA59) received in the Office of the President of the Senate on April 30, 2024; to the Committee on the Judiciary.

EC–4455. A communication from the Acting Assistant Director, U.S. Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Removal of Obsolete Procedures and Requirements Related to F, J, and M Nonimmigrants'' (RIN1653–AA87) received in the Office of the President of the Senate on April 30, 2024; to the Committee on the Judiciary.

EC–4456. A communication from the Division Chief of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Definition of 'Engaged in the Business as a Dealer in Firearms' '' (RIN1140–AA58) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2024; to the Committee on the Judiciary.

EC–4457. A communication from the Division Chief of Regulatory Affairs, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Bipartisan Safer Communities Act Conforming Regulations'' (RIN1140–AA57) received during adjournment of the Senate in the Office of the President of the Senate on April 22, 2024; to the Committee on the Judiciary.

EC–4458. A communication from the Chair of the U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2023–2024 amendment cycle; to the Committee on the Judiciary.

EC–4459. A communication from the Chief Regulatory Officer, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants'' (RIN1615–AC78) received in the Office of the President of the Senate on April 11, 2024; to the Committee on the Judiciary.

EC–4460. A communication from the Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''The Department of Justice Freedom of Information Act 2023 Litigation and Compliance Report,'' and the Uniform Resource Locator (URL) for all federal agencies' Freedom of Information Act reports; to the Committee on the Judiciary.

EC–4461. A communication from the President and Chief Executive Officer, National Commissioner, and the National Chair, Boy Scouts of America, transmitting, pursuant to law, the organization's 2023 annual report; to the Committee on the Judiciary.

EC–4462. A communication from the Solicitor General, Department of Justice, transmitting, pursuant to law, a report relative to the decision not to appeal the United States v. Price decision of the United States District Court for the Northern District of Illinois; to the Committee on the Judiciary.

EC–4463. A communication from the Agency Representative, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Signature Requirements Related to Acceptance of Electronic Signatures for Patent Correspondence'' (RIN0651–AD73) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2024; to the Committee on the Judiciary.

EC–4464. A communication from the Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Nondiscrimination on the Basis of Disability by Public Accommodations—Movie Theaters; Accessibility of Web Information and Services of State and Local Government Entities'' (RIN1190–AA79) received in the Office of the President of the Senate on April 11, 2024; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–104. A concurrent resolution adopted by the Legislature of the State of Nevada urging the expansion of comprehensive cardiovascular screening programs and directing the Joint Interim Standing Committee on Health and Human Services to conduct a study concerning such programs and certain other matters relating to cardiovascular disease; to the Committee on Health, Education, Labor, and Pensions.

SENATE CONCURRENT RESOLUTION NO. 5

Whereas, The Centers for Disease Control and Prevention of the United States Department of Health and Human Services has stated that cardiovascular disease is the leading cause of death in the United States; and

Whereas, According to the Centers for Disease Control and Prevention, approximately 20.1 million people have been diagnosed with atherosclerotic cardiovascular disease and are at risk of a cardiovascular event; and

Whereas, The Mayo Clinic has stated that atherosclerotic cardiovascular disease is linked to cholesterol accumulating in the arteries and the risk of associated cardiovascular events may be reduced by lowering low-density lipoprotein cholesterol; and

Whereas, According to a report from the American Heart Association, in 2016, nearly 68 million adults in the United States had a high level of low-density lipoprotein cholesterol; and

Whereas, The Centers for Disease Control and Prevention has reported that 47 million people in the United States are currently receiving medication to lower their level of low-density lipoprotein cholesterol and thereby manage their risk of a cardiovascular event; and

Whereas, Data from the National Health and Nutrition Examination Survey in 2011–2012 provides that only approximately 20 percent of people with atherosclerotic cardiovascular disease who are taking statins, a leading therapy to lower low-density lipoprotein cholesterol, are successfully reducing their level of low-density lipoprotein cholesterol to a healthy level; and

Whereas, According to the American Heart Association, the total direct and indirect cost of atherosclerotic cardiovascular disease in the United States was $555 billion in 2016 and is projected to reach $1.1 trillion by 2035; and

Whereas, The Centers for Disease Control and Prevention has stated that health care professionals in Nevada have diagnosed 8 percent of adults in this State with a symptom of atherosclerotic and cardiovascular disease, including, without limitation, an angina, stroke, heart attack or coronary heart disease; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the members of the 82nd Session of the Nevada Legislature urge state agencies to expand comprehensive cardiovascular screening programs to allow for earlier identification of patients at risk of cardiovascular events; and be it further

Resolved, That the members of the 82nd Session of the Nevada Legislature urge state agencies to explore ways to collaborate with federal agencies and national organizations to establish or expand comprehensive cardiovascular screening programs; and be it further

Resolved, That the members of the 82nd Session of the Nevada Legislature urge state agencies to evaluate programs to improve cardiovascular health which are operating in this State for the purpose of accelerating improvements in the care rendered to patients at risk of cardiovascular events such that improvements in screening, treatment, monitoring and health outcomes are achieved; and be it further

Resolved, That the members of the 82nd Session of the Nevada Legislature urge the development of policies to reduce the number of Americans who die as a result of atherosclerotic cardiovascular disease; and be it further

Resolved, That the members of the 82nd Session of the Nevada Legislature direct the Joint Interim Standing Committee on Health and Human Services to conduct a study during the 2023–2024 interim concerning cardiovascular screening programs that are currently operating in this State, ways for state agencies to collaborate with federal agencies and private organizations in the evaluation and expansion of such programs and other matters relating to cardiovascular disease; and be it further

Resolved, That the study must include a review of the Get With The Guidelines program of the American Heart Association, the degree to which the program has been adopted by health facilities in this State and the success of the program where adopted by health facilities in this State; and be it further

Resolved, That the study must consider the provision of reimbursement under the Medicaid program for the remote monitoring of cardiovascular health; and be it further

Resolved, That the study must include a review of the implementation of Complete Streets Programs pursuant to NRS 403.575 and the identification of gaps in reforms to zoning laws in order to promote zoning that is more conducive to good cardiovascular health; and be it further

Resolved, That, pursuant to subsection 4 of NRS 218E.330, the Committee shall submit a report of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature; and be it further

Resolved, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and United States Senate and other federal and state government officials and agencies as appropriate; and be it further

Resolved, That this resolution becomes effective upon adoption.

POM–105. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging the President of the United States and the United States Congress to refrain from reducing appropriations to the Victims of Crime Act (VOCA) Victims Fund for fiscal year 2024 and instead restore full funding of VOCA to fiscal year 2021 levels; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 195

Whereas, since 1984, millions of victims have been provided essential support resources through the Victims of Crime Act (VOCA) Victims Fund; and

Whereas, the Fiscal Year 2024 funding proposal currently before the United States Congress proposes reducing appropriations for this fund by $700 million; and

Whereas, this reduction in federal funding could result in the elimination of direct services for more than 10,000 victims of crime throughout Tennessee; and

Whereas, Tennessee's District Attorneys General use federal VOCA grants to fund forty-five specially trained Victim Witness Coordinator (VWC) positions; and

Whereas, these VWCs support victims of crime who are navigating the court system by assisting with orders of protection and restraining orders, accompanying victims to court, providing service referrals, and helping victims apply for restitution and crime injuries compensation; and

Whereas, of the more than 10,000 victims served by VWCs in 2023, approximately seventy-five percent were encountering the court system for the first time; and

Whereas, in addition to their critical role as advocates for victims and survivors. VWCs are the link that connects victims to the successful prosecution of criminal cases; and

Whereas, it is essential that victims have the resources they need to navigate the court system in pursuit of justice, and thus, the VOCA Victims Fund is a critical resource that should be fully funded by Congress; now, therefore, be it

Resolved, by the Senate of the One Hundred Thirteenth General Assembly of the State of Tennessee, that we urge the President of the United States and the U.S. Congress to refrain from reducing appropriations to the Victims of Crime Act (VOCA) Victims Fund for Fiscal Year 2024 and instead restore full funding of VOCA to Fiscal Year 2021 levels; and be it further

Resolved, That a certified copy of this resolution be transmitted to Joe Biden, President of the United States; the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the U.S. Senate; and each member of Tennessee's delegation to the U.S. Congress.

POM–106. A resolution adopted by the Senate of the General Assembly of the State of Tennessee urging the President of the United States and the United States Congress to refrain from reducing appropriations to the Victims of Crime Act (VOCA) Victims Fund for fiscal year 2024 and instead restore full funding of VOCA to fiscal year 2021 levels; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 195

Whereas, since 1984, millions of victims have been provided essential support and resources through the Victims of Crime Act (VOCA) Victims Fund; and

Whereas, the Fiscal Year 2024 funding proposal currently before the United States Congress proposes reducing appropriations for this fund by $700 million; and

Whereas, this reduction in federal funding could result in the elimination of direct services for more than 10,000 victims of crime throughout Tennessee; and

Whereas, Tennessee's District Attorneys General use federal VOCA grants to fund forty-five specially trained Victim Witness Coordinator (VWC) positions; and

Whereas, these VWCs support victims of crime who are navigating the court system by assisting with orders of protection and restraining orders, accompanying victims to court, providing service referrals, and helping victims apply for restitution and crime injuries compensation; and

Whereas, of the more than 10,000 victims served by VWCs in 2023, approximately seventy-five percent were encountering the court system for the first time; and

Whereas, in addition to their critical role as advocates for victims and survivors, VWCs are the link that connects victims to the successful prosecution of criminal cases; and

Whereas, it is essential that victims have the resources they need to navigate the court system in pursuit of justice, and thus, the VOCA Victims Fund is a critical resource that should be fully funded by Congress; Now, therefore, be it

Resolved by the Senate of the One Hundred Thirteenth General Assembly of the State of Tennessee,

That we urge the President of the United States and the U.S. Congress to refrain from reducing appropriations to the Victims of Crime Act (VOCA) Victims Fund for Fiscal Year 2024 and instead restore full funding of VOCA to Fiscal Year 2021 levels; and be it further

Resolved, That a certified copy of this resolution be transmitted to Joe Biden, President of the United States; the Speaker and the Clerk of the United States House of Representatives; the President and the Secretary of the U.S. Senate; and each member of Tennessee's delegation to the U.S. Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARSHALL (for himself and Ms. WARREN):

S. 4278. A bill to require the Secretary of Health and Human Services to issue regulations to ensure due process rights for physicians before any termination, restriction, or reduction of the professional activity of such physicians or staff privileges of such physicians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROMNEY (for himself, Mr. KAINE, Mr. RISCH, and Mr. HAGERTY):

S. 4279. A bill to require the Department of State and the Department of Defense to engage with the Government of Japan regarding areas of cooperation within the Pillar Two framework of the AUKUS partnership, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUMENTHAL (for himself and Mr. CORNYN):

S. 4280. A bill to amend titles XVIII and XIX of the Social Security Act to require skilled nursing facilities, nursing facilities, intermediate care facilities for the intellectually disabled, and inpatient rehabilitation facilities to permit essential caregivers access during any period in which regular visitation is restricted; to the Committee on Finance.

By Mr. MURPHY (for himself and Ms. SMITH):

S. 4281. A bill to establish a student loan forgiveness plan for certain borrowers who are employed at a qualified farm or ranch; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROUNDS:

S. 4282. A bill to prohibit the Secretary of Agriculture from implementing any rule or regulation requiring the mandatory use of electronic identification eartags on cattle and bison; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, Ms. DUCKWORTH, Mr. MERKLEY, and Mr. SANDERS):

S. 4283. A bill to establish grants to provide education on guardianship alternatives for older adults and people with disabilities to health care workers, educators, family members, and court workers and court-related personnel; to the Committee on Health, Education, Labor, and Pensions.

By Mr. RUBIO (for himself and Ms. ROSEN):

S. 4284. A bill to amend title 38, United States Code, to increase the amount of monthly housing stipend received by parents pursuing a program of education through distance learning using Post-9/11 Educational Assistance, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PETERS (for himself and Mr. BUDD):

S. 4285. A bill to amend the National Defense Authorization Act for Fiscal Year 2016 to improve cooperation between the United States and Israel on anti-tunnel defense capabilities; to the Committee on Foreign Relations.

By Ms. WARREN (for herself, Ms. BALDWIN, Mr. BLUMENTHAL, Mr. BOOKER, Mr. MARKEY, Mr. VAN HOLLEN, Mr. CASEY, Ms. KLOBUCHAR, Mr. SCHATZ, Mr. PADILLA, Ms. SMITH, Mr. MERKLEY, Mr. HEINRICH, Mr. BROWN, Mr. WELCH, Mr. FETTERMAN, and Ms. BUTLER):

S. 4286. A bill to provide emergency assistance to States, territories, Tribal nations, and local areas affected by substance use disorder, including the use of opioids and stimulants, and to make financial assistance available to States, territories, Tribal nations, local areas, public or private nonprofit entities, and certain health providers, to provide for the development, organization, coordination, and operation of more effective and cost efficient systems for the delivery of essential services to individuals with substance use disorder and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COTTON (for himself and Mr. VANCE):

S. 4287. A bill to establish a program of workforce development as an alternative to college for all, and for other purposes; to the Committee on Finance.

By Mr. SCOTT of South Carolina (for himself and Mr. COONS):

S. 4288. A bill to amend the Atomic Energy Act of 1954 to provide for more efficient hearings on nuclear facility construction applications, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself and Mr. MERKLEY):

S. 4289. A bill to cancel existing medical debt, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 4290. A bill to permit voluntary economic activity; to the Committee on the Judiciary.

By Mr. PAUL:

S. 4291. A bill to repeal the limitations on multiple ownership of radio and television stations imposed by the Federal Communications Commission, to prohibit the Federal Communications Commission from limiting common ownership of daily newspapers and full-power broadcast stations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LEE (for himself, Mr. CRAMER, Mr. CRUZ, Mr. TUBERVILLE, Mr. MARSHALL, Mr. BUDD, Mr. KENNEDY, and Mr. SCOTT of Florida):

S. 4292. A bill to amend the National Voter Registration Act of 1993 to require proof of United States citizenship to register an individual to vote in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. MCCONNELL:

S. 4293. A bill to designate the United States courthouse annex located at 310 South Main Street in London, Kentucky, as the ''Eugene E. Siler, Jr. United States Courthouse Annex''; to the Committee on Environment and Public Works.

By Ms. HASSAN (for herself and Mr. LANKFORD):

S. 4294. A bill to direct the Secretary of Homeland Security to negotiate with the Government of Canada regarding an agreement for integrated cross border aerial law enforcement operations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN (for himself, Ms. COLLINS, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. PADILLA, Mr. CARPER, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Mr. CASEY, Mr. WELCH, Mr. HICKENLOOPER, Mr. KING, Mr. MERKLEY, Mr. DURBIN, Ms. BUTLER, Mr. KAINE, Ms. HIRONO, Ms. KLOBUCHAR, Ms. HASSAN, Mr. MANCHIN, Mr. SANDERS, Mr. BOOKER, Mr. VAN HOLLEN, Ms. CANTWELL, Mr. BENNET, Mr. HAGERTY, Mr. CRAMER, Mr. RUBIO, and Mrs. CAPITO):

S. Res. 677. A resolution recognizing the roles and contributions of the teachers of the United States in building and enhancing the civic, cultural, and economic well-being of the United States; considered and agreed to.

By Mr. SULLIVAN (for himself and Mr. VAN HOLLEN):

S. Res. 678. A resolution designating May 3, 2024, as ''United States Foreign Service Day'' in recognition of the men and women who have served, or are presently serving, in the Foreign Service of the United States, and honoring the members of the Foreign Service who have given their lives in the line of duty; considered and agreed to.

By Mr. CORNYN (for himself, Mr. CASEY, Mrs. BLACKBURN, and Ms. HASSAN):

S. Res. 679. A resolution expressing support for the goals and ideals of National Child Abuse Prevention Month; considered and agreed to.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. Con. Res. 36. A concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I; considered and agreed to.

ADDITIONAL COSPONSORS

S. 76

At the request of Mr. RUBIO, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. 76, a bill to require the Secretary of Health and Human Services to furnish tailored information to expecting mothers, and for other purposes.

S. 138

At the request of Mr. MERKLEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 138, a bill to amend the Tibetan Policy Act of 2002 to modify certain provisions of that Act.

S. 341

At the request of Mr. MORAN, the name of the Senator from Kansas (Mr. MARSHALL) was added as a cosponsor of S. 341, a bill to amend the Internal Revenue Code of 1986 to exclude certain broadband grants from gross income.

S. 815

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 815, a bill to award a Congressional Gold Medal to the female telephone operators of the Army Signal Corps, known as the ''Hello Girls''.

S. 2311

At the request of Mr. PADILLA, the name of the Senator from Oklahoma (Mr. MULLIN) was added as a cosponsor of S. 2311, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 2028 Olympic and Paralympic Games in Los Angeles, California.

S. 2340

At the request of Ms. SMITH, the name of the Senator from Connecticut

(Mr. MURPHY) was added as a cosponsor of S. 2340, a bill to establish the Increasing Land, Capital, and Market Access Program within the Farm Service Agency Office of Outreach and Education.

S. 2771

At the request of Ms. HASSAN, the names of the Senator from Michigan (Mr. PETERS) and the Senator from North Carolina (Mr. TILLIS) were added as cosponsors of S. 2771, a bill to allow additional individuals to enroll in standalone dental plans offered through Federal Exchanges.

S. 3047

At the request of Mr. RUBIO, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3047, a bill to award payments to employees of Air America who provided support to the United States from 1950 to 1976, and for other purposes.

S. 3142

At the request of Mr. RUBIO, the names of the Senator from Nevada (Ms. CORTEZ MASTO), the Senator from Michigan (Mr. PETERS) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 3142, a bill to amend the Fair Labor Standards Act of 1938 to expand the prohibition related to child labor, and for other purposes.

S. 3580

At the request of Mr. CASSIDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3580, a bill to require institutions of higher education participating in Federal student aid programs to share information about title VI of the Civil Rights Act of 1964, including a link to the webpage of the Office for Civil Rights where an individual can submit a complaint regarding discrimination in violation of such title, and for other purposes.

S. 3629

At the request of Mr. RUBIO, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 3629, a bill to amend title 18, United States Code, to revise recidivist penalty provisions for child sexual exploitation offenses to uniformly account for prior military convictions, thereby ensuring parity among Federal, State, and military convictions, and for other purposes.

S. 3733

At the request of Mr. PETERS, the name of the Senator from Ohio (Mr. VANCE) was added as a cosponsor of S. 3733, a bill to require the Secretary of Health and Human Services to conduct a national, evidence-based education campaign to increase public and health care provider awareness regarding the potential risks and benefits of human cell and tissue products transplants, and for other purposes.

S. 3832

At the request of Mr. TILLIS, the names of the Senator from West Virginia (Mrs. CAPITO) and the Senator from Virginia (Mr. KAINE) were added as cosponsors of S. 3832, a bill to amend title XVIII of the Social Security Act to ensure appropriate access to non-opioid pain management drugs under part D of the Medicare program.

S. 4091

At the request of Ms. ROSEN, the names of the Senator from North Dakota (Mr. CRAMER), the Senator from Pennsylvania (Mr. FETTERMAN), the Senator from Idaho (Mr. CRAPO) and the Senator from Arizona (Mr. KELLY) were added as cosponsors of S. 4091, a bill to strengthen Federal efforts to counter antisemitism in the United States.

S. 4094

At the request of Mr. SCOTT of South Carolina, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 4094, a bill to amend title XVIII of the Social Security Act to provide for coverage of the Medicare Diabetes Prevention program, and for other purposes.

S. 4141

At the request of Mr. YOUNG, the names of the Senator from North Dakota (Mr. CRAMER), the Senator from Connecticut (Mr. MURPHY), the Senator from Georgia (Mr. OSSOFF), the Senator from Minnesota (Ms. SMITH) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 4141, a bill to require the Secretary of the Treasury to mint coins in commemoration of the FIFA World Cup 2026, and for other purposes.

S. 4240

At the request of Mr. COTTON, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 4240, a bill to establish that an individual who is convicted of any offense under any Federal or State law related to the individual's conduct at and during the course of a protest that occurs at an institution of higher education shall be ineligible for forgiveness, cancellation, waiver, or modification of certain Federal student loans.

S. 4249

At the request of Mr. RUBIO, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 4249, a bill to require the Secretary of Defense to conduct a study on access to operational energy by the Armed Forces in the Indo-Pacific region.

S. 4263

At the request of Mr. LANKFORD, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 4263, a bill to require agencies to publish an advance notice of proposed rulemaking for major rules.

S. 4272

At the request of Mr. WARNOCK, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 4272, a bill to direct the Joint Committee of Congress on the Library to obtain a statue of Shirley Chisholm for placement in the United States Capitol.

S. 4275

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 4275, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations.

S. RES. 676

At the request of Mr. MERKLEY, the name of the Senator from Alabama (Mrs. BRITT) was added as a cosponsor of S. Res. 676, a resolution supporting the goals and ideals of National Nurses Week, to be observed from May 6 through May 12, 2024.

AMENDMENT NO. 1921

At the request of Mr. CRUZ, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 1921 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 1923

At the request of Mr. KAINE, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 1923 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 1924

At the request of Mrs. CAPITO, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 1924 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 1991

At the request of Ms. CORTEZ MASTO, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of amendment No. 1991 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 2024

At the request of Mr. LUJÁN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from North Dakota (Mr. CRAMER), the Senator from Idaho (Mr. RISCH), the Senator from Kansas (Mr. MARSHALL), the Senator from Michigan (Mr. PETERS), the Senator from Hawaii (Mr. SCHATZ) and the Senator from California (Mr. PADILLA) were added as cosponsors of amendment No. 2024 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

AMENDMENT NO. 2030

At the request of Mr. VAN HOLLEN, the name of the Senator from Michigan (Mr. PETERS) was added as a cosponsor of amendment No. 2030 intended to be proposed to H.R. 3935, a bill to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCONNELL:

S. 4293. A bill to designate the United States courthouse annex located at 310 South Main Street in London, Kentucky, as the ''Eugene E. Siler, Jr. United States Courthouse Annex''; to the Committee on Environment and Public Works.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 4293

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EUGENE E. SILER, JR. UNITED STATES COURTHOUSE ANNEX.

(a) DESIGNATION.—The United States courthouse annex located at 310 South Main Street in London, Kentucky, shall be known and designated as the ''Eugene E. Siler, Jr. United States Courthouse Annex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse annex referred to in subsection (a) shall be deemed to be a reference to the ''Eugene E. Siler, Jr. United States Courthouse Annex''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 677—RECOGNIZING THE ROLES AND CONTRIBUTIONS OF THE TEACHERS OF THE UNITED STATES IN BUILDING AND ENHANCING THE CIVIC, CULTURAL, AND ECONOMIC WELL-BEING OF THE UNITED STATES

Mr. BROWN (for himself, Ms. COLLINS, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Mr. PADILLA, Mr. CARPER, Mr. PETERS, Mr. REED, Mrs. SHAHEEN, Mr. CASEY, Mr. WELCH, Mr. HICKENLOOPER, Mr. KING, Mr. MERKLEY, Mr. DURBIN, Ms. BUTLER, Mr. KAINE, Ms. HIRONO, Ms. KLOBUCHAR, Ms. HASSAN, Mr. MANCHIN, Mr. SANDERS, Mr. BOOKER, Mr. VAN HOLLEN, Ms. CANTWELL, Mr. BENNET, Mr. HAGERTY, Mr. CRAMER, Mr. RUBIO, and Mrs. CAPITO) submitted the following resolution; which was considered and agreed to:

S. RES. 677

Whereas education and knowledge are the foundation of the current and future strength of the United States;

Whereas teachers and other education staff have earned and deserve the respect of their students and communities for the selfless dedication of the teachers and staff to community service and the futures of the children of the United States;

Whereas teachers and other education staff have taken on many new challenges in recent years, including—

(1) helping to address pandemic learning loss;

(2) supporting the mental and behavioral health needs of students; and

(3) navigating a changing classroom environment;

Whereas the purposes of National Teacher Appreciation Week, celebrated from May 6, 2024, through May 10, 2024, are—

(1) to raise public awareness of the unquantifiable contributions of teachers; and

(2) to promote greater respect and understanding for the teaching profession; and

Whereas students, schools, communities, and a number of organizations representing educators are recognizing the importance of teachers during National Teacher Appreciation Week: Now, therefore, be it

Resolved, That the Senate—

(1) thanks the teachers of the United States; and

(2) promotes the profession of teaching and the contributions of educators by encouraging students, parents, school administrators, and public officials to recognize National Teacher Appreciation Week.

SENATE RESOLUTION 678—DESIGNATING MAY 3, 2024, AS ''UNITED STATES FOREIGN SERVICE DAY'' IN RECOGNITION OF THE MEN AND WOMEN WHO HAVE SERVED, OR ARE PRESENTLY SERVING, IN THE FOREIGN SERVICE OF THE UNITED STATES, AND HONORING THE MEMBERS OF THE FOREIGN SERVICE WHO HAVE GIVEN THEIR LIVES IN THE LINE OF DUTY

Mr. SULLIVAN (for himself and Mr. VAN HOLLEN) submitted the following resolution; which was considered and agreed to:

S. RES. 678

Whereas the Foreign Service of the United States (referred to in this preamble as the ''Foreign Service'') was established through the enactment of the Act entitled ''An Act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes.'', approved May 24, 1924 (43 Stat. 140, chapter 182) (commonly known as the ''Rogers Act of 1924''), and is now celebrating its 100th anniversary;

Whereas the Rogers Act of 1924 established a career organization based on competitive examination and merit promotion;

Whereas, in 2024, nearly 16,000 men and women of the Foreign Service are serving at home and abroad;

Whereas Foreign Service personnel are supported by more than 60,000 locally engaged staff in nearly 300 embassies and consulates, who provide unique expertise and crucial links to host countries;

Whereas Foreign Service personnel comprise employees from the Department of State, the United States Agency for International Development, the Foreign Commercial Service, the Foreign Agricultural Service, the Animal and Plant Health Inspection Service, and the United States Agency for Global Media;

Whereas the diplomatic, consular, communications, trade, development, security, public diplomacy, and numerous other functions that Foreign Service personnel perform constitute the first and most cost-effective instrument of the United States to protect and promote United States interests abroad;

Whereas the men and women of the Foreign Service and their families are increasingly exposed to risks and danger, even in times of peace, and many have died in the service of the United States;

Whereas employees of the Foreign Service work daily—

(1) to ensure the national security of the United States;

(2) to provide assistance to United States citizens overseas;

(3) to preserve peace, freedom, and economic prosperity around the world;

(4) to promote the ideals and values of the United States, human rights, freedom, equal opportunities for women and girls, rule of law, and democracy;

(5) to promote transparency, provide accurate information, and combat disinformation;

(6) to cultivate new markets for United States products and services and develop new investment opportunities that create jobs in the United States and promote prosperity;

(7) to promote economic development, reduce poverty, end hunger and malnutrition, fight disease, combat international crime and illegal drugs, and address environmental degradation; and

(8) to provide emergency and humanitarian assistance to respond to crises around the world;

Whereas the foreign affairs agencies and the American Foreign Service Association have observed Foreign Service Day in May for many years; and

Whereas it is both appropriate and just for the United States as a whole to recognize the dedication of the men and women of the Foreign Service and to honor the members of the Foreign Service who have given their lives in the loyal pursuit of their duties and responsibilities representing the interests of the United States and of its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) honors the men and women who have served, or are presently serving, in the Foreign Service of the United States for their dedicated and important service to the United States;

(2) calls on the people of the United States to reflect on the service and sacrifice of past, present, and future employees of the Foreign Service of the United States, wherever they serve, with appropriate ceremonies and activities; and

(3) designates May 3, 2024, as ''United States Foreign Service Day'' to commemorate the 100th anniversary of the Foreign Service of the United States.

SENATE RESOLUTION 679—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. CORNYN (for himself, Mr. CASEY, Mrs. BLACKBURN, and Ms. HASSAN) submitted the following resolution; which was considered and agreed to:

S. RES. 679

Whereas children are fundamental to the success of the United States and will shape the future of the United States;

Whereas elected representatives and leaders in the communities of the United States must be ever vigilant and proactive in support of evidence-based means to prevent child abuse and neglect and support families;

Whereas adverse childhood experiences (referred to in this preamble as ''ACEs'') are

traumatic experiences that occur during childhood with lasting effects and include experiences of violence, abuse, or neglect;

Whereas at least 5 of the top 10 leading causes of death are associated with ACEs;

Whereas preventing ACEs could reduce many health conditions, including—

(1) up to 21,000,000 cases of depression;

(2) up to 1,900,000 cases of heart disease; and

(3) up to 2,500,000 cases of overweight and obesity;

Whereas every child is filled with tremendous promise, and we all have a collective responsibility to prevent ACEs, foster the potential of every child, and promote positive childhood experiences;

Whereas primary prevention of child abuse and neglect can reduce the lifetime economic burden associated with child maltreatment;

Whereas, in 2022, an estimated 7,530,000 children were referred to child protective services agencies, alleging maltreatment;

Whereas, in 2022, the National Center for Missing and Exploited Children's CyberTipline received nearly 32,000,000 reports of suspected online child sexual exploitation, which marked the highest number of reports ever received in 1 year;

Whereas reports indicate that 1 in 4 girls and 1 in 20 boys experience sexual abuse before their eighteenth birthday, with more than 42,000,000 estimated child sexual abuse survivors in the United States;

Whereas approximately 1 in 7 children in the United States experienced child abuse, neglect, or both between 2022 and 2023;

Whereas 43 percent of children exposed to inappropriate sexual content on social media are under 13 years old, and 1 in 5 are 9 years old or younger;

Whereas 91 percent of child sexual abuse victims are abused by a person they know and trust;

Whereas children who are sexually abused, especially when not provided appropriate treatment and support, often suffer lifelong consequences, such as physical and mental health challenges and higher risk of drug and alcohol misuse and suicide;

Whereas education and awareness of possible signs of child abuse and neglect should be prioritized for purposes of prevention;

Whereas by intervening to prevent adversity and build resilience during the most critical years of development of a child, voluntary, evidence-based, home-visiting programs have shown positive impact on—

(1) reducing the recurrence of child abuse and neglect;

(2) decreased low-birthweight babies;

(3) improved school readiness for children; and

(4) increased high school graduation rates: Now, therefore, be it

Resolved, That the Senate—

(1) expresses support for the goals and ideals of National Child Abuse Prevention Month;

(2) recognizes child abuse and neglect and child sexual abuse are preventable and that a healthy and prosperous society depends on strong families and communities;

(3) supports efforts to increase the awareness of, and provide education for, the general public of the United States, with respect to preventing child abuse and neglect and building protective factors for families;

(4) supports the efforts to help survivors of childhood sexual abuse heal;

(5) supports justice for victims of childhood sexual abuse; and

(6) recognizes the need for prevention, healing, and justice efforts related to childhood abuse and neglect and sexual abuse.

SENATE CONCURRENT RESOLUTION 36—AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO CELEBRATE THE BIRTHDAY OF KING KAMEHAMEHA I

Mr. SCHATZ (for himself and Ms. HIRONO) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 36

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF EMANCIPATION HALL FOR EVENT TO CELEBRATE BIRTHDAY OF KING KAMEHAMEHA I.

(a) AUTHORIZATION.—Emancipation Hall in the Capitol Visitor Center is authorized to be used on June 16, 2024, for an event to celebrate the birthday of King Kamehameha I.

(b) PREPARATIONS.—Physical preparations for the conduct of the event described in subsection (a) shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2033. Mr. BROWN (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table.

SA 2034. Mr. BROWN (for himself, Mr. BRAUN, Ms. STABENOW, Ms. BALDWIN, Mr. PETERS, and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2035. Mr. CORNYN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2036. Mr. PADILLA (for himself and Ms. BUTLER) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2037. Mr. CARPER (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2038. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2039. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2040. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2041. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2042. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2043. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2044. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2045. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2046. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2047. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2048. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2049. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2050. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2051. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2052. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2053. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2054. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2055. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2056. Mr. KELLY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2057. Mr. WARNER (for himself, Mr. KAINE, Mr. VAN HOLLEN, Mr. CARDIN, and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2058. Mr. OSSOFF (for himself, Mr. WARNOCK, Mrs. SHAHEEN, Mr. PADILLA, Ms. HASSAN, and Mr. WELCH) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, supra; which was ordered to lie on the table.

SA 2059. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3935, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2033. Mr. BROWN (for himself and Mr. SCOTT of South Carolina) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. TREATMENT OF CERTAIN LIQUIDATIONS OF NEW MOTOR VEHICLE INVENTORY AS QUALIFIED LIQUIDATIONS OF LIFO INVENTORY.

(a) IN GENERAL.—In the case of any dealer of new motor vehicles which inventories new motor vehicles under the LIFO method for any specified taxable year, the requirements of paragraphs (1)(B) and (2) of section 473(c) of the Internal Revenue Code of 1986 shall be treated as satisfied with respect to such inventory for such taxable year.

(b) ADDITIONAL RELIEF.—

(1) IN GENERAL.—The Secretary shall, not later than the date which is 90 days after the date of the enactment of this Act, prescribe regulations or other guidance under which dealers of new motor vehicles with a qualified liquidation (determined after application of subsection (a)) of new motor vehicles for any specified taxable year may elect—

(A) to not recognize any income in the specified taxable year which is solely attributable to such qualified liquidation, and

(B) to treat the replacement period with respect to such liquidation as being the period beginning with the first taxable year after such specified taxable year and ending with the earlier of—

(i) the first taxable year after such liquidation with respect to which such dealer does not inventory new motor vehicles under the LIFO method, or

(ii) the last taxable year ending before January 1, 2026.

(2) FAILURE TO FULLY REPLACE LIQUIDATED VEHICLES DURING REPLACEMENT PERIOD.—If, as of the close of the replacement period, the taxpayer has failed to replace all liquidated vehicles with respect to a qualified liquidation to which paragraph (1) applies, the taxpayer shall increase gross income for the last taxable year of the replacement period by the sum of—

(A) the aggregate amount of income that would have been required to be recognized in the liquidation year had the taxpayer elected to apply the provisions of section 473 of the Internal Revenue Code of 1986 and not made the election in paragraph (1), plus

(B) interest thereon at the underpayment rate established under section 6621 of such Code.

(3) ELECTIONS.—

(A) IN GENERAL.—Except to the extent provided in subparagraph (B), an election under paragraph (1) with respect to any specified taxable year shall be made by the due date (including extensions) for filing the taxpayer's return of tax for such taxable year and in such manner as the Secretary may prescribe. Once made, any such election shall be irrevocable.

(B) CERTAIN ELECTIONS TREATED AS CHANGE IN METHOD OF ACCOUNTING.—In the case of an election with respect to a specified taxable year for which the return of tax has already been filed before the date of the enactment of this Act, any election under paragraph (1) for such specified taxable year may be made on the return of tax for the first taxable year ending after the date of the enactment of this Act and shall be treated for purposes of section 481 of the Internal Revenue Code of 1986 as a change in method of accounting initiated by the taxpayer and made with the consent of the Secretary.

(c) DEFINITIONS.—For purposes of this section—

(1) SPECIFIED TAXABLE YEAR.—The term ''specified taxable year'' means any liquidation year ending after March 12, 2020, and before January 1, 2022.

(2) NEW MOTOR VEHICLE.—The term ''new motor vehicle'' means a motor vehicle—

(A) which is described in section 163(j)(9)(C)(i) of the Internal Revenue Code of 1986, and

(B) the original use of which has not commenced.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(4) OTHER TERMS.—Except as otherwise provided in this section, terms used in this section which are also used in section 473 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such section 473.

SA 2034. Mr. BROWN (for himself, Mr. BRAUN, Ms. STABENOW, Ms. BALDWIN, Mr. PETERS, and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GUARANTEED BENEFIT CALCULATION FOR CERTAIN PLANS.

(a) IN GENERAL.—

(1) INCREASE TO FULL VESTED PLAN BENEFIT.—

(A) IN GENERAL.—For purposes of determining what benefits are guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) with respect to an eligible participant or beneficiary under a covered plan specified in paragraph (4) in connection with the termination of such plan, the amount of monthly benefits shall be equal to the full vested plan benefit with respect to the participant.

(B) NO EFFECT ON PREVIOUS DETERMINATIONS.—Nothing in this section shall be construed to change the allocation of assets and recoveries under sections 4044(a) and 4022(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1344(a); 1322(c)) as previously determined by the Pension Benefit Guaranty Corporation (referred to in this section as the ''corporation'') for the covered plans specified in paragraph (4), and the corporation's applicable rules, practices, and policies on benefits payable in terminated single-employer plans shall, except as otherwise provided in this section, continue to apply with respect to such covered plans.

(2) RECALCULATION OF CERTAIN BENEFITS.—

(A) IN GENERAL.—In any case in which the amount of monthly benefits with respect to an eligible participant or beneficiary described in paragraph (1) was calculated prior to the date of enactment of this Act, the corporation shall recalculate such amount pursuant to paragraph (1), and shall adjust any subsequent payments of such monthly benefits accordingly, as soon as practicable after such date.

(B) LUMP-SUM PAYMENTS OF PAST-DUE BENEFITS.—Not later than 180 days after the date of enactment of this Act, the corporation, in consultation with the Secretary of the Treasury and the Secretary of Labor, shall make a lump-sum payment to each eligible participant or beneficiary whose guaranteed benefits are recalculated under subparagraph (A) in an amount equal to—

(i) in the case of an eligible participant, the excess of—

(I) the total of the full vested plan benefits of the participant for all months for which such guaranteed benefits were paid prior to such recalculation, over

(II) the sum of any applicable payments made to the eligible participant; and

(ii) in the case of an eligible beneficiary, the sum of—

(I) the amount that would be determined under clause (i) with respect to the participant of which the eligible beneficiary is a beneficiary if such participant were still in pay status; plus

(II) the excess of—

(aa) the total of the full vested plan benefits of the eligible beneficiary for all months for which such guaranteed benefits were paid prior to such recalculation, over

(bb) the sum of any applicable payments made to the eligible beneficiary.

Notwithstanding the previous sentence, the corporation shall increase each lump-sum payment made under this subparagraph to account for foregone interest in an amount determined by the corporation designed to reflect a 6 percent annual interest rate on each past-due amount attributable to the underpayment of guaranteed benefits for each month prior to such recalculation.

(C) ELIGIBLE PARTICIPANTS AND BENEFICIARIES.—

(i) IN GENERAL.—For purposes of this section, an eligible participant or beneficiary is a participant or beneficiary who—

(I) as of the date of the enactment of this Act, is in pay status under a covered plan or is eligible for future payments under such plan;

(II) has received or will receive applicable payments in connection with such plan (within the meaning of clause (ii)) that does not exceed the full vested plan benefits of such participant or beneficiary; and

(III) is not covered by the 1999 agreements between General Motors and various unions providing a top-up benefit to certain hourly employees who were transferred from the General Motors Hourly-Rate Employees Pension Plan to the Delphi Hourly-Rate Employees Pension Plan.

(ii) APPLICABLE PAYMENTS.—For purposes of this paragraph, applicable payments to a participant or beneficiary in connection with a plan consist of the following:

(I) Payments under the plan equal to the normal benefit guarantee of the participant or beneficiary.

(II) Payments to the participant or beneficiary made pursuant to section 4022(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322(c)) or otherwise received from the corporation in connection with the termination of the plan.

(3) DEFINITIONS.—For purposes of this subsection—

(A) FULL VESTED PLAN BENEFIT.—The term ''full vested plan benefit'' means the amount of monthly benefits that would be guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) as of the date of plan termination with respect to an eligible participant or beneficiary if such section were applied without regard to the phase-in limit under subsection (b)(1) of such section and the

maximum guaranteed benefit limitation under subsection (b)(3) of such section (including the accrued-at-normal limitation).

(B) NORMAL BENEFIT GUARANTEE.—The term ''normal benefit guarantee'' means the amount of monthly benefits guaranteed under section 4022 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1322) with respect to an eligible participant or beneficiary without regard to this section.

(4) COVERED PLANS.—The covered plans specified in this paragraph are the following:

(A) The Delphi Hourly-Rate Employees Pension Plan.

(B) The Delphi Retirement Program for Salaried Employees.

(C) The PHI Non-Bargaining Retirement Plan.

(D) The ASEC Manufacturing Retirement Program.

(E) The PHI Bargaining Retirement Plan.

(F) The Delphi Mechatronic Systems Retirement Program.

(5) TREATMENT OF PBGC DETERMINATIONS.—Any determination made by the corporation under this section concerning a recalculation of benefits or lump-sum payment of past-due benefits shall be subject to administrative review by the corporation. Any new determination made by the corporation under this section shall be governed by the same administrative review process as any other benefit determination by the corporation.

(b) TRUST FUND FOR PAYMENT OF INCREASED BENEFITS.—

(1) ESTABLISHMENT.—There is established in the Treasury a trust fund to be known as the ''Delphi Full Vested Plan Benefit Trust Fund'' (referred to in this subsection as the ''Fund''), consisting of such amounts as may be appropriated or credited to the Fund as provided in this section.

(2) FUNDING.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, such amounts as are necessary for the costs of payments of the portions of monthly benefits guaranteed to participants and beneficiaries pursuant to subsection (a) and for necessary administrative and operating expenses of the corporation relating to such payments. The Fund shall be credited with amounts from time to time as the Secretary of the Treasury, in coordination with the Director of the corporation, determines appropriate, out of amounts in the Treasury not otherwise appropriated.

(3) EXPENDITURES FROM FUND.—Amounts in the Fund shall be available for the payment of the portion of monthly benefits guaranteed to a participant or beneficiary pursuant to subsection (a) and for necessary administrative and operating expenses of the corporation relating to such payment.

(c) REGULATIONS.—The corporation, in consultation with the Secretary of the Treasury and the Secretary of Labor, may issue such regulations as necessary to carry out this section.

(d) TAX TREATMENT OF LUMP-SUM PAYMENTS.—

(1) IN GENERAL.—Unless the taxpayer elects (at such time and in such manner as the Secretary may provide) to have this paragraph not apply with respect to any lump-sum payment under subsection (a)(2)(B), the amount of such payment shall be included in the taxpayer's gross income ratably over the 3-taxable-year period beginning with the taxable year in which such payment is received.

(2) SPECIAL RULES RELATED TO DEATH.—

(A) IN GENERAL.—If the taxpayer dies before the end of the 3-taxable-year period described in paragraph (1), any amount to which paragraph (1) applies which has not been included in gross income for a taxable year ending before the taxable year in which such death occurs shall be included in gross income for such taxable year.

(B) SPECIAL ELECTION FOR SURVIVING SPOUSES OF ELIGIBLE PARTICIPANTS.—If—

(i) a taxpayer with respect to whom paragraph (1) applies dies,

(ii) such taxpayer is an eligible participant,

(iii) the surviving spouse of such eligible participant is entitled to a survivor benefit from the corporation with respect to such eligible participant, and

(iv) such surviving spouse elects (at such time and in such manner as the Secretary may provide) the application of this subparagraph,

subparagraph (A) shall not apply and any amount which would have (but for such taxpayer's death) been included in the gross income of such taxpayer under paragraph (1) for any taxable year beginning after the date of such death shall be included in the gross income of such surviving spouse for the taxable year of such surviving spouse ending with or within such taxable year of the taxpayer.

(e) PENSION VARIABLE RATE PREMIUM PAYMENT ACCELERATION.—Notwithstanding section 4007(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1307(a)) and section 4007.11 of title 29, Code of Federal Regulations, any additional premium determined under subparagraph (E) of section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)) the due date for which is (but for this section) after September 15, 2033, and before November 1, 2033, shall be due not later than September 15, 2033.

SA 2035. Mr. CORNYN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—FANS FIRST ACT

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Fans First Act''.

SEC. ___2. DEFINITIONS.

In this title:

(1) AFFIRMATIVE EXPRESS CONSENT.—The term ''affirmative express consent'' means an affirmative act by a person that clearly communicates that person's freely given, specific, and unambiguous authorization.

(2) ANCILLARY FEE.—The term ''ancillary fee'' means any additional charge added to the face value of an event ticket, excluding taxes.

(3) ARTIST.—The term ''artist'' means any performer, musician, comedian, producer, ensemble, or production entity of a theatrical production, sports team owner, or similar individual or entity that contracts with an event organizer to put on an event.

(4) CLEARLY AND CONSPICUOUSLY.—The term ''clearly and conspicuously'' means, with respect to a disclosure, that the disclosure is displayed in a manner that is difficult to miss and easily understandable, including in the following ways:

(A) In the case of a visual disclosure, its size, contrast, location, the length of time it appears, and other characteristics, stand out from any accompanying text or other visual elements so that it is easily noticed, read, and understood.

(B) The disclosure must be unavoidable.

(C) The disclosure must use diction and syntax understandable to ordinary consumers and must appear in each language in which the representation that requires the disclosure appears.

(D) The disclosure must not be contradicted or mitigated by, or inconsistent with, anything else in the communication.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(6) EVENT.—

(A) IN GENERAL.—The term ''event'' means a live activity described in subparagraph (B)—

(i) that is taking place in a venue;

(ii) that is open to the general public; and

(iii)(I) that is promoted, advertised, or marketed in interstate commerce; or

(II) for which event tickets are sold or distributed in interstate commerce.

(B) ACTIVITIES DESCRIBED.—The activities described in this subparagraph are any—

(i) live concert,

(ii) theatrical performance;

(iii) sporting event;

(iv) comedy show; or

(v) similarly scheduled activity taking place in a venue.

(C) EXEMPTED EVENTS.—Such term shall not include a live activity described in subparagraph (B) that is—

(i) put on by a religious organization for non-commercial purposes;

(ii) put on by a K-12 school; or

(iii) a non-sports-related event put on by a postsecondary school or not-for-profit entity in which the artists are primarily students.

(7) EVENT ORGANIZER.—The term ''event organizer'' means, with respect to an event, the person (such as the operator of a venue, the sponsor or promoter of an event, a sports team participating in an event or a league whose teams are participating in an event, a theater company, musical group, or similar participant in an event, or an agent for any such person) that—

(A) is primarily responsible for the financial risk associated with the event;

(B) makes event tickets initially available, including by contracting with a primary seller; and

(C)(i) is responsible for organizing, promoting, producing, or presenting an event; or

(ii) in the case of an event for which tickets are sold, holds the rights to present the event.

(8) EVENT TICKET.—The term ''event ticket'' means any manifested physical, electronic, or other form of a certificate, document, voucher, token, or other evidence indicating that a person has—

(A) a license to enter an event venue or occupy a particular seat or area in an event venue with respect to one or more events; or

(B) an entitlement to purchase such a license with respect to one or more future events.

(9) FACE VALUE.—The term ''face value'' means, with respect to an event ticket, the initial or acquisition price for the primary sale of the event ticket, exclusive of any taxes or ancillary fees.

(10) FAN CLUB PROGRAM.—The term ''fan club program'' means a membership-based program, primarily established by venues, artists, or performers to offer pre-sale opportunities offered before public on-sale of tickets.

(11) PRIMARY SALE.—The term ''primary sale'' means, with respect to a particular event ticket, the initial sale of that event ticket by or on behalf of the event organizer,

or the sale of an event ticket that was returned to the primary seller or event organizer after its initial sale and is sold by or on behalf of the event organizer under the same terms as such initial sale.

(12) PRIMARY SELLER.—The term ''primary seller'' means, with respect to an event ticket, any person who has the right to sell the event ticket prior to or at the primary sale of the ticket, including the event organizer, or any person that provides services to conduct or facilitate the primary sale of event tickets by or on behalf of the event organizer.

(13) RESELLER.—The term ''reseller'' means a person who sells or offers for sale, other than through a primary sale, an event ticket. That a reseller is also an event organizer or a primary seller does not exempt the reseller from this definition.

(14) SECONDARY SALE.—The term ''secondary sale'' means any sale of an event ticket other than the primary sale of the event ticket, and does not include the sale of a ticket returned to a primary seller.

(15) SECONDARY TICKETING EXCHANGE.— The term ''secondary ticketing exchange'' means any website, software application, or other digital platform that facilitates or executes the secondary sale of an event ticket. That a secondary ticketing exchange is also an event organizer or a primary seller does not exempt the secondary ticketing exchange from this definition.

(16) SELLER.—The term ''seller'' means any primary seller, secondary ticketing exchange, reseller, or any person that sells or makes available for sale an event ticket to the public.

(17) TOTAL EVENT TICKET PRICE.—The term ''total event ticket price'' means, with respect to an event ticket, the total cost of the event ticket, including the face value price and any ancillary fees but excluding taxes.

(18) URL.—The term ''URL'' means the Uniform Resource Locator associated with an internet website.

(19) VENUE.—The term ''venue'' means a physical space at which an event takes place.

SEC. ___3. ENSURING TICKETING MARKET INTEGRITY.

(a) BAN ON DECEPTIVE URLS AND IMPROPER USE OF INTELLECTUAL PROPERTY.—

(1) IN GENERAL.—It shall be unlawful for a secondary ticketing exchange or reseller, or the operator of any website purporting to sell or offer for sale event tickets that links or redirects to a secondary ticketing exchange or reseller, to—

(A) use any artist name, venue name, or event organizer name, graphic, marketing logo, image or other intellectual property of the artist, venue, or event organizer including any proprietary resemblance of the venue where an event shall occur in promotional materials, social media promotions, or URLs of the secondary ticketing exchange, reseller, or website without the prior authorization of the respective artist, venue, or event organizer under the terms of agreement between the artist, venue, or event organizer and the secondary ticketing exchange, reseller, or website; or

(B) state or imply that the secondary ticketing exchange, reseller, or website is affiliated with or endorsed by a venue, team, or artist, as applicable, including by using words like ''official'' in promotional materials, social media promotions, search engine optimization, paid advertising, URLs, or search engine monetization unless the secondary ticketing exchange, reseller, or website has the express written consent of the venue, team, or artist, as applicable.

(2) PERMITTED USE.—Paragraph (1) shall not prohibit a secondary ticketing exchange or reseller from using text containing the name of an artist, venue, or event organizers to describe an event and identify the location at which the event will occur, or provide information identifying the space within the venue that an event ticket would entitle the bearer to occupy for an event.

(b) SPECULATIVE TICKETING BAN.—

(1) IN GENERAL.—It shall be unlawful for a reseller to sell, offer for sale, or advertise for sale an event ticket unless the seller has actual or constructive possession of the event ticket.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit any person from offering a service to a consumer to obtain an event ticket on behalf of the consumer provided that the person—

(A) does not market or list such service as an event ticket;

(B) lists the price for such service separately from the total event ticket price paid by the service provider for the event ticket in any advertisement, marketing, price list, social media promotion, or other interface that displays a price for such service;

(C) maintains a clear, distinct, and easily discernible separation between such service and event tickets through unavoidable visual demarcation that persists throughout the entire service selection and purchasing process;

(D) clearly and conspicuously discloses prior to selection of the service that such service is not an event ticket and that the purchase of such service does not guarantee a ticket to such event;

(E) shall not obtain tickets through any fan club program;

(F) shall not obtain more tickets in each transaction than the numerical limitations for tickets set by the venue and artist for each respective event; and

(G) in the event the service is unable to obtain the specified event ticket purchased through the service for the consumer, provides the consumer that purchased the service, within a reasonable amount of time—

(i) a full refund for the total cost of the service to obtain an event ticket on behalf of the consumer; or

(ii) subject to availability, a replacement event ticket in the same or a comparable location with the approval of the consumer.

(c) REQUIREMENTS FOR THE SALE OF EVENT TICKETS.—It shall be unlawful for any seller to sell or offer for sale an event ticket in or affecting commerce, unless the seller does the following:

(1) ALL-IN PRICING.—The seller clearly and conspicuously—

(A) displays the total event ticket price in any advertisement, marketing, price list, social media promotion, or other interface that displays a price for the event ticket; and

(B) discloses to any individual who seeks to purchase an event ticket the total event ticket price at the time the ticket is first displayed to the individual and anytime thereafter throughout the ticket purchasing process, including an itemized breakdown of the face value of the event ticket and all applicable taxes and ancillary fees.

(2) TICKET AND REFUND INFORMATION.—The seller discloses to any individual who seeks to purchase an event ticket—

(A) the space within the venue that the event ticket would entitle the bearer to occupy for the event, whether that is general admission or the specific seat or section, at the initial point of ticket selection by the purchaser;

(B) the seller's refund policies and how to obtain a refund from the seller if—

(i) the purchaser receives an event ticket that does not match the description of the ticket provided to the purchaser at the point of purchase;

(ii) the event is canceled or postponed;

(iii) the event ticket does not or would not grant the purchaser admission to the event;

(iv) the event ticket is counterfeit; or

(v) the event ticket was resold in violation of the terms and conditions established by the event organizer or its primary seller;

(C) the date and means of delivery by which the event ticket will be delivered to the purchaser;

(D) any restrictions on resale of the event ticket under the terms and conditions of the event ticket; and

(E) a link to the website created by the Commission under subsection (f)(4) through which individuals may report violations of this section to the Commission.

(3) DISCLOSURE OF TERMS AND CONDITIONS.—The seller discloses or provides a link to the full terms and conditions of the event ticket to any individual who seeks to purchase an event ticket prior to the point of purchase.

(4) PROOF OF PURCHASE.—If the event ticket is an electronic ticket, the seller delivers written proof of purchase to the purchaser as soon as is practicable and no later than 24 hours following the purchase of the event ticket, which shall include—

(A) the date and time of the purchase of the event ticket;

(B) the face value and total purchase price of the event ticket, including all taxes and ancillary fees;

(C) the space within the venue that the event ticket would entitle the bearer to occupy for the event, whether that is general admission or the specific seat or section;

(D) the date on which and the means by which the event ticket will be delivered to the purchaser; and

(E) any restrictions on resale of the event ticket under the terms and conditions of the event ticket.

(5) REFUND REQUIREMENTS.—

(A) IN GENERAL.—In the event of an event cancellation, a seller shall provide a purchaser of an event ticket from that seller, at the option of the purchaser, at a minimum a full refund of the total event ticket price plus any taxes paid by the purchaser.

(B) EXCEPTION.—Subparagraph (A) shall not apply where an event is canceled due to a cause beyond the reasonable control of the event organizer, including a natural disaster, civil disturbance, or otherwise unforeseeable impediment.

(d) ADDITIONAL REQUIREMENTS FOR SECONDARY SALES.—

(1) DISCLOSURES TO ARTIST AND VENUE.—

(A) IN GENERAL.—A secondary ticketing exchange shall, in connection with each secondary sale of an event ticket facilitated or executed by the exchange, provide at a minimum the ticket purchaser the option to opt-in by affirmative express consent to provide the artist and venue the purchaser's name, email address, and phone number for the sole purposes of—

(i) ensuring the safety and security of the artist, venue staff or property, event attendees, or any other individual or property associated with the event; or

(ii) allowing the artist or venue to provide the purchaser with information about event postponements or cancellations.

(B) PROVISION OF INFORMATION.—If a purchaser provides the affirmative express consent described in subparagraph (A) to a secondary ticketing exchange, the exchange shall provide the information described in such subparagraph to the artist and venue.

(C) PROHIBITION ON UNAUTHORIZED USES.—It shall be unlawful for an artist or venue to use information disclosed to the artist or venue in accordance with this paragraph from any purpose other than the purposes described in clauses (i) and (ii) of subparagraph (A), including for promotional purposes.

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to conflict with or preempt existing data privacy laws.

(2) NOTICE OF SECONDARY SALE.—It shall be unlawful for a secondary ticketing exchange to—

(A) facilitate or execute the secondary sale of an event ticket unless the secondary ticketing exchange clearly and conspicuously discloses—

(i) that it is not the primary seller of the event ticket at the top of its website, or at a comparable appropriate place on its software application or other digital platform, and at the point of purchase; or

(ii) if the secondary ticketing exchange also operates as the primary seller with respect to the event ticket, a notice on any page or interface that facilitates the resale of event tickets, that event tickets available on the page or interface are being resold;

(B) receive the exclusive right to use the artist name, venue name, event organizer name, graphic, marketing logo, image or other intellectual property of the artist, venue, or event organizer in promotional materials, social media promotions, search engine optimization, or in any marketing agreement between the artist, venue, or event organizer and the secondary ticketing exchange, if the secondary ticketing exchange is owned by, controlled by, or under common ownership or control with a person that also operates as a primary seller or event organizer; or

(C) advertise or represent that it is the primary seller of an event for which it is not the primary seller.

(e) GAO STUDIES OF TICKETING MARKET PRACTICES.—

(1) IN GENERAL.—One year after the date of enactment of this Act, the Comptroller General of the United States shall release a study on the event ticket market.

(2) CONTENTS OF STUDY.—The study required under paragraph (1) shall include—

(A) an assessment of how professional resellers obtain event tickets that are subsequently offered for resale, including whether those methods violate the BOTS Act (Public Law 114–274);

(B) an assessment of event ticket brokers obtaining tickets through fan club, venue pre sales, or credit card rewards programs;

(C) an assessment of the prevalence of counterfeit or fraudulently sold event tickets and whether incidents of counterfeit or fraudulently sold event tickets are reported to law enforcement agencies by consumers, venues, sellers, or other entities;

(D) an assessment of the incidence of consumers purchasing event tickets on secondary ticketing exchanges who are subsequently denied entry to the event for which they purchased event tickets;

(E) an assessment of the percentage of event tickets to events that are acquired by professional resellers for purposes of resale;

(F) an assessment of the average cost of event tickets in relation to their face value and total event ticket price;

(G) an assessment of the average cost of concert event tickets sold on the secondary market in relation to their face value and total event ticket price;

(H) an assessment of the average cost of event tickets in relation to their face value, ancillary fees and total event ticket price in both the primary and secondary markets;

(I) an assessment of primary and secondary exchange market share, including an estimate of how many tickets are purchased and resold on the same platform and average fees generated in closed-loop ticket resale;

(J) an assessment of the overall size of the resale market, including percentage of tickets resold and the total monetary volume of the resale market;

(K) an assessment of consumer use of the resale market, including how often ordinary consumers who intended to go to an event had to resell event tickets and what percentage of face value their event tickets sold for;

(L) an assessment of the prevalence of exclusive contracts between a primary seller and any venue or artist, including the effect of such exclusive contracts on the market for primary seller services, taking into account averages for events of various types (including but not limited to sports, concerts, fine arts performances) and venues (including but not limited to stadiums, amphitheaters, concert halls, clubs);

(M) an assessment of event ticket allocation by primary sellers, including the effect of event ticket allocation on event ticket prices, taking into account averages for events of various types (including but not limited to sports, concerts, fine arts performances) and venues (including but not limited to stadiums, amphitheaters, concert halls, clubs);

(N) an assessment of secondary ticketing exchanges and event ticket brokers offering services to a consumer to obtain an event ticket on behalf of the consumer, including but not limited to whether the platforms and brokers are deploying unfair, unethical, or illegal tactics to acquire such tickets and prevent fans from accessing them at face value;

(O) an assessment of market manipulation techniques employed by professional resellers, including but not limited to ''buy and hold'' strategies where event tickets purchased for resale are not listed for sale to affect secondary event ticket prices; and

(P) an assessment of the prevalence of exclusive national touring arrangements between promoters and artists and an assessment of artists represented by managers under shared ownership with promoters and ticketing companies, including how often those artists utilize the services of companies under shared ownership, including ticketing, event organizing, merchandising and venue rental.

(f) ENFORCEMENT BY THE COMMISSION.—

(1) FTC ACT VIOLATION.—Any person who violates this section shall be liable for engaging in an unfair or deceptive act or practice under section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)).

(2) CIVIL ACTION.—If the Commission has reason to believe that any person has violated this section, the Commission may bring a civil action in an appropriate district court of the United States to—

(A) recover a civil penalty under paragraph (3); and

(B) seek other appropriate relief, including injunctive relief.

(3) CIVIL PENALTY.—

(A) IN GENERAL.—Any person who violates this section shall be liable for—

(i) a civil penalty of at least $15,000 for each day during which the violation occurs or continues to occur; and

(ii) an additional civil penalty equal to the greater of—

(I) $1,000 per event ticket advertised, listed, sold, or resold in violation of this section; or

(II) an amount equal to the sum of the total event ticket prices for each event ticket listed or sold in violation of this section, multiplied by 5.

(B) ENHANCED CIVIL PENALTY FOR INTENTIONAL VIOLATIONS.—In addition to the civil penalty under subparagraph (A), a person that intentionally violates this section shall be liable for a civil penalty of at least $10,000 per event ticket sold or resold in violation of this section.

(4) COMPLAINT WEBSITE.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall create a publicly available website where individuals may report violations of this section.

(B) COOPERATION WITH STATE AGS.—As appropriate, the Commission shall share reports received through the website created under subparagraph (A) with State attorneys general.

(5) FTC REPORT.—The Commission shall report annually to Congress on enforcement metrics, activity, and effectiveness under this section.

(g) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of the State has been or is threatened or adversely affected by the engagement of any person in a practice that violates this section, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States—

(A) to enjoin further violation of such provision by such person;

(B) to compel compliance with such provision; and

(C) to obtain damages, restitution, or other compensation on behalf of such residents.

(2) INVESTIGATORY POWERS.—Nothing in this section may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(3) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(4) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to civil actions brought by attorneys general under paragraph (1), any other consumer protection officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this section may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. ___4. STRENGTHENING THE BOTS ACT.

(a) IN GENERAL.—Section 2 of the Better Online Ticket Sales Act of 2016 (15 U.S.C. 45c) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking ''; or'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following new subparagraph:

''(C) to use or cause to be used an application that performs automated tasks to purchase event tickets from an Internet website or online service in circumvention of posted online ticket purchasing order rules of the Internet website or online service, including a software application that circumvents an

access control system, security measure, or other technological control or measure.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following new subsection:

''(b) REQUIRING ONLINE TICKET ISSUERS TO PUT IN PLACE SITE POLICIES AND ESTABLISH SAFEGUARDS TO PROTECT SITE SECURITY.—

''(1) REQUIREMENT TO ENFORCE SITE POLICIES.—Each ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets shall ensure that such website or service has in place an access control system, security measure, or other technological control or measure to enforce posted event ticket purchasing limits.

''(2) REQUIREMENT TO ESTABLISH SITE SECURITY SAFEGUARDS.—

''(A) IN GENERAL.—Each ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets shall establish, implement, and maintain reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, integrity, or availability of the website or service.

''(B) CONSIDERATIONS.—In establishing the safeguards described in subparagraph (A), each ticket issuer described in such paragraph shall consider—

''(i) the administrative, technical, and physical safeguards that are appropriate to the size and complexity of the ticket issuer;

''(ii) the nature and scope of the activities of the ticket issuer;

''(iii) the sensitivity of any customer information at issue; and

''(iv) the range of security risks and vulnerabilities that are reasonably foreseeable or known to the ticket issuer.

''(C) THIRD PARTIES AND SERVICE PROVIDERS.—

''(i) IN GENERAL.—Where applicable, a ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets shall implement and maintain procedures to require that any third party or service provider that performs services with respect to the sale of event tickets or has access to data regarding event ticket purchasing on the website or service maintains reasonable administrative, technical, and physical safeguards to protect the security and integrity of the website or service and that data.

''(ii) OVERSIGHT PROCEDURE REQUIREMENTS.—The procedures implemented and maintained by a ticket issuer in accordance with clause (i) shall include the following:

''(I) Taking reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the customer information at issue.

''(II) Requiring service providers by contract to implement and maintain adequate safeguards.

''(III) Periodically assessing service providers based on the risk they present and the continued adequacy of their safeguards.

''(D) UPDATES.—A ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets shall regularly evaluate and make adjustments to the safeguards described in subparagraph (A) in light of any material changes in technology, internal or external threats to system security, confidentiality, integrity, and availability, and the changing business arrangements or operations of the ticket issuer.

''(3) REQUIREMENT TO REPORT INCIDENTS OF CIRCUMVENTION; CONSUMER COMPLAINTS.—

''(A) IN GENERAL.—A ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets shall report to the Commission any incidents of circumvention of which the ticket issuer has actual knowledge.

''(B) CONSUMER COMPLAINT WEBSITE.—Not later than 180 days after the date of enactment of the Fans First Act, the Commission shall create a publicly available website (or modify an existing publicly available website of the Commission) to allow individuals to report violations of this subsection to the Commission.

''(C) REPORTING TIMELINE AND PROCESS.—

''(i) TIMELINE.—A ticket issuer shall report known incidents of circumvention within a reasonable period of time after the incident of circumvention is discovered by the ticket issuer, and in no case later than 30 days after an incident of circumvention is discovered by the ticket issuer.

''(ii) AUTOMATED SUBMISSION.—The Commission may establish a reporting mechanism to provide for the automatic submission of reports required under this subsection.

''(iii) COORDINATION WITH STATE ATTORNEYS GENERAL.—The Commission shall—

''(I) share reports received from ticket issuers under subparagraph (A) with State attorneys general as appropriate; and

''(II) share consumer complaints submitted through the website established under subparagraph (B) with State attorneys general as appropriate.

''(4) DUTY TO ADDRESS CAUSES OF CIRCUMVENTION.—A ticket issuer that owns or operates an Internet website or online service that facilitates or executes the sale of event tickets must take reasonable steps to improve its access control systems, security measures, and other technological controls or measures to address any incidents of circumvention of which the ticket issuer has actual knowledge.

''(5) FTC GUIDANCE.—Not later than 1 year after the date of enactment of the Fans First Act, the Commission shall publish guidance for ticket issuers on compliance with the requirements of this subsection.'';

(4) in subsection (c), as redesignated by paragraph (1) of this subsection—

(A) by striking ''subsection (a)'' each place it appears and inserting ''subsection (a) or (b)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''The Commission'' and inserting ''Except as provided in paragraph (3), the Commission''; and

(ii) in subparagraph (B), by striking ''Any person'' and inserting ''Subject to paragraph (3), any person''; and

(C) by adding at the end the following new paragraphs:

''(3) CIVIL ACTION.—

''(A) IN GENERAL.—If the Commission has reason to believe that any person has committed a violation of subsection (a) or (b), the Commission may bring a civil action in an appropriate district court of the United States to—

''(i) recover a civil penalty under paragraph (4); and

''(ii) seek other appropriate relief, including injunctive relief and other equitable relief.

''(B) LITIGATION AUTHORITY.—Except as otherwise provided in section 16(a)(3) of the Federal Trade Commission Act (15 U.S.C. 56(a)(3)), the Commission shall have exclusive authority to commence or defend, and supervise the litigation of, any civil action authorized under this paragraph and any appeal of such action in its own name by any of its attorneys designated by it for such purpose, unless the Commission authorizes the Attorney General to do so. The Commission shall inform the Attorney General of the exercise of such authority and such exercise shall not preclude the Attorney General from intervening on behalf of the United States in such action and any appeal of such action as may be otherwise provided by law.

''(C) RULE OF CONSTRUCTION.—Any civil penalty or relief sought through a civil action under this paragraph shall be in addition to other penalties and relief as may be prescribed by law.

''(4) CIVIL PENALTIES.—

''(A) IN GENERAL.—Any person who violates subsection (a) or (b) shall be liable for—

''(i) a civil penalty of not less than $10,000 for each day during which the violation occurs or continues to occur; and

''(ii) an additional civil penalty of not less than $1,000 per violation.

''(B) ENHANCED CIVIL PENALTY FOR INTENTIONAL VIOLATIONS.—In addition to the civil penalties under subparagraph (A), a person that intentionally violates subsection (a) or (b) shall be liable for a civil penalty of not less than $10,000 per violation.'';

(5) in subsection (d), as redesignated by paragraph (1) of this subsection, by striking ''subsection (a)'' each place it appears and inserting ''subsection (a) or (b)''; and

(6) by adding at the end the following new subsections:

''(e) LAW ENFORCEMENT COORDINATION.—

''(1) IN GENERAL.—The Federal Bureau of Investigation, the Department of Justice, and other relevant State or local law enforcement officials shall coordinate as appropriate with the Commission to share information about known instances of cyberattacks on security measures, access control systems, or other technological controls or measures on an Internet website or online service that are used by ticket issuers to enforce posted event ticket purchasing limits or to maintain the integrity of posted online ticket purchasing order rules. Such coordination may include providing information about ongoing investigations but may exclude classified information or information that could compromise a law enforcement or national security effort, as appropriate.

''(2) CYBERATTACK DEFINED.—In this paragraph, the term 'cyberattack' means an attack, via cyberspace, targeting an enterprise's use of cyberspace for the purpose of—

''(A) disrupting, disabling, destroying, or maliciously controlling a computing environment or computing infrastructure; or

''(B) destroying the integrity of data or stealing controlled information.

''(f) CONGRESSIONAL REPORT.—Not later than 1 year after the date of enactment of this paragraph, the Commission shall report to Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the status of enforcement actions taken pursuant to this Act, as well as any identified limitations to the Commission's ability to pursue incidents of circumvention described in subsection (a)(1)(A).''.

(b) ADDITIONAL DEFINITION.—Section 3 of the Better Online Ticket Sales Act of 2016 (15 U.S.C. 45c note) is amended by adding at the end the following new paragraph:

''(4) CIRCUMVENTION.—The term 'circumvention' means the act of avoiding, bypassing, removing, deactivating, or otherwise impairing an access control system, security measure, safeguard, or other technological control or measure described in section 2(b)(1).''.

SEC. ____5. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and of the amendments made by this title, and the application of the remaining provisions of this title and

amendments to any person or circumstance, shall not be affected.

SA 2036. Mr. PADILLA (for himself and Ms. BUTLER) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AVIATION EXCISE FUEL TAXES.

(a) IN GENERAL.—Section 47107(b) of title 49, United States Code, is amended—

(1) in each of paragraphs (1) and (2) by striking ''local taxes'' and inserting ''local excise taxes'';

(2) in paragraph (3) by striking ''State tax'' and inserting ''State excise tax''; and

(3) by adding at the end the following:

''(4) This subsection does not apply to State or local general sales taxes nor to State or local generally applicable sales taxes.''.

(b) CONFORMING AMENDMENTS.—Section 47133 of title 49, United States Code, is amended—

(1) in subsection (a) in the matter preceding paragraph (1) by striking ''Local taxes'' and inserting ''Local excise taxes'';

(2) in subsection (b), by striking ''local taxes'' and inserting ''local excise taxes'';

(3) in subsection (c) by striking ''State tax'' and inserting ''State excise tax''; and

(4) by adding at the end the following:

''(d) LIMITATION ON APPLICABILITY.—This subsection shall not apply to—

''(1) State or local general sales taxes; or

''(2) State or local generally applicable sales taxes.''.

SA 2037. Mr. CARPER (for himself and Mr. LANKFORD) submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXTENSION OF CHEMICAL FACILITY ANTI-TERRORISM STANDARDS PROGRAM OF THE DEPARTMENT OF HOMELAND SECURITY.

Section 5 of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014 (6 U.S.C. 621 note) is amended by striking ''July 27, 2023'' and inserting ''October 1, 2026''.

SA 2038. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. AIR TRAFFIC CONTROLLER FATIGUE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Administrator shall promulgate and implement a rule to require an air traffic controller to have a break of not fewer than—

(1) 10 hours prior to the start of any shift; and

(2) 12 hours prior to the start of any midshift.

(b) MIDSHIFT DEFINED.—For purposes of subsection (a), the term ''midshift'' means a shift where the majority of hours of such shift fall between the hours of 10:30 p.m. and 6:30 a.m.

SA 2039. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''1 day'' and insert ''2 days''.

SA 2040. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 7 days after the date of enactment of this Act.

SA 2041. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''7 days'' and insert ''8 days''.

SA 2042. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 9 days after the date of enactment of this Act.

SA 2043. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''9 days'' and insert ''10 days''.

SA 2044. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''10 days'' and insert ''11 days''.

SA 2045. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 12 days after the date of enactment of this Act.

SA 2046. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''12 days'' and insert ''13 days''.

SA 2047. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 14 days after the date of enactment of this Act.

SA 2048. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''14 days'' and insert ''15 days''.

SA 2049. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike ''15 days'' and insert ''16 days''.

SA 2050. Mr. SCHUMER submitted an amendment intended to be proposed by

him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. EFFECTIVE DATE.

This Act shall take effect on the date that is 17 days after the date of enactment of this Act.

SA 2051. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 3, strike ''17 days'' and insert ''18 days''.

SA 2052. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION B—TAX RELIEF

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; ETC.

(a) SHORT TITLE.—This division may be cited as the ''Tax Relief for American Families and Workers Act of 2024''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this division an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this division is as follows:

TITLE I—TAX RELIEF FOR WORKING FAMILIES

SEC. 101. PER-CHILD CALCULATION OF REFUNDABLE PORTION OF CHILD TAX CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 24(h)(5) is amended to read as follows:

''(A) IN GENERAL.—In applying subsection (d)—

''(i) the amount determined under paragraph (1)(A) of such subsection with respect to any qualifying child shall not exceed $1,400, and such paragraph shall be applied without regard to paragraph (4) of this subsection, and

''(ii) paragraph (1)(B) of such subsection shall be applied by multiplying each of—

''(I) the amount determined under clause (i) thereof, and

''(II) the excess determined under clause (ii) thereof,

by the number of qualifying children of the taxpayer.''.

(b) CONFORMING AMENDMENT.—The heading of paragraph (5) of section 24(h) is amended by striking ''MAXIMUM AMOUNT OF'' and inserting ''SPECIAL RULES FOR''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 102. INCREASE IN REFUNDABLE PORTION.

(a) IN GENERAL.—Paragraph (5) of section 24(h) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) AMOUNTS FOR 2023, 2024, AND 2025.—In the case of a taxable year beginning after 2022, subparagraph (A) shall be applied by substituting for '$1,400'—

''(i) in the case of taxable year 2023, '$1,800',

''(ii) in the case of taxable year 2024, '$1,900', and

''(iii) in the case of taxable year 2025, '$2,000'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (C) of section 24(h)(5), as redesignated by subsection (a), is amended by inserting ''and before 2023'' after ''2018''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 103. INFLATION OF CREDIT AMOUNT.

(a) IN GENERAL.—Paragraph (2) of section 24(h) is amended—

(1) by striking ''AMOUNT.—Subsection'' and inserting ''AMOUNT.—

''(A) IN GENERAL.—Subsection'', and

(2) by adding at the end the following new subparagraph:

''(B) ADJUSTMENT FOR INFLATION.—In the case of a taxable year beginning after 2023, the $2,000 amounts in subparagraph (A) and paragraph (5)(B)(iii) shall each be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting '2022' for '2016' in subparagraph (A)(ii) thereof.

If any increase under this subparagraph is not a multiple of $100, such increase shall be rounded to the next lowest multiple of $100.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. 104. RULE FOR DETERMINATION OF EARNED INCOME.

(a) IN GENERAL.—Paragraph (6) of section 24(h) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''CREDIT.—Subsection'' and inserting ''CREDIT.—

''(A) IN GENERAL.—Subsection'', and

(2) by adding at the end the following new subparagraphs

''(B) RULE FOR DETERMINATION OF EARNED INCOME.—

''(i) IN GENERAL.—In the case of a taxable year beginning after 2023, if the earned income of the taxpayer for such taxable year is less than the earned income of the taxpayer for the preceding taxable year, subsection (d)(1)(B)(i) may, at the election of the taxpayer, be applied by substituting—

''(I) the earned income for such preceding taxable year, for

''(II) the earned income for the current taxable year.

''(ii) APPLICATION TO JOINT RETURNS.—For purposes of clause (i), in the case of a joint return, the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.''.

(b) ERRORS TREATED AS MATHEMATICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (U), by striking the period at the end of subparagraph (V) and inserting '', and'', and by inserting after subparagraph (V) the following new subparagraph:

''(W) in the case of a taxpayer electing the application of section 24(h)(6)(B) for any taxable year, an entry on a return of earned income pursuant to such section which is inconsistent with the amount of such earned income determined by the Secretary for the preceding taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2023.

SEC. 105. SPECIAL RULE FOR CERTAIN EARLY-FILED 2023 RETURNS.

In the case of an individual who claims, on the taxpayer's return of tax for the first taxable year beginning after December 31, 2022, a credit under section 24 of the Internal Revenue Code of 1986 which is determined without regard to the amendments made by sections 101 and 102 of this division, the Secretary of the Treasury (or the Secretary's delegate) shall, to the maximum extent practicable—

(1) redetermine the amount of such credit (after taking into account such amendments) on the basis of the information provided by the taxpayer on such return, and

(2) to the extent that such redetermination results in an overpayment of tax, credit or refund such overpayment as expeditiously as possible.

TITLE II—AMERICAN INNOVATION AND GROWTH

SEC. 201. DEDUCTION FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) DELAY OF AMORTIZATION OF DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—Section 174 is amended by adding at the end the following new subsection:

''(e) SUSPENSION OF APPLICATION OF SECTION TO DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—In the case of any domestic research or experimental expenditures (as defined in section 174A(b)), this section—

''(1) shall apply to such expenditures paid or incurred in taxable years beginning after December 31, 2025, and

''(2) shall not apply to such expenditures paid or incurred in taxable years beginning on or before such date.''.

(b) REINSTATEMENT OF EXPENSING FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—Part VI of subchapter B of chapter 1 is amended by inserting after section 174 the following new section:

''SEC. 174A. TEMPORARY RULES FOR DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.

''(a) TREATMENT AS EXPENSES.—Notwithstanding section 263, there shall be allowed as a deduction any domestic research or experimental expenditures which are paid or incurred by the taxpayer during the taxable year.

''(b) DOMESTIC RESEARCH OR EXPERIMENTAL EXPENDITURES.—For purposes of this section, the term 'domestic research or experimental expenditures' means research or experimental expenditures paid or incurred by the taxpayer in connection with the taxpayer's trade or business other than such expenditures which are attributable to foreign research (within the meaning of section 41(d)(4)(F)).

''(c) AMORTIZATION OF CERTAIN DOMESTIC RESEARCH AND EXPERIMENTAL EXPENDITURES.—

''(1) IN GENERAL.—At the election of the taxpayer, made in accordance with regulations or other guidance provided by the Secretary, in the case of domestic research or experimental expenditures which would (but for subsection (a)) be chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion), subsection (a) shall not apply and the taxpayer shall—

''(A) charge such expenditures to capital account, and

''(B) be allowed an amortization deduction of such expenditures ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures).

''(2) TIME FOR AND SCOPE OF ELECTION.—The election provided by paragraph (1) may be made for any taxable year, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

''(d) ELECTION TO CAPITALIZE EXPENSES.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this subsection, subsections (a) and (c) shall not apply and domestic research or experimental expenditures shall be chargeable to capital account. Such election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election and may be made with respect to part of the expenditures paid or incurred during any taxable year only with the approval of the Secretary.

''(e) SPECIAL RULES.—

''(1) LAND AND OTHER PROPERTY.—This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

''(2) EXPLORATION EXPENDITURES.—This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

''(3) SOFTWARE DEVELOPMENT.—For purposes of this section, any amount paid or incurred in connection with the development of any software shall be treated as a research or experimental expenditure.

''(f) TERMINATION.—

''(1) IN GENERAL.—This section shall not apply to amounts paid or incurred in taxable years beginning after December 31, 2025.

''(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of a taxpayer's first taxable year beginning after December 31, 2025, paragraph (1) (and the corresponding application of section 174) shall be treated as a change in method of accounting for purposes of section 481 and—

''(A) such change shall be treated as initiated by the taxpayer,

''(B) such change shall be treated as made with the consent of the Secretary, and

''(C) such change shall be applied only on a cut-off basis for any domestic research or experimental expenditures paid or incurred in taxable years beginning after December 31, 2025, and no adjustment under section 481(a) shall be made.''.

(c) COORDINATION WITH CERTAIN OTHER PROVISIONS.—

(1) RESEARCH CREDIT.—

(A) Section 41(d)(1)(A) is amended by inserting ''or domestic research or experimental expenditures under section 174A'' after ''section 174''.

(B) Section 280C(c)(1) is amended to read as follows:

''(1) IN GENERAL.—The domestic research or experimental expenditures otherwise taken into account under section 174 or 174A (as the case may be) shall be reduced by the amount of the credit allowed under section 41(a).''.

(2) AMT ADJUSTMENT.—Section 56(b)(2) is amended by striking ''174(a)'' each place it appears and inserting ''174A(a)''.

(3) OPTIONAL 10-YEAR WRITEOFF.—Section 59(e)(2)(B) is amended by striking ''section 174(a) (relating to research and experimental expenditures)'' and inserting ''section 174A(a) (relating to temporary rules for domestic research and experimental expenditures)''.

(4) QUALIFIED SMALL ISSUE BONDS.—Section 144(a)(4)(C)(iv) is amended by striking ''174(a)'' and inserting ''174A(a)''.

(5) START-UP EXPENDITURES.—Section 195(c)(1) is amended by striking ''or 174'' in the last sentence and inserting ''174, or 174A''.

(6) CAPITAL EXPENDITURES.—

(A) Section 263(a)(1)(B) is amended by inserting '' or 174A'' after ''174''.

(B) Section 263A(c)(2) is amended by inserting ''or 174A'' after ''174''.

(7) ACTIVE BUSINESS COMPUTER SOFTWARE ROYALTIES.—Section 543(d)(4)(A)(i) is amended by inserting ''174A,'' after ''174,''.

(8) SOURCE RULES.—Section 864(g)(2) is amended in the last sentence—

(A) by striking ''treated as deferred expenses under subsection (b) of section 174'' and inserting ''allowed as an amortization deduction under section 174(a) or section 174A(c),'', and

(B) by striking ''such subsection'' and inserting ''such section (as the case may be)''.

(9) BASIS ADJUSTMENT.—Section 1016(a)(14) is amended by striking ''deductions as deferred expenses under section 174(b)(1) (relating to research and experimental expenditures)'' and inserting ''deductions under section 174 or 174A''.

(10) SMALL BUSINESS STOCK.—Section 1202(e)(2)(B) is amended by striking ''research and experimental expenditures under section 174'' and inserting ''specified research or experimental expenditures under section 174 or domestic research or experimental expenditures under section 174A''.

(d) CONFORMING AMENDMENTS.—

(1) Section 13206 of Public Law 115–97 is amended by striking subsection (b) (relating to change in method of accounting).

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by inserting after the item relating to section 174 the following new item:

''Sec. 174A. Temporary rules for domestic research and experimental expenditures.''.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2021.

(2) COORDINATION WITH RESEARCH CREDIT.—The amendment made by subsection (c)(1)(B) shall apply to taxable years beginning after December 31, 2022.

(3) REPEAL OF SUPERCEDED CHANGE IN METHOD OF ACCOUNTING RULES.—The amendment made by subsection (d)(1) shall take effect as if included in Public Law 115–97.

(4) NO INFERENCE WITH RESPECT TO COORDINATION WITH RESEARCH CREDIT FOR PRIOR PERIODS.—The amendment made by subsection (c)(1)(B) shall not be construed to create any inference with respect to the proper application of section 280C(c) of the Internal Revenue Code of 1986 with respect to taxable years beginning before January 1, 2023.

(f) TRANSITION RULES.—

(1) IN GENERAL.—Except as otherwise provided by the Secretary, an election made

under subsection (c) or (d) of section 174A of the Internal Revenue Code of 1986 (as added by this section) for the taxpayer's first taxable year beginning after December 31, 2021, shall not fail to be treated as timely made (or as made on the return) if made during the 1-year period beginning on the date of the enactment of this Act on an amended return for the taxpayer's first taxable year beginning after December 31, 2021, or in such other manner as the Secretary may provide.

(2) ELECTION REGARDING TREATMENT AS CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer which (as of the date of the enactment of this Act) had adopted a method of accounting provided by section 174 of the Internal Revenue Code of 1986 (as in effect prior to the amendments made by this section) for the taxpayer's first taxable year beginning after December 31, 2021, and elects the application of this paragraph—

(A) the amendments made by this section shall be treated as a change in method of accounting for purposes of section 481 of such Code,

(B) such change shall be treated as initiated by the taxpayer for the taxpayer's immediately succeeding taxable year,

(C) such change shall be treated as made with the consent of the Secretary,

(D) such change shall be applied on a modified cut-off basis, taking into account for purposes of section 481(a) of such Code only the domestic research or experimental expenditures (as defined in section 174A(b) of such Code (as added by this section) and determined by applying the rules of section 174A(e) of such Code) paid or incurred in the taxpayer's first taxable year beginning after December 31, 2021, and not allowed as a deduction in such taxable year, and

(E) in the case of a taxpayer which elects the application of this subparagraph, the amount of such change (as determined under subparagraph (D)) shall be taken into account ratably over the 2-taxable-year period beginning with the taxable year referred to in subparagraph (B).

(3) ELECTION REGARDING 10-YEAR WRITE-OFF.—

(A) IN GENERAL.—Except as otherwise provided by the Secretary, an eligible taxpayer which files, during the 1-year period beginning on the date of the enactment of this Act, an amended income tax return for the taxable year described in subparagraph (B)(ii) may elect the application of section 59(e) of the Internal Revenue Code of 1986 with respect to qualified expenditures described in section 59(e)(2)(B) of such Code (as amended by subsection (c)(3)) with respect to such taxable year. Such election shall be filed with such amended income tax return and shall be effective only to the extent that such election would have been effective if filed with the original income tax return for such taxable year (determined after taking into account the amendment made by subsection (c)(3)).

(B) ELIGIBLE TAXPAYER.—For purposes of subparagraph (A), the term ''eligible taxpayer'' means any taxpayer which—

(i) does not elect the application of paragraph (2), and

(ii) filed an income tax return for such taxpayer's first taxable year beginning after December 31, 2021, before the earlier of—

(I) the due date for such return, and

(II) the date of the enactment of this Act.

(4) ELECTION REGARDING COORDINATION WITH RESEARCH CREDIT.—Except as otherwise provided by the Secretary, an eligible taxpayer (as defined in paragraph (3)(B) without regard to clause (i) thereof) which files, during the 1-year period beginning on the date of the enactment of this Act, an amended income tax return for the taxpayer's first taxable year beginning after December 31, 2021, may, notwithstanding subparagraph (C) of section 280C(c)(2) of the Internal Revenue Code of 1986 make, or revoke, on such amended return the election under such section for such taxable year.

SEC. 202. EXTENSION OF ALLOWANCE FOR DEPRECIATION, AMORTIZATION, OR DEPLETION IN DETERMINING THE LIMITATION ON BUSINESS INTEREST.

(a) IN GENERAL.—Section 163(j)(8)(A)(v) is amended by striking ''January 1, 2022'' and inserting ''January 1, 2026''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendment made by this section shall apply to taxable years beginning after December 31, 2023.

(2) ELECTION TO APPLY EXTENSION RETROACTIVELY.—In the case of a taxpayer which elects (at such time and in such manner as the Secretary may provide) the application of this paragraph, paragraph (1) shall be applied by substituting ''December 31, 2021'' for ''December 31, 2023''.

SEC. 203. EXTENSION OF 100 PERCENT BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k)(6)(A) is amended—

(1) in clause (i)—

(A) by striking ''2023'' and inserting ''2026'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(b) PROPERTY WITH LONGER PRODUCTION PERIODS.—Section 168(k)(6)(B) is amended—

(1) in clause (i)—

(A) by striking ''2024'' and inserting ''2027'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(c) PLANTS BEARING FRUITS AND NUTS.—Section 168(k)(6)(C) is amended—

(1) in clause (i)—

(A) by striking ''2023'' and inserting ''2026'', and

(B) by adding ''and'' at the end, and

(2) by striking clauses (ii), (iii), and (iv), and redesignating clause (v) as clause (ii).

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to property placed in service after December 31, 2022.

(2) PLANTS BEARING FRUITS AND NUTS.—The amendments made by subsection (c) shall apply to specified plants planted or grafted after December 31, 2022.

SEC. 204. INCREASE IN LIMITATIONS ON EXPENSING OF DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Section 179(b) is amended—

(1) by striking ''$1,000,000'' in paragraph (1) and inserting ''$1,290,000'', and

(2) by striking ''$2,500,000'' in paragraph (2) and inserting ''$3,220,000''.

(b) INFLATION ADJUSTMENT.—Section 179(b)(6) is amended—

(1) by striking ''2018'' and inserting ''2024 (2018 in the case of the dollar amount in paragraph (5)(A))'', and

(2) by striking '' 'calendar year 2017'' and inserting '' 'calendar year 2024' ('calendar year 2017' in the case of the dollar amount in paragraph (5)(A))''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after December 31, 2023.

TITLE III—INCREASING GLOBAL COMPETITIVENESS

Subtitle A—United States-Taiwan Expedited Double-Tax Relief Act

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''United States-Taiwan Expedited Double-Tax Relief Act''.

SEC. 302. SPECIAL RULES FOR TAXATION OF CERTAIN RESIDENTS OF TAIWAN.

(a) IN GENERAL.—Subpart D of part II of subchapter N of chapter 1 is amended by inserting after section 894 the following new section:

''SEC. 894A. SPECIAL RULES FOR QUALIFIED RESIDENTS OF TAIWAN.

''(a) CERTAIN INCOME FROM UNITED STATES SOURCES.—

''(1) INTEREST, DIVIDENDS, AND ROYALTIES, ETC.—

''(A) IN GENERAL.—In the case of interest (other than original issue discount), dividends, royalties, amounts described in section 871(a)(1)(C), and gains described in section 871(a)(1)(D) received by or paid to a qualified resident of Taiwan—

''(i) sections 871(a), 881(a), 1441(a), 1441(c)(5), and 1442(a) shall each be applied by substituting 'the applicable percentage (as defined in section 894A(a)(1)(C))' for '30 percent' each place it appears, and

''(ii) sections 871(a), 881(a), and 1441(c)(1) shall each be applied by substituting 'a United States permanent establishment of a qualified resident of Taiwan' for 'a trade or business within the United States' each place it appears.

''(B) EXCEPTIONS.—

''(i) IN GENERAL.—Subparagraph (A) shall not apply to—

''(I) any dividend received from or paid by a real estate investment trust which is not a qualified REIT dividend,

''(II) any amount subject to section 897,

''(III) any amount received from or paid by an expatriated entity (as defined in section 7874(a)(2)) to a foreign related person (as defined in section 7874(d)(3)), and

''(IV) any amount which is included in income under section 860C to the extent that such amount does not exceed an excess inclusion with respect to a REMIC.

''(ii) QUALIFIED REIT DIVIDEND.—For purposes of clause (i)(I), the term 'qualified REIT dividend' means any dividend received from or paid by a real estate investment trust if such dividend is paid with respect to a class of shares that is publicly traded and the recipient of the dividend is a person who holds an interest in any class of shares of the real estate investment trust of not more than 5 percent.

''(C) APPLICABLE PERCENTAGE.—For purposes of applying subparagraph (A)(i)—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'applicable percentage' means 10 percent.

''(ii) SPECIAL RULES FOR DIVIDENDS.— In the case of any dividend in respect of stock received by or paid to a qualified resident of Taiwan, the applicable percentage shall be 15 percent (10 percent in the case of a dividend which meets the requirements of subparagraph (D) and is received by or paid to an entity taxed as a corporation in Taiwan).

''(D) REQUIREMENTS FOR LOWER DIVIDEND RATE.—

''(i) IN GENERAL.—The requirements of this subparagraph are met with respect to any dividend in respect of stock in a corporation if, at all times during the 12-month period ending on the date such stock becomes ex-dividend with respect to such dividend—

''(I) the dividend is derived by a qualified resident of Taiwan, and

''(II) such qualified resident of Taiwan has held directly at least 10 percent (by vote and

value) of the total outstanding shares of stock in such corporation.

For purposes of subclause (II), a person shall be treated as directly holding a share of stock during any period described in the preceding sentence if the share was held by a corporation from which such person later acquired that share and such corporation was, at the time the share was acquired, both a connected person to such person and a qualified resident of Taiwan.

''(ii) EXCEPTION FOR RICS AND REITS.—Notwithstanding clause (i), the requirements of this subparagraph shall not be treated as met with respect to any dividend paid by a regulated investment company or a real estate investment trust.

''(2) QUALIFIED WAGES.—

''(A) IN GENERAL.—No tax shall be imposed under this chapter (and no amount shall be withheld under section 1441(a) or chapter 24) with respect to qualified wages paid to a qualified resident of Taiwan who—

''(i) is not a resident of the United States (determined without regard to subsection (c)(3)(E)), or

''(ii) is employed as a member of the regular component of a ship or aircraft operated in international traffic.

''(B) QUALIFIED WAGES.—

''(i) IN GENERAL.—The term 'qualified wages' means wages, salaries, or similar remunerations with respect to employment involving the performance of personal services within the United States which—

''(I) are paid by (or on behalf of) any employer other than a United States person, and

''(II) are not borne by a United States permanent establishment of any person other than a United States person.

''(ii) EXCEPTIONS.—Such term shall not include directors' fees, income derived as an entertainer or athlete, income derived as a student or trainee, pensions, amounts paid with respect to employment with the United States, any State (or political subdivision thereof), or any possession of the United States (or any political subdivision thereof), or other amounts specified in regulations or guidance under subsection (f)(1)(F).

''(3) INCOME DERIVED FROM ENTERTAINMENT OR ATHLETIC ACTIVITIES.—

''(A) IN GENERAL.—No tax shall be imposed under this chapter (and no amount shall be withheld under section 1441(a) or chapter 24) with respect to income derived by an entertainer or athlete who is a qualified resident of Taiwan from personal activities as such performed in the United States if the aggregate amount of gross receipts from such activities for the taxable year do not exceed $30,000.

''(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to—

''(i) income which is qualified wages (as defined in paragraph (2)(B), determined without regard to clause (ii) thereof), or

''(ii) income which is effectively connected with a United States permanent establishment.

''(b) INCOME CONNECTED WITH A UNITED STATES PERMANENT ESTABLISHMENT OF A QUALIFIED RESIDENT OF TAIWAN.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—In lieu of applying sections 871(b) and 882, a qualified resident of Taiwan that carries on a trade or business within the United States through a United States permanent establishment shall be taxable as provided in section 1, 11, 55, or 59A, on its taxable income which is effectively connected with such permanent establishment.

''(B) DETERMINATION OF TAXABLE INCOME.—In determining taxable income for purposes of paragraph (1), gross income includes only gross income which is effectively connected with the permanent establishment.

''(2) TREATMENT OF DISPOSITIONS OF UNITED STATES REAL PROPERTY.—In the case of a qualified resident of Taiwan, section 897(a) shall be applied—

''(A) by substituting 'carried on a trade or business within the United States through a United States permanent establishment' for 'were engaged in a trade or business within the United States', and

''(B) by substituting 'such United States permanent establishment' for 'such trade or business'.

''(3) TREATMENT OF BRANCH PROFITS TAXES.—In the case of any corporation which is a qualified resident of Taiwan, section 884 shall be applied—

''(A) by substituting '10 percent' for '30 percent ' in subsection (a) thereof, and

''(B) by substituting 'a United States permanent establishment of a qualified resident of Taiwan' for 'the conduct of a trade or business within the United States' in subsection (d)(1) thereof.

''(4) SPECIAL RULE WITH RESPECT TO INCOME DERIVED FROM CERTAIN ENTERTAINMENT OR ATHLETIC ACTIVITIES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to the extent that the income is derived—

''(i) in respect of entertainment or athletic activities performed in the United States, and

''(ii) by a qualified resident of Taiwan who is not the entertainer or athlete performing such activities.

''(B) EXCEPTION.—Subparagraph (A) shall not apply if the person described in subparagraph (A)(ii) is contractually authorized to designate the individual who is to perform such activities.

''(5) SPECIAL RULE WITH RESPECT TO CERTAIN AMOUNTS.—Paragraph (1) shall not apply to any income which is wages, salaries, or similar remuneration with respect to employment or with respect to any amount which is described in subsection (a)(2)(B)(ii).

''(c) QUALIFIED RESIDENT OF TAIWAN.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified resident of Taiwan' means any person who—

''(A) is liable to tax under the laws of Taiwan by reason of such person's domicile, residence, place of management, place of incorporation, or any similar criterion,

''(B) is not a United States person (determined without regard to paragraph (3)(E)), and

''(C) in the case of an entity taxed as a corporation in Taiwan, meets the requirements of paragraph (2).

''(2) LIMITATION ON BENEFITS FOR CORPORATE ENTITIES OF TAIWAN.—

''(A) IN GENERAL.—Subject to subparagraphs (E) and (F), an entity meets the requirements of this paragraph only if it—

''(i) meets the ownership and income requirements of subparagraph (B),

''(ii) meets the publicly traded requirements of subparagraph (C), or

''(iii) meets the qualified subsidiary requirements of subparagraph (D).

''(B) OWNERSHIP AND INCOME REQUIREMENTS.—The requirements of this subparagraph are met for an entity if—

''(i) at least 50 percent (by vote and value) of the total outstanding shares of stock in such entity are owned directly or indirectly by qualified residents of Taiwan, and

''(ii) less than 50 percent of such entity's gross income (and in the case of an entity that is a member of a tested group, less than 50 percent of the tested group's gross income) is paid or accrued, directly or indirectly, in the form of payments that are deductible for purposes of the income taxes imposed by Taiwan, to persons who are not—

''(I) qualified residents of Taiwan, or

''(II) United States persons who meet such requirements with respect to the United States as determined by the Secretary to be equivalent to the requirements of this subsection (determined without regard to paragraph (1)(B)) with respect to residents of Taiwan.

''(C) PUBLICLY TRADED REQUIREMENTS.—An entity meets the requirements of this subparagraph if—

''(i) the principal class of its shares (and any disproportionate class of shares) of such entity are primarily and regularly traded on an established securities market in Taiwan, or

''(ii) the primary place of management and control of the entity is in Taiwan and all classes of its outstanding shares described in clause (i) are regularly traded on an established securities market in Taiwan.

''(D) QUALIFIED SUBSIDIARY REQUIREMENTS.—An entity meets the requirement of this subparagraph if—

''(i) at least 50 percent (by vote and value) of the total outstanding shares of the stock of such entity are owned directly or indirectly by 5 or fewer entities—

''(I) which meet the requirements of subparagraph (C), or

''(II) which are United States persons the principal class of the shares (and any disproportionate class of shares) of which are primarily and regularly traded on an established securities market in the United States, and

''(ii) the entity meets the requirements of clause (ii) of subparagraph (B).

''(E) ONLY INDIRECT OWNERSHIP THROUGH QUALIFYING INTERMEDIARIES COUNTED.—

''(i) IN GENERAL.—Stock in an entity owned by a person indirectly through 1 or more other persons shall not be treated as owned by such person in determining whether the person meets the requirements of subparagraph (B)(i) or (D)(i) unless all such other persons are qualifying intermediate owners.

''(ii) QUALIFYING INTERMEDIATE OWNERS.—The term 'qualifying intermediate owner' means a person that is—

''(I) a qualified resident of Taiwan, or

''(II) a resident of any other foreign country (other than a foreign country that is a foreign country of concern) that has in effect a comprehensive convention with the United States for the avoidance of double taxation.

''(iii) SPECIAL RULE FOR QUALIFIED SUBSIDIARIES.—For purposes of applying subparagraph (D)(i), the term 'qualifying intermediate owner' shall include any person who is a United States person who meets such requirements with respect to the United States as determined by the Secretary to be equivalent to the requirements of this subsection (determined without regard to paragraph (1)(B)) with respect to residents of Taiwan.

''(F) CERTAIN PAYMENTS NOT INCLUDED.—In determining whether the requirements of subparagraph (B)(ii) or (D)(ii) are met with respect to an entity, the following payments shall not be taken into account:

''(i) Arm's-length payments by the entity in the ordinary course of business for services or tangible property.

''(ii) In the case of a tested group, intragroup transactions.

''(3) DUAL RESIDENTS.—

''(A) RULES FOR DETERMINATION OF STATUS.—

''(i) IN GENERAL.—An individual who is an applicable dual resident and who is described in subparagraph (B), (C), or (D) shall be treated as a qualified resident of Taiwan.

''(ii) APPLICABLE DUAL RESIDENT.—For purposes of this paragraph, the term 'applicable dual resident' means an individual who—

''(I) is not a United States citizen,

''(II) is a resident of the United States (determined without regard to subparagraph (E)), and

''(III) would be a qualified resident of Taiwan but for paragraph (1)(B).

''(B) PERMANENT HOME.—An individual is described in this subparagraph if such individual—

''(i) has a permanent home available to such individual in Taiwan, and

''(ii) does not have a permanent home available to such individual in the United States.

''(C) CENTER OF VITAL INTERESTS.—An individual is described in this subparagraph if—

''(i) such individual has a permanent home available to such individual in both Taiwan and the United States, and

''(ii) such individual's personal and economic relations (center of vital interests) are closer to Taiwan than to the United States.

''(D) HABITUAL ABODE.—An individual is described in this subparagraph if—

''(i) such individual—

''(I) does not have a permanent home available to such individual in either Taiwan or the United States, or

''(II) has a permanent home available to such individual in both Taiwan and the United States but such individual's center of vital interests under subparagraph (C)(ii) cannot be determined, and

''(ii) such individual has a habitual abode in Taiwan and not the United States.

''(E) UNITED STATES TAX TREATMENT OF QUALIFIED RESIDENT OF TAIWAN.—Notwithstanding section 7701, an individual who is treated as a qualified resident of Taiwan by reason of this paragraph for all or any portion of a taxable year shall not be treated as a resident of the United States for purposes of computing such individual's United States income tax liability for such taxable year or portion thereof.

''(4) RULES OF SPECIAL APPLICATION.—

''(A) DIVIDENDS.—For purposes of applying this section to any dividend, paragraph (2)(D) shall be applied without regard to clause (ii) thereof.

''(B) ITEMS OF INCOME EMANATING FROM AN ACTIVE TRADE OR BUSINESS IN TAIWAN.—For purposes of this section—

''(i) IN GENERAL.—Notwithstanding the preceding paragraphs of this subsection, if an entity taxed as a corporation in Taiwan is not a qualified resident of Taiwan but meets the requirements of subparagraphs (A) and (B) of paragraph (1), any qualified item of income such entity derived from the United States shall be treated as income of a qualified resident of Taiwan.

''(ii) QUALIFIED ITEMS OF INCOME.—

''(I) IN GENERAL.—The term 'qualified item of income' means any item of income which emanates from, or is incidental to, the conduct of an active trade or business in Taiwan (other than operating as a holding company, providing overall supervision or administration of a group of companies, providing group financing, or making or managing investments (unless such making or managing investments is carried on by a bank, insurance company, or registered securities dealer in the ordinary course of its business as such)).

''(II) SUBSTANTIAL ACTIVITY REQUIREMENT.—An item of income which is derived from a trade or business conducted in the United States or from a connected person shall be a qualified item of income only if the trade or business activity conducted in Taiwan to which the item is related is substantial in relation to the same or a complementary trade or business activity carried on in the United States. For purposes of applying this subclause, activities conducted by persons that are connected to the entity described in clause (i) shall be deemed to be conducted by such entity.

''(iii) EXCEPTION.—This subparagraph shall not apply to any item of income derived by an entity if at least 50 percent (by vote or value) of such entity is owned (directly or indirectly) or controlled by residents of a foreign country of concern.

''(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) UNITED STATES PERMANENT ESTABLISHMENT.—

''(A) IN GENERAL.—The term 'United States permanent establishment' means, with respect to a qualified resident of Taiwan, a permanent establishment of such resident which is within the United States.

''(B) SPECIAL RULE.—The determination of whether there is a permanent establishment of a qualified resident of Taiwan within the United States shall be made without regard to whether an entity which is taxed as a corporation in Taiwan and which is a qualified resident of Taiwan controls or is controlled by—

''(i) a domestic corporation, or

''(ii) any other person that carries on business in the United States (whether through a permanent establishment or otherwise).

''(2) PERMANENT ESTABLISHMENT.—

''(A) IN GENERAL.—The term 'permanent establishment' means a fixed place of business through which a trade or business is wholly or partly carried on. Such term shall include—

''(i) a place of management,

''(ii) a branch,

''(iii) an office,

''(iv) a factory,

''(v) a workshop, and

''(vi) a mine, an oil or gas well, a quarry, or any other place of extraction of natural resources.

''(B) SPECIAL RULES FOR CERTAIN TEMPORARY PROJECTS.—

''(i) IN GENERAL.—A building site or construction or installation project, or an installation or drilling rig or ship used for the exploration or exploitation of the sea bed and its subsoil and their natural resources, constitutes a permanent establishment only if it lasts, or the activities of the rig or ship lasts, for more than 12 months.

''(ii) DETERMINATION OF 12-MONTH PERIOD.—For purposes of clause (i), the period over which a building site or construction or installation project of a person lasts shall include any period of more than 30 days during which such person does not carry on activities at such building site or construction or installation project but connected activities are carried on at such building site or construction or installation project by one or more connected persons.

''(C) HABITUAL EXERCISE OF CONTRACT AUTHORITY TREATED AS PERMANENT ESTABLISHMENT.—Notwithstanding subparagraphs (A) and (B), where a person (other than an agent of an independent status to whom subparagraph (D)(ii) applies) is acting on behalf of a trade or business of a qualified resident of Taiwan and has and habitually exercises an authority to conclude contracts that are binding on the trade or business, that trade or business shall be deemed to have a permanent establishment in the country in which such authority is exercised in respect of any activities that the person undertakes for the trade or business, unless the activities of such person are limited to those described in subparagraph (D)(i) that, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that subparagraph.

''(D) EXCLUSIONS.—

''(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B), the term 'permanent establishment' shall not include—

''(I) the use of facilities solely for the purpose of storage, display, or delivery of goods or merchandise belonging to the trade or business,

''(II) the maintenance of a stock of goods or merchandise belonging to the trade or business solely for the purpose of storage, display, or delivery,

''(III) the maintenance of a stock of goods or merchandise belonging to the trade or business solely for the purpose of processing by another trade or business,

''(IV) the maintenance of a fixed place of business solely for the purpose of purchasing goods or merchandise, or of collecting information, for the trade or business,

''(V) the maintenance of a fixed place of business solely for the purpose of carrying on, for the trade or business, any other activity of a preparatory or auxiliary character, or

''(VI) the maintenance of a fixed place of business solely for any combination of the activities mentioned in subclauses (I) through (V), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character.

''(ii) BROKERS AND OTHER INDEPENDENT AGENTS.—A trade or business shall not be considered to have a permanent establishment in a country merely because it carries on business in such country through a broker, general commission agent, or any other agent of an independent status, provided that such persons are acting in the ordinary course of their business as independent agents.

''(3) TESTED GROUP.—The term 'tested group' includes, with respect to any entity taxed as a corporation in Taiwan, such entity and any other entity taxed as a corporation in Taiwan that—

''(A) participates as a member with such entity in a tax consolidation, fiscal unity, or similar regime that requires members of the group to share profits or losses, or

''(B) shares losses with such entity pursuant to a group relief or other loss sharing regime.

''(4) CONNECTED PERSON.—Two persons shall be 'connected persons' if one owns, directly or indirectly, at least 50 percent of the interests in the other (or, in the case of a corporation, at least 50 percent of the aggregate vote and value of the corporation's shares) or another person owns, directly or indirectly, at least 50 percent of the interests (or, in the case of a corporation, at least 50 percent of the aggregate vote and value of the corporation's shares) in each person. In any case, a person shall be connected to another if, based on all the relevant facts and circumstances, one has control of the other or both are under the control of the same person or persons.

''(5) FOREIGN COUNTRY OF CONCERN.—The term 'foreign country of concern' has the meaning given such term under paragraph (7) of section 9901 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(7)), as added by section 103(a)(4) of the CHIPS Act of 2022).

''(6) PARTNERSHIPS; BENEFICIARIES OF ESTATES AND TRUSTS.—For purposes of this section—

''(A) a qualified resident of Taiwan which is a partner of a partnership which carries on a trade or business within the United States through a United States permanent establishment shall be treated as carrying on such trade or business through such permanent establishment, and

''(B) a qualified resident of Taiwan which is a beneficiary of an estate or trust which carries on a trade or business within the United States through a United States permanent establishment shall be treated as carrying on such trade or business through such permanent establishment.

''(7) DENIAL OF BENEFITS FOR CERTAIN PAYMENTS THROUGH HYBRID ENTITIES.—For purposes of this section, rules similar to the rules of section 894(c) shall apply.

''(e) APPLICATION.—

''(1) IN GENERAL.—This section shall not apply to any period unless the Secretary has determined that Taiwan has provided benefits to United States persons for such period that are reciprocal to the benefits provided to qualified residents of Taiwan under this section.

''(2) PROVISION OF RECIPROCITY.—The President or his designee is authorized to exchange letters, enter into an agreement, or take other necessary and appropriate steps relative to Taiwan for the reciprocal provision of the benefits described in this section.

''(f) REGULATIONS OR OTHER GUIDANCE.—

''(1) IN GENERAL.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including such regulations or guidance for—

''(A) determining—

''(i) what constitutes a United States permanent establishment of a qualified resident of Taiwan, and

''(ii) income that is effectively connected with such a permanent establishment,

''(B) preventing the abuse of the provisions of this section by persons who are not (or who should not be treated as) qualified residents of Taiwan,

''(C) requirements for record keeping and reporting,

''(D) rules to assist withholding agents or employers in determining whether a foreign person is a qualified resident of Taiwan for purposes of determining whether withholding or reporting is required for a payment (and, if withholding is required, whether it should be applied at a reduced rate),

''(E) the application of subsection (a)(1)(D)(i) to stock held by predecessor owners,

''(F) determining what amounts are to be treated as qualified wages for purposes of subsection (a)(2),

''(G) determining the amounts to which subsection (a)(3) applies,

''(H) defining established securities market for purposes of subsection (c),

''(I) the application of the rules of subsection (c)(4)(B),

''(J) the application of subsection (d)(6) and section 1446,

''(K) determining ownership interests held by residents of a foreign country of concern, and

''(L) determining the starting and ending dates for periods with respect to the application of this section under subsection (e), which may be separate dates for taxes withheld at the source and other taxes.

''(2) REGULATIONS TO BE CONSISTENT WITH MODEL TREATY.—Any regulations or other guidance issued under this section shall, to the extent practical, be consistent with the provisions of the United States model income tax convention dated February 7, 2016.''.

(b) CONFORMING AMENDMENT TO WITHHOLDING TAX.—Subchapter A of chapter 3 is amended by adding at the end the following new section:

''SEC. 1447. WITHHOLDING FOR QUALIFIED RESIDENTS OF TAIWAN.

''For reduced rates of withholding for certain residents of Taiwan, see section 894A.''.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections for subpart D of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 894 the following new item:

''Sec. 894A. Special rules for qualified residents of Taiwan.''.

(2) The table of sections for subchapter A of chapter 3 is amended by adding at the end the following new item:

''Sec. 1447. Withholding for qualified residents of Taiwan.''.

Subtitle B—United States-Taiwan Tax Agreement Authorization Act

SEC. 311. SHORT TITLE.

This subtitle may be cited as the ''United States-Taiwan Tax Agreement Authorization Act''.

SEC. 312. DEFINITIONS.

In this subtitle:

(1) AGREEMENT.—The term ''Agreement'' means the tax agreement authorized by section 313(a).

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

(A) the Committee on Foreign Relations and the Committee on Finance of the Senate; and

(B) the Committee on Ways and Means of the House of Representatives.

(3) APPROVAL LEGISLATION.—The term ''approval legislation'' means legislation that approves the Agreement.

(4) IMPLEMENTING LEGISLATION.—The term ''implementing legislation'' means legislation that makes any changes to the Internal Revenue Code of 1986 necessary to implement the Agreement.

SEC. 313. AUTHORIZATION TO NEGOTIATE AND ENTER INTO AGREEMENT.

(a) IN GENERAL.—Subsequent to a determination under section 894A(e)(1) of the Internal Revenue Code of 1986 (as added by the United States-Taiwan Expedited Double-Tax Relief Act), the President is authorized to negotiate and enter into a tax agreement relative to Taiwan.

(b) ELEMENTS OF AGREEMENT.—

(1) CONFORMITY WITH BILATERAL INCOME TAX CONVENTIONS.—The President shall ensure that—

(A) any provisions included in the Agreement conform with provisions customarily contained in United States bilateral income tax conventions, as exemplified by the 2016 United States Model Income Tax Convention; and

(B) the Agreement does not include elements outside the scope of the 2016 United States Model Income Tax Convention.

(2) INCORPORATION OF TAX AGREEMENTS AND LAWS.—Notwithstanding paragraph (1), the Agreement may incorporate and restate provisions of any agreement, or existing United States law, addressing double taxation for residents of the United States and Taiwan.

(3) AUTHORITY.—The Agreement shall include the following statement: ''The Agreement is entered into pursuant to the United States-Taiwan Tax Agreement Authorization Act.''

(4) ENTRY INTO FORCE.—The Agreement shall include a provision conditioning entry into force upon—

(A) enactment of approval legislation and implementing legislation pursuant to section 317; and

(B) confirmation by the Secretary of the Treasury that the relevant authority in Taiwan has approved and taken appropriate steps required to implement the Agreement.

SEC. 314. CONSULTATIONS WITH CONGRESS.

(a) NOTIFICATION UPON COMMENCEMENT OF NEGOTIATIONS.—The President shall provide written notification to the appropriate congressional committees of the commencement of negotiations between the United States and Taiwan on the Agreement at least 15 calendar days before commencing such negotiations.

(b) CONSULTATIONS DURING NEGOTIATIONS.—

(1) BRIEFINGS.—Not later than 90 days after commencement of negotiations with respect to the Agreement, and every 180 days thereafter until the President enters into the Agreement, the President shall provide a briefing to the appropriate congressional committees on the status of the negotiations, including a description of elements under negotiation.

(2) MEETINGS AND OTHER CONSULTATIONS.—

(A) IN GENERAL.—In the course of negotiations with respect to the Agreement, the Secretary of the Treasury, in coordination with the Secretary of State, shall—

(i) meet, upon request, with the chairman or ranking member of any of the appropriate congressional committees regarding negotiating objectives and the status of negotiations in progress; and

(ii) consult closely and on a timely basis with, and keep fully apprised of the negotiations, the appropriate congressional committees.

(B) ELEMENTS OF CONSULTATIONS.—The consultations described in subparagraph (A) shall include consultations with respect to—

(i) the nature of the contemplated Agreement;

(ii) how and to what extent the contemplated Agreement is consistent with the elements set forth in section 313(b); and

(iii) the implementation of the contemplated Agreement, including—

(I) the general effect of the contemplated Agreement on existing laws;

(II) proposed changes to any existing laws to implement the contemplated Agreement; and

(III) proposed administrative actions to implement the contemplated Agreement.

SEC. 315. APPROVAL AND IMPLEMENTATION OF AGREEMENT.

(a) IN GENERAL.—The Agreement may not enter into force unless—

(1) the President, at least 60 days before the day on which the President enters into the Agreement, publishes the text of the contemplated Agreement on a publicly available website of the Department of the Treasury; and

(2) there is enacted into law, with respect to the Agreement, approval legislation and implementing legislation pursuant to section 317.

(b) ENTRY INTO FORCE.—The President may provide for the Agreement to enter into force upon—

(1) enactment of approval legislation and implementing legislation pursuant to section 317; and

(2) confirmation by the Secretary of the Treasury that the relevant authority in Taiwan has approved and taken appropriate steps required to implement the Agreement.

SEC. 316. SUBMISSION TO CONGRESS OF AGREEMENT AND IMPLEMENTATION POLICY.

(a) SUBMISSION OF AGREEMENT.—Not later than 270 days after the President enters into the Agreement, the President or the President's designee shall submit to Congress—

(1) the final text of the Agreement; and

(2) a technical explanation of the Agreement.

(b) SUBMISSION OF IMPLEMENTATION POLICY.—Not later than 270 days after the President enters into the Agreement, the Secretary of the Treasury shall submit to Congress—

(1) a description of those changes to existing laws that the President considers would be required in order to ensure that the United States acts in a manner consistent with the Agreement; and

(2) a statement of anticipated administrative action proposed to implement the Agreement.

SEC. 317. CONSIDERATION OF APPROVAL LEGISLATION AND IMPLEMENTING LEGISLATION.

(a) IN GENERAL.—The approval legislation with respect to the Agreement shall include the following: ''Congress approves the Agreement submitted to Congress pursuant to section 316 of the United States-Taiwan Tax Agreement Authorization Act on _____.'', with the blank space being filled with the appropriate date.

(b) APPROVAL LEGISLATION COMMITTEE REFERRAL.—The approval legislation shall—

(1) in the Senate, be referred to the Committee on Foreign Relations; and

(2) in the House of Representatives, be referred to the Committee on Ways and Means.

(c) IMPLEMENTING LEGISLATION COMMITTEE REFERRAL.—The implementing legislation shall—

(1) in the Senate, be referred to the Committee on Finance; and

(2) in the House of Representatives, be referred to the Committee on Ways and Means.

SEC. 318. RELATIONSHIP OF AGREEMENT TO INTERNAL REVENUE CODE OF 1986.

(a) INTERNAL REVENUE CODE OF 1986 TO CONTROL.—No provision of the Agreement or approval legislation, nor the application of any such provision to any person or circumstance, which is inconsistent with any provision of the Internal Revenue Code of 1986, shall have effect.

(b) CONSTRUCTION.—Nothing in this subtitle shall be construed—

(1) to amend or modify any law of the United States; or

(2) to limit any authority conferred under any law of the United States,

unless specifically provided for in this subtitle.

SEC. 319. AUTHORIZATION OF SUBSEQUENT TAX AGREEMENTS RELATIVE TO TAIWAN.

(a) IN GENERAL.—Subsequent to the enactment of approval legislation and implementing legislation pursuant to section 317—

(1) the term ''tax agreement'' in section 313(a) shall be treated as including any tax agreement relative to Taiwan which supplements or supersedes the Agreement to which such approval legislation and implementing legislation relates, and

(2) the term ''Agreement'' shall be treated as including such tax agreement.

(b) REQUIREMENTS, ETC., TO APPLY SEPARATELY.—The provisions of this subtitle (including section 314) shall be applied separately with respect to each tax agreement referred to in subsection (a).

SEC. 320. UNITED STATES TREATMENT OF DOUBLE TAXATION MATTERS WITH RESPECT TO TAIWAN.

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

(1) The United States addresses issues with respect to double taxation with foreign countries by entering into bilateral income tax conventions (known as tax treaties) with such countries, subject to the advice and consent of the Senate to ratification pursuant to article II of the Constitution.

(2) The United States has entered into more than sixty such tax treaties, which facilitate economic activity, strengthen bilateral cooperation, and benefit United States workers, businesses, and other United States taxpayers.

(3) Due to Taiwan's unique status, the United States is unable to enter into an article II tax treaty with Taiwan, necessitating an agreement to address issues with respect to double taxation.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) provide for additional bilateral tax relief with respect to Taiwan, beyond that provided for in section 894A of the Internal Revenue Code of 1986 (as added by the United States-Taiwan Expedited Double-Tax Relief Act), only after entry into force of an Agreement, as provided for in section 315, and only in a manner consistent with such Agreement; and

(2) continue to provide for bilateral tax relief with sovereign states to address double taxation and other related matters through entering into bilateral income tax conventions, subject to the Senate's advice and consent to ratification pursuant to article II of the Constitution.

TITLE IV—ASSISTANCE FOR DISASTER-IMPACTED COMMUNITIES

SEC. 401. SHORT TITLE.

This title may be cited as the ''Federal Disaster Tax Relief Act of 2024''.

SEC. 402. EXTENSION OF RULES FOR TREATMENT OF CERTAIN DISASTER-RELATED PERSONAL CASUALTY LOSSES.

For purposes of applying section 304(b) of the Taxpayer Certainty and Disaster Tax Relief Act of 2020, section 301 of such Act shall be applied by substituting ''the Federal Disaster Tax Relief Act of 2024'' for ''this Act'' each place it appears.

SEC. 403. EXCLUSION FROM GROSS INCOME FOR COMPENSATION FOR LOSSES OR DAMAGES RESULTING FROM CERTAIN WILDFIRES.

(a) IN GENERAL.—For purposes of the Internal Revenue Code of 1986, gross income shall not include any amount received by an individual as a qualified wildfire relief payment.

(b) QUALIFIED WILDFIRE RELIEF PAYMENT.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified wildfire relief payment'' means any amount received by or on behalf of an individual as compensation for losses, expenses, or damages (including compensation for additional living expenses, lost wages (other than compensation for lost wages paid by the employer which would have otherwise paid such wages), personal injury, death, or emotional distress) incurred as a result of a qualified wildfire disaster, but only to the extent the losses, expenses, or damages compensated by such payment are not compensated for by insurance or otherwise.

(2) QUALIFIED WILDFIRE DISASTER.—The term ''qualified wildfire disaster'' means any federally declared disaster (as defined in section 165(i)(5)(A) of the Internal Revenue Code of 1986) declared, after December 31, 2014, as a result of any forest or range fire.

(c) DENIAL OF DOUBLE BENEFIT.—Notwithstanding any other provision of the Internal Revenue Code of 1986—

(1) no deduction or credit shall be allowed (to the person for whose benefit a qualified wildfire relief payment is made) for, or by reason of, any expenditure to the extent of the amount excluded under this section with respect to such expenditure, and

(2) no increase in the basis or adjusted basis of any property shall result from any amount excluded under this subsection with respect to such property.

(d) LIMITATION ON APPLICATION.—This section shall only apply to qualified wildfire relief payments received by the individual during taxable years beginning after December 31, 2019, and before January 1, 2026.

SEC. 404. EAST PALESTINE DISASTER RELIEF PAYMENTS.

(a) DISASTER RELIEF PAYMENTS TO VICTIMS OF EAST PALESTINE TRAIN DERAILMENT.—East Palestine train derailment payments shall be treated as qualified disaster relief payments for purposes of section 139(b) of the Internal Revenue Code of 1986.

(b) EAST PALESTINE TRAIN DERAILMENT PAYMENTS.—For purposes of this section, the term ''East Palestine train derailment payment'' means any amount received by or on behalf of an individual as compensation for loss, damages, expenses, loss in real property value, closing costs with respect to real property (including realtor commissions), or inconvenience (including access to real property) resulting from the East Palestine train derailment if such amount was provided by—

(1) a Federal, State, or local government agency,

(2) Norfolk Southern Railway, or

(3) any subsidiary, insurer, or agent of Norfolk Southern Railway or any related person.

(c) TRAIN DERAILMENT.—For purposes of this section, the term ''East Palestine train derailment'' means the derailment of a train in East Palestine, Ohio, on February 3, 2023.

(d) EFFECTIVE DATE.—This section shall apply to amounts received on or after February 3, 2023.

TITLE V—MORE AFFORDABLE HOUSING

SEC. 501. STATE HOUSING CREDIT CEILING INCREASE FOR LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Section 42(h)(3)(I) is amended—

(1) by striking ''and 2021,'' and inserting ''2021, 2023, 2024, and 2025,'', and

(2) by striking ''2018, 2019, 2020, AND 2021'' in the heading and inserting ''CERTAIN CALENDAR YEARS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 2022.

SEC. 502. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) IN GENERAL.—Section 42(h)(4) is amended by striking subparagraph (B) and inserting the following:

''(B) SPECIAL RULE WHERE MINIMUM PERCENT OF BUILDINGS IS FINANCED WITH TAX-EXEMPT BONDS SUBJECT TO VOLUME CAP.—For purposes of subparagraph (A), paragraph (1) shall not apply to any portion of the credit allowable under subsection (a) with respect to a building if—

''(i) 50 percent or more of the aggregate basis of such building and the land on which the building is located is financed by 1 or more obligations described in subparagraph (A), or

''(ii)(I) 30 percent or more of the aggregate basis of such building and the land on which the building is located is financed by 1 or more qualified obligations, and

''(II) 1 or more of such qualified obligations—

''(aa) are part of an issue the issue date of which is after December 31, 2023, and

''(bb) provide the financing for not less than 5 percent of the aggregate basis of such building and the land on which the building is located.

''(C) QUALIFIED OBLIGATION.—For purposes of subparagraph (B)(ii), the term 'qualified obligation' means an obligation which is described in subparagraph (A) and which is part of an issue the issue date of which is before January 1, 2026.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2023.

(2) REHABILITATION EXPENDITURES TREATED AS SEPARATE NEW BUILDING.—In the case of any building with respect to which any expenditures are treated as a separate new building under section 42(e) of the Internal Revenue Code of 1986, for purposes of paragraph (1), both the existing building and the separate new building shall be treated as having been placed in service on the date such expenditures are treated as placed in service under section 42(e)(4) of such Code.

TITLE VI—TAX ADMINISTRATION AND ELIMINATING FRAUD

SEC. 601. INCREASE IN THRESHOLD FOR REQUIRING INFORMATION REPORTING WITH RESPECT TO CERTAIN PAYEES.

(a) IN GENERAL.—Sections 6041(a) is amended by striking ''$600'' and inserting ''$1,000''.

(b) INFLATION ADJUSTMENT.—Section 6041 is amended by adding at the end the following new subsection:

''(h) INFLATION ADJUSTMENT.—In the case of any calendar year after 2024, the dollar amount in subsection (a) shall be increased by an amount equal to—

''(1) such dollar amount, multiplied by

''(2) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.

If any increase under the preceding sentence is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.''.

(c) APPLICATION TO REPORTING ON REMUNERATION FOR SERVICES AND DIRECT SALES.—Section 6041A is amended—

(1) in subsection (a)(2), by striking ''is $600 or more'' and inserting ''equals or exceeds the dollar amount in effect for such calendar year under section 6041(a)'', and

(2) in subsection (b)(1)(B), by striking ''is $5,000 or more'' and inserting ''equals or exceeds the dollar amount in effect for such calendar year under section 6041(a)''.

(d) APPLICATION TO BACKUP WITHHOLDING.—Section 3406(b)(6) is amended—

(1) by striking ''$600'' in subparagraph (A) and inserting ''the dollar amount in effect for such calendar year under section 6041(a)'', and

(2) by striking ''ONLY WHERE AGGREGATE FOR CALENDAR YEAR IS $600 OR MORE'' in the heading and inserting ''ONLY IF IN EXCESS OF THRESHOLD''.

(e) CONFORMING AMENDMENTS.—

(1) The heading of section 6041(a) is amended by striking ''OF $600 OR MORE'' and inserting ''EXCEEDING THRESHOLD''.

(2) Section 6041(a) is amended by striking ''taxable year'' and inserting ''calendar year''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to payments made after December 31, 2023.

SEC. 602. ENFORCEMENT PROVISIONS WITH RESPECT TO COVID-RELATED EMPLOYEE RETENTION CREDITS.

(a) INCREASE IN ASSESSABLE PENALTY ON COVID–ERTC PROMOTERS FOR AIDING AND ABETTING UNDERSTATEMENTS OF TAX LIABILITY.—

(1) IN GENERAL.—If any COVID–ERTC promoter is subject to penalty under section 6701(a) of the Internal Revenue Code of 1986 with respect to any COVID–ERTC document, notwithstanding paragraphs (1) and (2) of section 6701(b) of such Code, the amount of the penalty imposed under such section 6701(a) shall be the greater of—

(A) $200,000 ($10,000, in the case of a natural person), or

(B) 75 percent of the gross income derived (or to be derived) by such promoter with respect to the aid, assistance, or advice referred to in section 6701(a)(1) of such Code with respect to such document.

(2) NO INFERENCE.—Paragraph (1) shall not be construed to create any inference with respect to the proper application of the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986.

(b) FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS TREATED AS KNOWLEDGE FOR PURPOSES OF ASSESSABLE PENALTY FOR AIDING AND ABETTING UNDERSTATEMENT OF TAX LIABILITY.—In the case of any COVID–ERTC promoter, the knowledge requirement of section 6701(a)(3) of the Internal Revenue Code of 1986 shall be treated as satisfied with respect to any COVID–ERTC document with respect to which such promoter provided aid, assistance, or advice, if such promoter fails to comply with the due diligence requirements referred to in subsection (c)(1).

(c) ASSESSABLE PENALTY FOR FAILURE TO COMPLY WITH DUE DILIGENCE REQUIREMENTS.—

(1) IN GENERAL.—Any COVID–ERTC promoter which provides aid, assistance, or advice with respect to any COVID–ERTC document and which fails to comply with due diligence requirements imposed by the Secretary with respect to determining eligibility for, or the amount of, any COVID-related employee retention tax credit, shall pay a penalty of $1,000 for each such failure.

(2) DUE DILIGENCE REQUIREMENTS.—Except as otherwise provided by the Secretary, the due diligence requirements referred to in paragraph (1) shall be similar to the due diligence requirements imposed under section 6695(g).

(3) RESTRICTION TO DOCUMENTS USED IN CONNECTION WITH RETURNS OR CLAIMS FOR REFUND.—Paragraph (1) shall not apply with respect to any COVID–ERTC document unless such document constitutes, or relates to, a return or claim for refund.

(4) TREATMENT AS ASSESSABLE PENALTY, ETC.—For purposes of the Internal Revenue Code of 1986, the penalty imposed under paragraph (1) shall be treated in the same manner as a penalty imposed under section 6695(g).

(5) SECRETARY.—For purposes of this subsection, the term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(d) ASSESSABLE PENALTIES FOR FAILURE TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—For purposes of sections 6111, 6112, 6707 and 6708 of the Internal Revenue Code of 1986—

(1) any COVID-related employee retention tax credit (whether or not the taxpayer claims such COVID-related employee retention tax credit) shall be treated as a listed transaction (and as a reportable transaction) with respect to any COVID–ERTC promoter if such promoter provides any aid, assistance, or advice with respect to any COVID–ERTC document relating to such COVID-related employee retention tax credit, and

(2) such COVID–ERTC promoter shall be treated as a material advisor with respect to such transaction.

(e) COVID–ERTC PROMOTER.—For purposes of this section—

(1) IN GENERAL.—The term ''COVID–ERTC promoter'' means, with respect to any COVID–ERTC document, any person which provides aid, assistance, or advice with respect to such document if—

(A) such person charges or receives a fee for such aid, assistance, or advice which is based on the amount of the refund or credit with respect to such document and, with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year, the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID-ERTC documents exceeds 20 percent of the gross receipts of such person for such taxable year, or

(B) with respect to such person's taxable year in which such person provided such assistance or the preceding taxable year—

(i) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents exceeds 50 percent of the gross receipts of such person for such taxable year, or

(ii) both—

(I) such aggregate gross receipts exceeds 20 percent of the gross receipts of such person for such taxable year, and

(II) the aggregate gross receipts of such person for aid, assistance, and advice with respect to all COVID–ERTC documents (determined after application of paragraph (3)) exceeds $500,000.

(2) EXCEPTION FOR CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The term ''COVID–ERTC promoter'' shall not include a certified professional employer organization (as defined in section 7705).

(3) AGGREGATION RULE.—For purposes of paragraph (1)(B)(ii)(II), all persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986, or subsection (m) or (o) of section 414 of such Code, shall be treated as 1 person.

(4) SHORT TAXABLE YEARS.—In the case of any taxable year of less than 12 months, paragraph (1) shall be applied with respect to the calendar year in which such taxable year begins (in addition to applying to such taxable year).

(f) COVID–ERTC DOCUMENT.—For purposes of this section, the term ''COVID–ERTC document'' means any return, affidavit, claim, or other document related to any COVID-related employee retention tax credit, including any document related to eligibility for, or the calculation or determination of any amount directly related to any COVID-related employee retention tax credit.

(g) COVID-RELATED EMPLOYEE RETENTION TAX CREDIT.—For purposes of this section, the term ''COVID-related employee retention tax credit'' means—

(1) any credit, or advance payment, under section 3134 of the Internal Revenue Code of 1986, and

(2) any credit, or advance payment, under section 2301 of the CARES Act.

(h) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Notwithstanding section 6511 of the Internal Revenue Code of 1986 or any other provision of law, no credit or refund of any COVID-related employee retention tax credit shall be allowed or made after January 31, 2024, unless a claim for such credit or refund is filed by the taxpayer on or before such date.

(i) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—

(1) IN GENERAL.—Section 3134(l) of the Internal Revenue Code of 1986 is amended to read as follows:

''(l) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2), or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with

respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(2) APPLICATION TO CARES ACT CREDIT.—Section 2301 of the CARES Act is amended by adding at the end the following new subsection:

''(o) EXTENSION OF LIMITATION ON ASSESSMENT.—

''(1) IN GENERAL.—Notwithstanding section 6501 of the Internal Revenue Code of 1986, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 6 years after the latest of—

''(A) the date on which the original return which includes the calendar quarter with respect to which such credit is determined is filed,

''(B) the date on which such return is treated as filed under section 6501(b)(2) of such Code, or

''(C) the date on which the claim for credit or refund with respect to such credit is made.

''(2) DEDUCTION FOR WAGES TAKEN INTO ACCOUNT IN DETERMINING IMPROPERLY CLAIMED CREDIT.—

''(A) IN GENERAL.—Notwithstanding section 6511 of such Code, in the case of an assessment attributable to a credit claimed under this section, the limitation on the time period for credit or refund of any amount attributable to a deduction for improperly claimed ERTC wages shall not expire before the time period for such assessment expires under paragraph (1).

''(B) IMPROPERLY CLAIMED ERTC WAGES.—For purposes of this paragraph, the term 'improperly claimed ERTC wages' means, with respect to an assessment attributable to a credit claimed under this section, the wages with respect to which a deduction would not have been allowed if the portion of the credit to which such assessment relates had been properly claimed.''.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the provisions of this section shall apply to aid, assistance, and advice provided after March 12, 2020.

(2) DUE DILIGENCE REQUIREMENTS.—Subsections (b) and (c) shall apply to aid, assistance, and advice provided after the date of the enactment of this Act.

(3) LIMITATION ON CREDIT AND REFUND OF COVID-RELATED EMPLOYEE RETENTION TAX CREDITS.—Subsection (h) shall apply to credits and refunds allowed or made after January 31, 2024.

(4) AMENDMENTS TO EXTEND LIMITATION ON ASSESSMENT.—The amendments made by subsection (i) shall apply to assessments made after the date of the enactment of this Act.

(k) TRANSITION RULE WITH RESPECT TO REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Any return under section 6111 of the Internal Revenue Code of 1986, or list under section 6112 of such Code, required by reason of subsection (d) of this section to be filed or maintained, respectively, with respect to any aid, assistance, or advice provided by a COVID–ERTC promoter with respect to a COVID–ERTC document before the date of the enactment of this Act, shall not be required to be so filed or maintained (with respect to such aid, assistance or advice) before the date which is 90 days after such date.

(l) PROVISIONS NOT TO BE CONSTRUED TO CREATE NEGATIVE INFERENCES.—

(1) NO INFERENCE WITH RESPECT TO APPLICATION OF KNOWLEDGE REQUIREMENT TO PRE-ENACTMENT CONDUCT OF COVID-ERTC PROMOTERS, ETC.—Subsection (b) shall not be construed to create any inference with respect to the proper application of section 6701(a)(3) of the Internal Revenue Code of 1986 with respect to any aid, assistance, or advice provided by any COVID-ERTC promoter on or before the date of the enactment of this Act (or with respect to any other aid, assistance, or advice to which such subsection does not apply).

(2) REQUIREMENTS TO DISCLOSE INFORMATION, MAINTAIN CLIENT LISTS, ETC.—Subsections (d) and (k) shall not be construed to create any inference with respect to whether any COVID-related employee retention tax credit is (without regard to subsection (d)) a listed transaction (or reportable transaction) with respect to any COVID–ERTC promoter; and, for purposes of subsection (j), a return or list shall not be treated as required (with respect to such aid, assistance, or advice) by reason of subsection (d) if such return or list would be so required without regard to subsection (d).

(m) REGULATIONS.—The Secretary (as defined in subsection (c)(5)) shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section (and the amendments made by this section).

SA 2053. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE _____—ALGORITHMIC ACCOUNTABILITY

SEC. ___01. DEFINITIONS.

In this title:

(1) AUGMENTED CRITICAL DECISION PROCESS.—The term ''augmented critical decision process'' means a process, procedure, or other activity that employs an automated decision system to make a critical decision.

(2) AUTOMATED DECISION SYSTEM.—The term ''automated decision system'' means any system, software, or process (including one derived from machine learning, statistics, or other data processing or artificial intelligence techniques and excluding passive computing infrastructure) that uses computation, the result of which serves as a basis for a decision or judgment.

(3) BIOMETRICS.—The term ''biometrics'' means any information that represents a biological, physiological, or behavioral attribute or feature of a consumer.

(4) CHAIR.—The term ''Chair'' means the Chair of the Commission.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(6) CONSUMER.—The term ''consumer'' means an individual.

(7) COVERED ENTITY.—

(A) IN GENERAL.—The term ''covered entity'' means any person, partnership, or corporation over which the Commission has jurisdiction under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2))—

(i) that deploys any augmented critical decision process; and

(I) had greater than $50,000,000 in average annual gross receipts or is deemed to have greater than $250,000,000 in equity value for the 3-taxable-year period (or for the period during which the person, partnership, or corporation has been in existence, if such period is less than 3 years) preceding the most recent fiscal year, as determined in accordance with paragraphs (2) and (3) of section 448(c) of the Internal Revenue Code of 1986;

(II) possesses, manages, modifies, handles, analyzes, controls, or otherwise uses identifying information about more than 1,000,000 consumers, households, or consumer devices for the purpose of developing or deploying any automated decision system or augmented critical decision process; or

(III) is substantially owned, operated, or controlled by a person, partnership, or corporation that meets the requirements under subclause (I) or (II);

(ii) that—

(I) had greater than $5,000,000 in average annual gross receipts or is deemed to have greater than $25,000,000 in equity value for the 3-taxable-year period (or for the period during which the person, partnership, or corporation has been in existence, if such period is less than 3 years) preceding the most recent fiscal year, as determined in accordance with paragraphs (2) and (3) of section 448(c) of the Internal Revenue Code of 1986; and

(II) deploys any automated decision system that is developed for implementation or use, or that the person, partnership, or corporation reasonably expects to be implemented or used, in an augmented critical decision process by any person, partnership, or corporation if such person, partnership, or corporation meets the requirements described in clause (i); or

(iii) that met the criteria described in clause (i) or (ii) within the previous 3 years.

(B) INFLATION ADJUSTMENT.—For purposes of applying this paragraph in any fiscal year after the first fiscal year that begins on or after the date of enactment of this title, each of the dollar amounts specified in subparagraph (A) shall be increased by the percentage increase (if any) in the consumer price index for all urban consumers (U.S. city average) from such first fiscal year that begins after such date of enactment to the fiscal year involved.

(8) CRITICAL DECISION.—The term ''critical decision'' means a decision or judgment that has any legal, material, or similarly significant effect on a consumer's life relating to access to or the cost, terms, or availability of—

(A) education and vocational training, including assessment, accreditation, or certification;

(B) employment, workers management, or self-employment;

(C) essential utilities, such as electricity, heat, water, internet or telecommunications access, or transportation;

(D) family planning, including adoption services or reproductive services;

(E) financial services, including any financial service provided by a mortgage company, mortgage broker, or creditor;

(F) healthcare, including mental healthcare, dental, or vision;

(G) housing or lodging, including any rental or short-term housing or lodging;

(H) legal services, including private arbitration or mediation; or

(I) any other service, program, or opportunity decisions about which have a comparably legal, material, or similarly significant effect on a consumer's life as determined by the Commission through rulemaking.

(9) DEPLOY.—The term ''deploy'' means to implement, use, or make available for sale, license, or other commercial relationship.

(10) DEVELOP.—The term ''develop'' means to design, code, produce, customize, or otherwise create or modify.

(11) IDENTIFYING INFORMATION.—The term ''identifying information'' means any information, regardless of how the information is collected, inferred, predicted, or obtained that identifies or represents a consumer, household, or consumer device through data elements or attributes, such as name, postal address, telephone number, biometrics, email address, internet protocol address, social security number, or any other identifying number, identifier, or code.

(12) IMPACT ASSESSMENT.—The term ''impact assessment'' means the ongoing study and evaluation of an automated decision system or augmented critical decision process and its impact on consumers.

(13) PASSIVE COMPUTING INFRASTRUCTURE.—The term ''passive computing infrastructure'' means any intermediary technology that does not influence or determine the outcome of a decision, including—

(A) web hosting;

(B) domain registration;

(C) networking;

(D) caching;

(E) data storage; or

(F) cybersecurity.

(14) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, and any territory or possession of the United States.

(15) SUMMARY REPORT.—The term ''summary report'' means documentation of a subset of information required to be addressed by the impact assessment as described in this title or determined appropriate by the Commission.

(16) THIRD-PARTY DECISION RECIPIENT.—The term ''third-party decision recipient'' means any person, partnership, or corporation (beyond the consumer and the covered entity) that receives a copy of or has access to the results of any decision or judgment that results from a covered entity's deployment of an automated decision system or augmented critical decision process.

SEC. ___02. ASSESSING THE IMPACT OF AUTOMATED DECISION SYSTEMS AND AUGMENTED CRITICAL DECISION PROCESSES.

(a) ACTS PROHIBITED.—

(1) IN GENERAL.—It is unlawful for—

(A) any covered entity to violate a regulation promulgated under subsection (b); or

(B) any person to knowingly provide substantial assistance to any covered entity in violating subsection (b).

(2) PREEMPTION OF PRIVATE CONTRACTS.—It shall be unlawful for any covered entity to commit the acts prohibited in paragraph (1), regardless of specific agreements between entities or consumers.

(b) REGULATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), not later than 2 years after the date of enactment of this title, the Commission shall, in consultation with the Director of the National Institute of Standards and Technology, the Director of the National Artificial Intelligence Initiative, the Director of the Office of Science and Technology Policy, and other relevant stakeholders, including standards bodies, private industry, academia, technology experts, and advocates for civil rights, consumers, and impacted communities, promulgate regulations, in accordance with section 553 of title 5, United States Code, that—

(A) require each covered entity to perform impact assessment of any—

(i) deployed automated decision system that was developed for implementation or use, or that the covered entity reasonably expects to be implemented or used, in an augmented critical decision process by any person, partnership, or corporation that meets the requirements described in section ___01(7)(A)(i); and

(ii) augmented critical decision process, both prior to and after deployment by the covered entity;

(B) require each covered entity to maintain documentation of any impact assessment performed under subparagraph (A), including the applicable information described in section ___03(a) for 3 years longer than the duration of time for which the automated decision system or augmented critical decision process is deployed;

(C) require each person, partnership, or corporation that meets the requirements described in section ___01(7)(A)(i) to disclose their status as a covered entity to any person, partnership, or corporation that sells, licenses, or otherwise provides through a commercial relationship any automated decision system deployed by the covered entity in an automated decision system or augmented critical decision process;

(D) require each covered entity to submit to the Commission, on an annual basis, a summary report for ongoing impact assessment of any deployed automated decision system or augmented critical decision process;

(E) require each covered entity to submit an initial summary report to the Commission for any new automated decision system or augmented critical decision process prior to its deployment by the covered entity;

(F) allow any person, partnership, or corporation over which the Commission has jurisdiction under section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) that deploys any automated decision system or augmented critical decision process, but is not a covered entity, to submit to the Commission a summary report for any impact assessment performed with respect to such system or process;

(G) require each covered entity, in performing the impact assessment described in subparagraph (A), to the extent possible, to meaningfully consult (including through participatory design, independent auditing, or soliciting or incorporating feedback) with relevant internal stakeholders (such as employees, ethics teams, and responsible technology teams) and independent external stakeholders (such as representatives of and advocates for impacted groups, civil society and advocates, and technology experts) as frequently as necessary;

(H) require each covered entity to attempt to eliminate or mitigate, in a timely manner, any impact made by an augmented critical decision process that demonstrates a likely material negative impact that has legal or similarly significant effects on a consumer's life;

(I) establish definitions for—

(i) what constitutes ''access to or the cost, terms, or availability of'' with respect to a critical decision;

(ii) what constitutes ''possession'', ''management'', ''modification'', and ''control'' with respect to identifying information;

(iii) the different categories of third-party decision recipients that a covered entity must document under section ___04(1)(H); and

(iv) any of the services, programs, or opportunities described in subparagraphs (A) through (I) of section ___01(8) for the purpose of informing consumers, covered entities, and regulators, as the Commission deems necessary;

(J) establish guidelines for any person, partnership, or corporation to calculate the number of consumers, households, or consumer devices for which the person, partnership, or corporation possesses, manages, modifies, or controls identifying information for the purpose of determining covered entity status;

(K) establish guidelines for a covered entity to prioritize different automated decision systems and augmented critical decision processes deployed by the covered entity for performing impact assessment; and

(L) establish a required format for any summary report, as described in subparagraphs (D), (E), and (F), to ensure that such reports are submitted in an accessible and machine-readable format.

(2) CONSIDERATIONS.—In promulgating the regulations under paragraph (1), the Commission—

(A) shall take into consideration—

(i) that certain assessment or documentation of an automated decision system or augmented critical decision process may only be possible at particular stages of the development and deployment of such system or process or may be limited or not possible based on the availability of certain types of information or data or the nature of the relationship between the covered entity and consumers;

(ii) the duration of time between summary report submissions and the timeliness of the reported information;

(iii) the administrative burden placed on the Commission and the covered entity;

(iv) the benefits of standardizing and structuring summary reports for comparative analysis compared with the benefits of less-structured narrative reports to provide detail and flexibility in reporting;

(v) that summary reports submitted by different covered entities may contain different fields according to the requirements established by the Commission, and the Commission may allow or require submission of incomplete reports;

(vi) that existing data privacy and other regulations may inhibit a covered entity from storing or sharing certain information; and

(vii) that a covered entity may require information from other persons, partnerships, or corporations that develop any automated decision system deployed in an automated decision system or augmented critical decision process by the covered entity for the purpose of performing impact assessment; and

(B) may develop specific requirements for impact assessments and summary reports for particular—

(i) categories of critical decisions, as described in subparagraphs (A) through (I) of section ___01(8) or any subcategory developed by the Commission; and

(ii) stages of development and deployment of an automated decision system or augmented critical decision process.

(3) EFFECTIVE DATE.—The regulations described in paragraph (1) shall take effect on the date that is 2 years after such regulations are promulgated.

SEC. ___03. REQUIREMENTS FOR COVERED ENTITY IMPACT ASSESSMENT.

(a) REQUIREMENTS FOR IMPACT ASSESSMENT.—In performing any impact assessment required under section ___02(b)(1) for an automated decision system or augmented critical decision process, a covered entity shall do the following, to the extent possible, as applicable to such covered entity as determined by the Commission:

(1) In the case of a new augmented critical decision process, evaluate any previously existing critical decision-making process used for the same critical decision prior to the deployment of the new augmented critical decision process, along with any related documentation or information, such as—

(A) a description of the baseline process being enhanced or replaced by the augmented critical decision process;

(B) any known harm, shortcoming, failure case, or material negative impact on consumers of the previously existing process used to make the critical decision;

(C) the intended benefits of and need for the augmented critical decision process; and

(D) the intended purpose of the automated decision system or augmented critical decision process.

(2) Identify and describe any consultation with relevant stakeholders as required by section ____02(b)(1)(G), including by documenting—

(A) the points of contact for the stakeholders who were consulted;

(B) the date of any such consultation; and

(C) information about the terms and process of the consultation, such as—

(i) the existence and nature of any legal or financial agreement between the stakeholders and the covered entity;

(ii) any data, system, design, scenario, or other document or material the stakeholder interacted with; and

(iii) any recommendations made by the stakeholders that were used to modify the development or deployment of the automated decision system or augmented critical decision process, as well as any recommendations not used and the rationale for such nonuse.

(3) In accordance with any relevant National Institute of Standards and Technology or other Federal Government best practices and standards, perform ongoing testing and evaluation of the privacy risks and privacy-enhancing measures of the automated decision system or augmented critical decision process, such as—

(A) assessing and documenting the data minimization practices of such system or process and the duration for which the relevant identifying information and any resulting critical decision is stored;

(B) assessing the information security measures in place with respect to such system or process, including any use of privacy-enhancing technology such as federated learning, differential privacy, secure multi-party computation, de-identification, or secure data enclaves based on the level of risk; and

(C) assessing and documenting the current and potential future or downstream positive and negative impacts of such system or process on the privacy, safety, or security of consumers and their identifying information.

(4) Perform ongoing testing and evaluation of the current and historical performance of the automated decision system or augmented critical decision process using measures such as benchmarking datasets, representative examples from the covered entity's historical data, and other standards, including by documenting—

(A) a description of what is deemed successful performance and the methods and technical and business metrics used by the covered entity to assess performance;

(B) a review of the performance of such system or process under test conditions or an explanation of why such performance testing was not conducted;

(C) a review of the performance of such system or process under deployed conditions or an explanation of why performance was not reviewed under deployed conditions;

(D) a comparison of the performance of such system or process under deployed conditions to test conditions or an explanation of why such a comparison was not possible;

(E) an evaluation of any differential performance associated with consumers' race, color, sex, gender, age, disability, religion, family status, socioeconomic status, or veteran status, and any other characteristics the Commission deems appropriate (including any combination of such characteristics) for which the covered entity has information, including a description of the methodology for such evaluation and information about and documentation of the methods used to identify such characteristics in the data (such as through the use of proxy data, including ZIP Codes); and

(F) if any subpopulations were used for testing and evaluation, a description of which subpopulations were used and how and why such subpopulations were determined to be of relevance for the testing and evaluation.

(5) Support and perform ongoing training and education for all relevant employees, contractors, or other agents regarding any documented material negative impacts on consumers from similar automated decision systems or augmented critical decision processes and any improved methods of developing or performing an impact assessment for such system or process based on industry best practices and relevant proposals and publications from experts, such as advocates, journalists, and academics.

(6) Assess the need for and possible development of any guard rail for or limitation on certain uses or applications of the automated decision system or augmented critical decision process, including whether such uses or applications ought to be prohibited or otherwise limited through any terms of use, licensing agreement, or other legal agreement between entities.

(7) Maintain and keep updated documentation of any data or other input information used to develop, test, maintain, or update the automated decision system or augmented critical decision process, including—

(A) how and when such data or other input information was sourced and, if applicable, licensed, including information such as—

(i) metadata and information about the structure and type of data or other input information, such as the file type, the date of the file creation or modification, and a description of data fields;

(ii) an explanation of the methodology by which the covered entity collected, inferred, or obtained the data or other input information and, if applicable, labeled, categorized, sorted, or clustered such data or other input information, including whether such data or other input information was labeled, categorized, sorted, or clustered prior to being collected, inferred, or obtained by the covered entity; and

(iii) whether and how consumers provided informed consent for the inclusion and further use of data or other input information about themselves and any limitations stipulated on such inclusion or further use;

(B) why such data or other input information was used and what alternatives were explored; and

(C) other information about the data or other input information, such as—

(i) the representativeness of the dataset and how this factor was measured, including any assumption about the distribution of the population on which the augmented critical decision process is deployed; and

(ii) the quality of the data, how the quality was evaluated, and any measure taken to normalize, correct, or clean the data.

(8) Evaluate the rights of consumers, such as—

(A) by assessing the extent to which the covered entity provides consumers with—

(i) clear notice that such system or process will be used; and

(ii) a mechanism for opting out of such use;

(B) by assessing the transparency and explainability of such system or process and the degree to which a consumer may contest, correct, or appeal a decision or opt out of such system or process, including—

(i) the information available to consumers or representatives or agents of consumers about the system or process, such as any relevant factors that contribute to a particular decision, including an explanation of which contributing factors, if changed, would cause the system or process to reach a different decision, and how such consumer, representative, or agent can access such information;

(ii) documentation of any complaint, dispute, correction, appeal, or opt-out request submitted to the covered entity by a consumer with respect to such system or process; and

(iii) the process and outcome of any remediation measure taken by the covered entity to address the concerns of or harms to consumers; and

(C) by describing the extent to which any third-party decision recipient receives a copy of or has access to the results of such system or process and the category of such third-party decision recipient, as defined by the Commission in section ____02(b)(1)(I)(iii).

(9) Identify any likely material negative impact of the automated decision system or augmented critical decision process on consumers and assess any applicable mitigation strategy, such as by—

(A) identifying and measuring any likely material negative impact of the system or process on consumers, including documentation of the steps taken to identify and measure such impact;

(B) documenting any steps taken to eliminate or reasonably mitigate any likely material negative impact identified, including steps such as removing the system or process from the market or terminating its development;

(C) with respect to the likely material negative impacts identified, documenting which such impacts were left unmitigated and the rationale for the inaction, including details about the justifying non-discriminatory, compelling interest and why such interest cannot be satisfied by other means (such as where there is an equal, zero-sum trade-off between impacts on 2 or more consumers or where the required mitigating action would violate civil rights or other laws); and

(D) documenting standard protocols or practices used to identify, measure, mitigate, or eliminate any likely material negative impact on consumers and how relevant teams or staff are informed of and trained about such protocols or practices.

(10) Describe any ongoing documentation of the development and deployment process with respect to the automated decision system or augmented critical decision process, including information such as—

(A) the date of any testing, deployment, licensure, or other significant milestones; and

(B) points of contact for any team, business unit, or similar internal stakeholder that was involved.

(11) Identify any capabilities, tools, standards, datasets, security protocols, improvements to stakeholder engagement, or other resources that may be necessary or beneficial to improving the automated decision system, augmented critical decision process, or the impact assessment of such system or process, in areas such as—

(A) performance, including accuracy, robustness, and reliability;

(B) fairness, including bias and non-discrimination;

(C) transparency, explainability, contestability, and opportunity for recourse;

(D) privacy and security;

(E) personal and public safety;

(F) efficiency and timeliness;

(G) cost; or

(H) any other area determined appropriate by the Commission.

(12) Document any of the impact assessment requirements described in paragraphs (1) through (11) that were attempted but were not possible to comply with because they were infeasible, as well as the corresponding rationale for not being able to comply with such requirements, which may include—

(A) the absence of certain information about an automated decision system developed by other persons, partnerships, and corporations;

(B) the absence of certain information about how clients, customers, licensees, partners, and other persons, partnerships, or corporations are deploying an automated decision system in their augmented critical decision processes;

(C) a lack of demographic or other data required to assess differential performance because such data is too sensitive to collect, infer, or store; or

(D) a lack of certain capabilities, including technological innovations, that would be necessary to conduct such requirements.

(13) Perform and document any other ongoing study or evaluation determined appropriate by the Commission.

(b) RULE OF CONSTRUCTION.—Nothing in this title should be construed to limit any covered entity from adding other criteria, procedures, or technologies to improve the performance of an impact assessment of their automated decision system or augmented critical decision process.

(c) NONDISCLOSURE OF IMPACT ASSESSMENT.—Nothing in this title should be construed to require a covered entity to share with or otherwise disclose to the Commission or the public any information contained in an impact assessment performed in accordance with this title, except for any information contained in the summary report required under subparagraph (D) or (E) of section ____02(b)(1).

SEC. ____04. REQUIREMENTS FOR SUMMARY REPORTS TO THE COMMISSION.

The summary report that a covered entity is required to submit under subparagraph (D) or (E) of section ____02(b)(1) for any automated decision system or augmented critical decision process shall, to the extent possible—

(1) contain information from the impact assessment of such system or process, as applicable, including—

(A) the name, website, and point of contact for the covered entity;

(B) a detailed description of the specific critical decision that the augmented critical decision process is intended to make, including the category of critical decision as described in subparagraphs (A) through (I) of section ____01(8);

(C) the covered entity's intended purpose for the automated decision system or augmented critical decision process;

(D) an identification of any stakeholders consulted by the covered entity as required by section ____02(b)(1)(G) and documentation of the existence and nature of any legal agreements between the stakeholders and the covered entity;

(E) documentation of the testing and evaluation of the automated decision system or augmented critical decision process, including—

(i) the methods and technical and business metrics used to assess the performance of such system or process and a description of what metrics are deemed successful performance;

(ii) the results of any assessment of the performance of such system or process and a comparison of the results of any assessment under test and deployed conditions; and

(iii) an evaluation of any differential performance of such system or process assessed during the impact assessment;

(F) any publicly stated guard rail for or limitation on certain uses or applications of the automated decision system or augmented critical decision process, including whether such uses or applications ought to be prohibited or otherwise limited through any terms of use, licensing agreement, or other legal agreement between entities;

(G) documentation about the data or other input information used to develop, test, maintain, or update the automated decision system or augmented critical decision process including—

(i) how and when the covered entity sourced such data or other input information; and

(ii) why such data or other input information was used and what alternatives were explored;

(H) documentation of whether and how the covered entity implements any transparency or explainability measures, including—

(i) which categories of third-party decision recipients receive a copy of or have access to the results of any decision or judgment that results from such system or process; and

(ii) any mechanism by which a consumer may contest, correct, or appeal a decision or opt out of such system or process, including the corresponding website for such mechanism, where applicable;

(I) any likely material negative impact on consumers identified by the covered entity and a description of the steps taken to remediate or mitigate such impact;

(J) a list of any impact assessment requirements that were attempted but were not possible to comply with because they were infeasible, as well as the corresponding rationale for not being able to comply with such requirements; and

(K) any additional capabilities, tools, standards, datasets, security protocols, improvements to stakeholder engagement, or other resources identified by an impact assessment as necessary or beneficial to improve the performance of impact assessment or the development and deployment of any automated decision system or augmented critical decision process that the covered entity determines appropriate to share with the Commission;

(2) include, in addition to the information required under paragraph (1), any relevant additional information from section ____03(a) the covered entity wishes to share with the Commission;

(3) follow any format or structure requirements specified by the Commission; and

(4) include additional criteria that are essential for the purpose of consumer protection, as determined by the Commission.

SEC. ____05. REPORTING; PUBLICLY ACCESSIBLE REPOSITORY.

(a) ANNUAL REPORT.—Not later than 1 year after the effective date described in section ____02(b)(3), and annually thereafter, the Commission shall publish publicly on the website of the Commission a report describing and summarizing the information from the summary reports submitted under subparagraph (D), (E), or (F) of section ____02(b)(1) that—

(1) is accessible and machine readable in accordance with the 21st Century Integrated Digital Experience Act (44 U.S.C. 3501 note); and

(2) describes broad trends, aggregated statistics, and anonymized lessons learned about performing impact assessments of automated decision systems or augmented critical decision processes, for the purposes of updating guidance related to impact assessments and summary reporting, oversight, and making recommendations to other regulatory agencies.

(b) PUBLICLY ACCESSIBLE REPOSITORY.—

(1) IN GENERAL.—

(A) ESTABLISHMENT.—

(i) DEVELOPMENT.—Not later than 180 days after the Commission promulgates the regulations required under section ____02(b)(1), the Commission shall develop a publicly accessible repository designed to publish a limited subset of the information about each automated decision system and augmented critical decision process for which the Commission received a summary report under subparagraph (D), (E), or (F) of section ____02(b)(1) in order to facilitate consumer protection.

(ii) PUBLICATION.—Not later than 180 days after the effective date described in section ____02(b)(3), the Commission shall make the repository publicly accessible.

(iii) UPDATES.—The Commission shall update the repository on a quarterly basis.

(B) PURPOSE.—The purposes of the repository established under subparagraph (A) are—

(i) to inform consumers about the use of automated decision systems and augmented critical decision processes;

(ii) to allow researchers and advocates to study the use of automated decision systems and augmented critical decision processes; and

(iii) to ensure compliance with the requirements of this title.

(C) CONSIDERATIONS.—In establishing the repository under subparagraph (A), the Commission shall consider—

(i) how to provide consumers with pertinent information regarding augmented critical decision processes while minimizing any potential commercial risk to any covered entity of providing such information;

(ii) what information, if any, to include regarding the specific automated decision systems deployed in the augmented critical decision processes;

(iii) how to document information, when applicable, about how to contest or seek recourse for a critical decision in a manner that is readily accessible by the consumer; and

(iv) how to streamline the submission of summary reports under subparagraph (D), (E), or (F) of section ____02(b)(1) to allow the Commission to efficiently populate information into the repository to minimize or eliminate any burden on the Commission.

(D) REQUIREMENTS.—The Commission shall design the repository established under subparagraph (A) to—

(i) be publicly available and easily discoverable on the website of the Commission;

(ii) allow users to sort and search the repository by multiple characteristics (such as by covered entity, date reported, or category of critical decision) simultaneously;

(iii) allow users to make a copy of or download the information obtained from the repository, including any subsets of information obtained by sorting or searching as described in clause (ii), in accordance with current guidance from the Office of Management and Budget, such as the Open, Public, Electronic, and Necessary Government Data Act (44 U.S.C. 101 note);

(iv) be in accordance with user experience and accessibility best practices such as those described in the 21st Century Integrated Digital Experience Act (44 U.S.C. 3501 note);

(v) include a limited subset of information from the summary reports, as applicable, under subparagraph (D), (E), or (F) of section ____02(b)(1) that includes—

(I) the identity of the covered entity that submitted such summary report, including any link to the website of the covered entity;

(II) the specific critical decision that the augmented critical decision process makes, along with the category of the critical decision;

(III) any publicly stated prohibited applications of the automated decision system or augmented critical decision process, including whether such prohibition is enforced through any terms of use, licensing agreement, or other legal agreement between entities;

(IV) to the extent possible, the sources of any data used to develop, test, maintain, or update the automated decision system or augmented critical decision process;

(V) to the extent possible, the type of technical and business metrics used to assess the performance of the augmented critical decision process when deployed; and

(VI) the link to any web page with instructions or other information related to a mechanism by which a consumer may contest, correct, or appeal a decision or opt out of the automated decision system or augmented critical decision process; and

(vi) include information about design, use, and maintenance of the repository, including—

(I) how frequently the repository is updated;

(II) the date of the most recent such update;

(III) the types of information from the summary reports submitted under subparagraph (D), (E), or (F) of section ____02(b)(1) that are and are not included in the repository; and

(IV) any other information about the design, use, and maintenance the Commission determines is—

(aa) relevant to consumers and researchers; or

(bb) essential for consumer education and recourse.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this subsection.

SEC. ____06. GUIDANCE AND TECHNICAL ASSISTANCE; OTHER REQUIREMENTS.

(a) GUIDANCE AND TECHNICAL ASSISTANCE FROM THE COMMISSION.—

(1) IN GENERAL.—The Commission shall publish guidance on how to meet the requirements of sections ____03 and ____04, including resources such as documentation templates and guides for meaningful consultation, that is developed by the Commission after consultation with the Director of the National Institute of Standards and Technology, the Director of the National Artificial Intelligence Initiative, the Director of the Office of Science and Technology Policy, and other relevant stakeholders, including standards bodies, private industry, academia, technology experts, and advocates for civil rights, consumers, and impacted communities.

(2) ASSISTANCE IN DETERMINING COVERED ENTITY STATUS.—In addition to the guidance required under paragraph (1), the Commission shall—

(A) issue guidance and training materials to assist persons, partnerships, and corporations in evaluating whether they are a covered entity; and

(B) regularly update such guidance and training materials in accordance with any feedback or questions from covered entities, experts, or other relevant stakeholders.

(b) OTHER REQUIREMENTS.—

(1) PUBLICATION.—Nothing in this title shall be construed to limit a covered entity from publicizing any documentation of the impact assessment maintained under section ____02(b)(1)(B), including information beyond what is required to be submitted in a summary report under subparagraph (D) or (E) of section ____02(b)(1), unless such publication would violate the privacy of any consumer.

(2) PERIODIC REVIEW OF REGULATIONS.—The Commission shall review the regulations promulgated under section ____02(b) not less than once every 5 years and update such regulations as appropriate.

(3) REVIEW BY NIST AND OSTP.—The Commission shall make available, in a private and secure manner, to the Director of the National Institute of Standards and Technology, the Director of the Office of Science and Technology Policy, and the head of any Federal agency with relevant regulatory jurisdiction over an augmented critical decision process any summary report submitted under subparagraph (D), (E), or (F) of section ____02(b)(1) for review in order to develop future standards or regulations.

SEC. ____07. RESOURCES AND AUTHORITIES.

(a) BUREAU OF TECHNOLOGY.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—There is established within the Commission the Bureau of Technology (in this subsection referred to as the ''Bureau'').

(B) DUTIES.—The Bureau shall engage in activities that include:

(i) Aiding or advising the Commission with respect to the technological aspects of the functions of the Commission, including—

(I) preparing, conducting, facilitating, managing, or otherwise enabling studies, workshops, audits, community participation opportunities, or other similar activities; and

(II) any other assistance deemed appropriate by the Commission or Chair.

(ii) Aiding or advising the Commission with respect to the enforcement of this title.

(iii) Providing technical assistance to any enforcement bureau within the Commission with respect to the investigation and trial of cases.

(2) CHIEF TECHNOLOGIST.—The Bureau shall be headed by a Chief Technologist.

(3) STAFF.—

(A) APPOINTMENTS.—

(i) IN GENERAL.—Subject to subparagraph (B), the Chair may, without regard to the civil service laws (including regulations), appoint personnel with experience in fields such as management, technology, digital and product design, user experience, information security, civil rights, technology policy, privacy policy, humanities and social sciences, product management, software engineering, machine learning, statistics, or other related fields to enable the Bureau to perform its duties.

(ii) MINIMUM APPOINTMENTS.—Not later than 2 years after the date of enactment of this title, the Chair shall appoint not less than 50 personnel.

(B) EXCEPTED SERVICE.—The personnel appointed in accordance with subparagraph (A) may be appointed to positions described in section 213.3102(r) of title 5, Code of Federal Regulations.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this subsection.

(b) ADDITIONAL PERSONNEL IN THE BUREAU OF CONSUMER PROTECTION.—

(1) ADDITIONAL PERSONNEL.—Notwithstanding any other provision of law, the Chair may, without regard to the civil service laws (including regulations), appoint 25 additional personnel to the Division of Enforcement of the Bureau of Consumer Protection.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as are necessary to carry out this subsection.

(c) ESTABLISHMENT OF AGREEMENTS OF COOPERATION.—The Commission shall negotiate agreements of cooperation, as needed, with any relevant Federal agency with respect to information sharing and enforcement actions taken regarding the development or deployment of an automated decision system to make a critical decision or of an augmented critical decision process. Such agreements shall include procedures for determining which agency shall file an action and providing notice to the non-filing agency, where feasible, prior to initiating a civil action to enforce any Federal law within such agencies' jurisdictions regarding the development or deployment of an automated decision system to make a critical decision or of an augmented critical decision process by a covered entity.

SEC. ____08. ENFORCEMENT.

(a) ENFORCEMENT BY THE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—A violation of this title or a regulation promulgated thereunder shall be treated as a violation of a rule defining an unfair or deceptive act or practice under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) POWERS OF THE COMMISSION.—

(A) IN GENERAL.—The Commission shall enforce this title and the regulations promulgated under this title in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this title.

(B) PRIVILEGES AND IMMUNITIES.—Any person who violates this title or a regulation promulgated thereunder shall be subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

(C) AUTHORITY PRESERVED.—Nothing in this title shall be construed to limit the authority of the Commission under any other provision of law.

(D) RULEMAKING.—The Commission shall promulgate in accordance with section 553 of title 5, United States Code, such additional rules as may be necessary to carry out this title.

(b) ENFORCEMENT BY STATES.—

(1) IN GENERAL.—If the attorney general of a State has reason to believe that an interest of the residents of the State has been or is being threatened or adversely affected by a practice that violates this title or a regulation promulgated thereunder, the attorney general of the State may, as parens patriae, bring a civil action on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

(2) RIGHTS OF COMMISSION.—

(A) NOTICE TO COMMISSION.—

(i) IN GENERAL.—Except as provided in clause (iii), the attorney general of a State, before initiating a civil action under paragraph (1), shall provide written notification to the Commission that the attorney general intends to bring such civil action.

(ii) CONTENTS.—The notification required under clause (i) shall include a copy of the complaint to be filed to initiate the civil action.

(iii) EXCEPTION.—If it is not feasible for the attorney general of a State to provide the notification required under clause (i) before initiating a civil action under paragraph (1), the attorney general shall notify the Commission immediately upon instituting the civil action.

(B) INTERVENTION BY COMMISSION.—The Commission may—

(i) intervene in any civil action brought by the attorney general of a State under paragraph (1); and

(ii) upon intervening—

(I) be heard on all matters arising in the civil action; and

(II) file petitions for appeal of a decision in the civil action.

(3) INVESTIGATORY POWERS.—Nothing in this subsection may be construed to prevent the attorney general of a State from exercising the powers conferred on the attorney general by the laws of the State to conduct investigations, to administer oaths or affirmations, or to compel the attendance of witnesses or the production of documentary or other evidence.

(4) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under paragraph (1) may be brought in—

(i) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(ii) another court of competent jurisdiction.

(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which—

(i) the defendant is an inhabitant, may be found, or transacts business; or

(ii) venue is proper under section 1391 of title 28, United States Code.

(5) ACTIONS BY OTHER STATE OFFICIALS.—

(A) IN GENERAL.—In addition to a civil action brought by an attorney general under paragraph (1), any other officer of a State who is authorized by the State to do so may bring a civil action under paragraph (1), subject to the same requirements and limitations that apply under this subsection to civil actions brought by attorneys general.

(B) SAVINGS PROVISION.—Nothing in this subsection may be construed to prohibit an authorized official of a State from initiating or continuing any proceeding in a court of the State for a violation of any civil or criminal law of the State.

SEC. ___09. COORDINATION.

In carrying out this title, the Commission shall coordinate with any appropriate Federal agency or State regulator to promote consistent regulatory treatment of automated decision systems and augmented critical decision processes.

SEC. ___10. NO PREEMPTION.

Nothing in this title may be construed to preempt any State, tribal, city, or local law, regulation, or ordinance.

SA 2054. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XIV—PROTECTING AMERICANS' DATA FROM FOREIGN SURVEILLANCE ACT OF 2023

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Protecting Americans' Data From Foreign Surveillance Act of 2023''.

SEC. 1402. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) accelerating technological trends have made sensitive personal data an especially valuable input to activities that foreign adversaries of the United States undertake to threaten both the national security of the United States and the privacy that the people of the United States cherish;

(2) it is therefore essential to the safety of the United States and the people of the United States to ensure that the United States Government makes every effort to prevent sensitive personal data from falling into the hands of malign foreign actors; and

(3) because allies of the United States face similar challenges, in implementing this title, the United States Government should explore the establishment of a shared zone of mutual trust with respect to sensitive personal data.

SEC. 1403. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

''SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

''(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

''(1) IN GENERAL.—The Secretary shall, in coordination with the heads of the appropriate Federal agencies, identify categories of personal data of covered individuals that could—

''(A) be exploited by foreign governments or foreign adversaries; and

''(B) if exported, reexported, or in-country transferred in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

''(2) LIST REQUIRED.—In identifying categories of personal data of covered individuals under paragraph (1), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) identify an initial list of such categories not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023; and

''(B) as appropriate thereafter and not less frequently than every 5 years, add categories to, remove categories from, or modify categories on, that list.

''(3) ESTABLISHMENT OF THRESHOLD.—

''(A) ESTABLISHMENT.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall establish a threshold for determining when the export, reexport, or in-country transfer (in the aggregate) of the personal data of covered individuals by one person to or in a restricted country could harm the national security of the United States.

''(B) NUMBER OF COVERED INDIVIDUALS AFFECTED.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall establish the threshold under subparagraph (A) so that the threshold is—

''(I) not lower than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 10,000 covered individuals; and

''(II) not higher than the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of 1,000,000 covered individuals.

''(ii) EXPORTS BY CERTAIN FOREIGN PERSONS.—In the case of a person that possesses the data of more than 1,000,000 covered individuals, the threshold established under subparagraph (A) shall be one export, reexport, or in-country transfer of personal data to or in a restricted country by that person during a calendar year if the export, reexport, or in-country transfer is to—

''(I) the government of a restricted country;

''(II) a foreign person that owns or controls the person conducting the export, reexport, or in-country transfer and that person knows, or should know, that the export, reexport, or in-country transfer of the personal data was requested by the foreign person to comply with a request from the government of a restricted country; or

''(III) an entity on the Entity List maintained by the Bureau of Industry and Security of the Department of Commerce and set forth in Supplement No. 4 to part 744 of the Export Administration Regulations.

''(C) CATEGORY THRESHOLDS.—The Secretary, in coordination with the heads of the appropriate Federal agencies, may establish a threshold under subparagraph (A) for each category (or combination of categories) of personal data identified under paragraph (1).

''(D) UPDATES.—The Secretary, in coordination with the heads of the appropriate Federal agencies—

''(i) may update a threshold established under subparagraph (A) as appropriate; and

''(ii) shall reevaluate the threshold not less frequently than every 5 years.

''(E) TREATMENT OF PERSONS UNDER COMMON OWNERSHIP AS ONE PERSON.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

''(i) all exports, reexports, or in-country transfers involving personal data conducted by persons under the ownership or control of the same person shall be aggregated to that person; and

''(ii) that person shall be liable for any export, reexport, or in-country transfer in violation of this section.

''(F) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall seek to balance the need to protect personal data from exploitation by foreign governments and foreign adversaries against the likelihood of—

''(i) impacting legitimate business activities, research activities, and other activities that do not harm the national security of the United States; or

''(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

''(4) DETERMINATION OF PERIOD FOR PROTECTION.—The Secretary, in coordination with the heads of the appropriate Federal agencies, shall determine, for each category (or combination of categories) of personal data identified under paragraph (1), the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required to be able to protect that category (or combination of categories) of data from decryption to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(5) USE OF INFORMATION; CONSIDERATIONS.—In carrying out this subsection (including with respect to the list required under paragraph (2)), the Secretary, in coordination with the heads of the appropriate Federal agencies, shall—

''(A) use multiple sources of information, including—

''(i) publicly available information;

''(ii) classified information, including relevant information provided by the Director of National Intelligence;

''(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United

States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and any categories of sensitive personal data added to such section after such date of enactment;

''(v) information provided by the advisory committee established pursuant to paragraph (7); and

''(vi) the recommendations (which the Secretary shall request) of—

''(I) experts in privacy, civil rights, and civil liberties, identified by the National Academy of Sciences; and

''(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

''(B) take into account—

''(i) the significant quantity of personal data of covered individuals that is publicly available by law or has already been stolen or acquired by foreign governments or foreign adversaries;

''(ii) the harm to United States national security caused by the theft or acquisition of that personal data;

''(iii) the potential for further harm to United States national security if that personal data were combined with additional sources of personal data;

''(iv) the fact that non-sensitive personal data, when analyzed in the aggregate, can reveal sensitive personal data;

''(v) the commercial availability of inferred and derived data; and

''(vi) the potential for especially significant harm from data and inferences related to sensitive domains, such as health, work, education, criminal justice, and finance.

''(6) NOTICE AND COMMENT PERIOD.—The Secretary shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

''(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

''(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

''(C) establishing or updating the threshold under paragraph (3); or

''(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(A)(iii) is required under paragraph (4) to be able to protect such a category of data from decryption.

''(7) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

''(B) MEMBERSHIP.—The committee established pursuant to subparagraph (A) shall include the following members selected by the Secretary:

''(i) Experts on privacy and cybersecurity.

''(ii) Representatives of United States private sector companies, industry associations, and scholarly societies.

''(iii) Representatives of civil society groups, including such groups focused on protecting civil rights and civil liberties.

''(C) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

''(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

''(A) IN GENERAL.—In carrying out this subsection, the Secretary may not treat anonymized personal data differently than identifiable personal data unless the Secretary is confident, based on the method of anonymization used and the period of time determined under paragraph (4) for protection of the category of personal data involved, it will not be possible for well-resourced adversaries, including foreign governments, to re-identify the individuals to which the anonymized personal data relates, such as by using other sources of data, including non-public data obtained through hacking and espionage, and reasonably anticipated advances in technology.

''(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be, or are likely in the future to be, reasonably identified, such as by using other sources of data.

''(9) SENSE OF CONGRESS ON IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—It is the sense of Congress that, in identifying categories of personal data of covered individuals under paragraph (1), the Secretary should, to the extent reasonably possible and in coordination with the Secretary of the Treasury and the Director of the Office of Management and Budget, harmonize those categories with the categories of sensitive personal data described in paragraph (5)(A)(iv).

''(b) COMMERCE CONTROLS.—

''(1) CONTROLS REQUIRED.—Beginning 18 months after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export, reexport, or in-country transfer of covered personal data), as appropriate, or by publishing additional regulations.

''(2) LEVELS OF CONTROL.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

''(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3);

''(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

''(I) after consideration of the matters described in subparagraph (B); and

''(II) in coordination with the heads of the appropriate Federal agencies; and

''(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

''(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

''(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

''(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

''(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

''(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

''(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

''(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

''(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a manner that exceeds the threshold established under subsection (a)(3); and

''(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to subclause (III)) establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, the Secretary shall (subject to clause (iii) and subclause (III)), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary (subject to clause (iii) and subclause (III))—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(III) CONCURRENCE; CONSULTATIONS; CONSIDERATIONS.—The Secretary shall establish the list required by subclause (I) and add a country to or remove a country from that list under subclause (II)—

''(aa) with the concurrence of the Secretary of State;

''(bb) in consultation with the heads of the appropriate Federal agencies; and

''(cc) based on the considerations described in subparagraph (B).

''(iii) CONGRESSIONAL REVIEW.—

''(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

''(II) JOINT RESOLUTION OF DISAPPROVAL.—

''(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term 'joint resolution of disapproval' means a joint resolution the matter after the resolving clause of which is as follows: 'That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting 'the Committee on Banking, Housing, and Urban Affairs' for 'the Committee on the Judiciary' each place it appears.

''(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) 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.

''(3) REVIEW OF LICENSE APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall, consistent with the provisions of section 1756 and in coordination with the heads of the appropriate Federal agencies—

''(i) review applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(ii) establish procedures for conducting the review of such applications.

''(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

''(4) EXCEPTIONS.—

''(A) IN GENERAL.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

''(i) The export, reexport, or in-country transfer by an individual of covered personal data that specifically pertains to that individual.

''(ii) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the service could not possibly be performed (as defined by the Secretary in regulations) without the export, reexport, or in-country transfer of that personal data.

''(iii) The export, reexport, or in-country transfer of personal data that is encrypted if—

''(I) the encryption key or other information necessary to decrypt the data is not, at the time of the export, reexport, or in-country transfer of the personal data or any other time, exported, reexported, or transferred to a restricted country or (except as provided in subparagraph (B)) a national of a restricted country; and

''(II) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government or foreign adversary from harming the national security of the United States.

''(iv) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

''(B) EXCEPTION FOR CERTAIN NATIONALS OF RESTRICTED COUNTRIES.—Subparagraph (A)(iii)(I) does not apply with respect to an individual who is a national of a restricted country if the individual is also a citizen of the United States or a noncitizen described in subsection (l)(5)(C).

''(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the Secretary, in coordination with the heads of the appropriate Federal agencies, as appropriate—

''(1) may not regulate or restrict the publication or sharing of—

''(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

''(B) information about a matter of public interest; or

''(C) any other information the publication or sharing of which is protected by the First Amendment to the Constitution of the United States; and

''(2) shall consult with the appropriate congressional committees.

''(d) PENALTIES.—

''(1) LIABLE PERSONS.—

''(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section and subsequently did export, reexport, or in-country transfer such data.

''(B) EXCEPTIONS AND CLARIFICATIONS.—

''(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

''(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without being directed to do so by the owner or user of the device who installed the application, the developer of the application, and not the owner or user of the device, is liable for any violation of this section.

''(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) with respect to a person for a violation of this section, the court shall consider—

''(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section;

''(B) any harm that resulted from the violation; and

''(C) the intent of the person in committing the violation.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

''(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

''(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—

''(1) IN GENERAL.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the information specified in paragraph (2), with respect to each application—

''(A) for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3); and

''(B) with respect to which the Secretary made a decision in the preceding 90-day period.

''(2) INFORMATION SPECIFIED.—The information specified in this paragraph with respect

to an application described in paragraph (1) is the following:

''(A) The name of the applicant.

''(B) The date of the application.

''(C) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

''(D) The categories of covered personal data the applicant sought to export, reexport, or transfer.

''(E) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

''(F) Whether the application was approved or denied.

''(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

''(h) CITIZENSHIP DETERMINATIONS BY PERSONS PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

''(i) FEES.—

''(1) IN GENERAL.—Notwithstanding section 1756(c), the Secretary may, to the extent provided in advance in appropriations Acts, assess and collect a fee, in an amount determined by the Secretary in regulations, with respect to each application for a license submitted under subsection (b).

''(2) DEPOSIT AND AVAILABILITY OF FEES.—Notwithstanding section 3302 of title 31, United States Code, fees collected under paragraph (1) shall—

''(A) be credited as offsetting collections to the account providing appropriations for activities carried out under this section;

''(B) be available, to the extent and in the amounts provided in advance in appropriations Acts, to the Secretary solely for use in carrying out activities under this section; and

''(C) remain available until expended.

''(j) REGULATIONS.—The Secretary may prescribe such regulations as are necessary to carry out this section.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each of the appropriate Federal agencies participating in carrying out this section such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

''(l) DEFINITIONS.—In this section:

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

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) APPROPRIATE FEDERAL AGENCIES.—The term 'appropriate Federal agencies' means the following:

''(A) The Department of Defense.

''(B) The Department of State.

''(C) The Department of Justice.

''(D) The Department of the Treasury.

''(E) The Office of the Director of National Intelligence.

''(F) The Office of Science and Technology Policy.

''(G) The Department of Homeland Security.

''(H) The Consumer Financial Protection Bureau.

''(I) The Federal Trade Commission.

''(J) The Federal Communications Commission.

''(K) The Department of Health and Human Services.

''(L) Such other Federal agencies as the Secretary considers appropriate.

''(3) COVERED INDIVIDUAL.—The term 'covered individual', with respect to personal data, means an individual who, at the time the data is acquired—

''(A) is located in the United States; or

''(B) is—

''(i) located outside the United States or whose location cannot be determined; and

''(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

''(4) COVERED PERSONAL DATA.—The term 'covered personal data' means the categories of personal data of covered individuals identified pursuant to subsection (a).

''(5) EXPORT.—

''(A) IN GENERAL.—The term 'export', with respect to covered personal data, includes—

''(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

''(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to whether the release or transfer was intended to be to a noncitizen.

''(B) EXCEPTIONS.—The term 'export' does not include—

''(i) the publication of covered personal data on the internet in a manner that makes the data discoverable by and accessible to any member of the general public; or

''(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

''(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen who is authorized to be employed in the United States.

''(D) TRANSMISSIONS THROUGH RESTRICTED COUNTRIES.—

''(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2023, and except as provided in clause (iii), the term 'export' includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

''(I) the data is encrypted as described in subsection (b)(4)(A)(iii); or

''(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

''(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data directly or indirectly through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

''(6) FOREIGN ADVERSARY.—The term 'foreign adversary' has the meaning given that term in section 8(c)(2) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1607(c)(2)).

''(7) IN-COUNTRY TRANSFER; REEXPORT.—The terms 'in-country transfer' and 'reexport', with respect to personal data, shall have the meanings given those terms in regulations prescribed by the Secretary.

''(8) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms 'lawfully admitted for permanent residence' and 'national' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(9) NONCITIZEN.—The term 'noncitizen' means an individual who is not a citizen or national of the United States.

''(10) RESTRICTED COUNTRY.—The term 'restricted country' means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a manner that exceeds the applicable threshold established under subsection (a)(3).''.

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

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

(C) by adding at the end the following:

''(C) to restrict, notwithstanding section 203(b) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)), the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''; and

(2) in paragraph (2), by adding at the end the following:

''(H) To prevent the exploitation of personal data of United States citizens and other covered individuals (as defined in section 1758A(l)) in a quantity and a manner that could harm the national security of the United States.''.

(c) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—Section 1754 of the Export Control Reform Act of 2018 (50 U.S.C. 4813) is amended—

(1) in subsection (a)(14), by inserting ''and subject to subsection (g)'' after ''as warranted''; and

(2) by adding at the end the following:

''(g) LIMITATION ON AUTHORITY TO MAKE EXCEPTIONS TO LICENSING REQUIREMENTS.—The Secretary may create under subsection (a)(14) exceptions to licensing requirements under section 1758A only for the export, reexport, or in-country transfer of covered personal data (as defined in subsection (l) of that section) by or for a Federal department or agency.''.

(d) RELATIONSHIP TO INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.—Section 1754(b) of the Export Control Reform Act of 2018 (50 U.S.C. 4813(b)) is amended by inserting ''(other than section 1758A)'' after ''this part''.

SEC. 1404. SEVERABILITY.

If any provision of or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of the provisions of and amendments made by this title, and the application of such provisions and amendments to any other person or circumstance, shall not be affected.

SA 2055. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation

programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—ANTISEMITISM

SEC. ___1. SHORT TITLE.

This title may be cited as the ''Antisemitism Awareness Act of 2024''.

SEC. ___2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance;

(2) while such title does not cover discrimination based solely on religion, individuals who face discrimination based on actual or perceived shared ancestry or ethnic characteristics do not lose protection under such title for also being members of a group that share a common religion;

(3) discrimination against Jews may give rise to a violation of such title when the discrimination is based on race, color, or national origin, which can include discrimination based on actual or perceived shared ancestry or ethnic characteristics;

(4) it is the policy of the United States to enforce such title against prohibited forms of discrimination rooted in antisemitism as vigorously as against all other forms of discrimination prohibited by such title; and

(5) as noted in the U.S. National Strategy to Counter Antisemitism issued by the White House on May 25, 2023, it is critical to—

(A) increase awareness and understanding of antisemitism, including its threat to America;

(B) improve safety and security for Jewish communities;

(C) reverse the normalization of antisemitism and counter antisemitic discrimination; and

(D) expand communication and collaboration between communities.

SEC. ___3. FINDINGS.

Congress finds the following:

(1) Antisemitism is on the rise in the United States and is impacting Jewish students in K–12 schools, colleges, and universities.

(2) The International Holocaust Remembrance Alliance (referred to in this title as the ''IHRA'') Working Definition of Antisemitism is a vital tool which helps individuals understand and identify the various manifestations of antisemitism.

(3) On December 11, 2019, Executive Order 13899 extended protections against discrimination under the Civil Rights Act of 1964 to individuals subjected to antisemitism on college and university campuses and tasked Federal agencies to consider the IHRA Working Definition of Antisemitism when enforcing title VI of such Act.

(4) Since 2018, the Department of Education has used the IHRA Working Definition of Antisemitism when investigating violations of that title VI.

(5) The use of alternative definitions of antisemitism impairs enforcement efforts by adding multiple standards and may fail to identify many of the modern manifestations of antisemitism.

(6) The White House released the first-ever United States National Strategy to Counter Antisemitism on May 25, 2023, making clear that the fight against this hate is a national, bipartisan priority that must be successfully conducted through a whole-of-government-and-society approach.

SEC. ___4. DEFINITIONS.

For purposes of this title, the term ''definition of antisemitism''—

(1) means the definition of antisemitism adopted on May 26, 2016, by the IHRA, of which the United States is a member, which definition has been adopted by the Department of State; and

(2) includes the ''[c]ontemporary examples of antisemitism'' identified in the IHRA definition.

SEC. ___5. RULE OF CONSTRUCTION FOR TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

In reviewing, investigating, or deciding whether there has been a violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) on the basis of race, color, or national origin, based on an individual's actual or perceived shared Jewish ancestry or Jewish ethnic characteristics, the Department of Education shall take into consideration the definition of antisemitism as part of the Department's assessment of whether the practice was motivated by antisemitic intent.

SEC. ___6. OTHER RULES OF CONSTRUCTION.

(a) GENERAL RULE OF CONSTRUCTION.—Nothing in this title shall be construed—

(1) to expand the authority of the Secretary of Education;

(2) to alter the standards pursuant to which the Department of Education makes a determination that harassing conduct amounts to actionable discrimination; or

(3) to diminish or infringe upon the rights protected under any other provision of law that is in effect as of the date of enactment of this Act.

(b) CONSTITUTIONAL PROTECTIONS.—Nothing in this title shall be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States.

SA 2056. Mr. KELLY submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SAFETY ENHANCEMENTS FOR CERTIFICATION OF TRANSPORT CATEGORY PURPOSE BUILT CARGO AIRCRAFT.

(a) PURPOSES.—The purposes of this section are the following:

(1) To evaluate the function and reliability aspects of unique commercial cargo aircraft operations prior to any commercial operation of such aircraft under part 135 or part 121 of title 14, Code of Federal Regulations.

(2) To ensure compliance with the airworthiness requirements for unique commercial cargo aircraft.

(3) To support of the development of safe, new, and useful air cargo systems such that the highest level of safety mitigation, oversight, and inspections can support the advancement of aviation in the United States.

(b) AUTHORIZATION OF FLIGHT OPERATIONS FOR CERTAIN TESTING.—Notwithstanding section 44711(a) of title 49, United States Code, and any regulation prohibiting such operations, the Secretary shall have the sole discretion to permit, as part of function and reliability flight testing and prior to type design approval, the operation of aircraft carrying unique commercial cargo if such aircraft is—

(1) a cargo-only aircraft with a maximum take-off weight of not less than 600,000 pounds;

(2) an aircraft for which testing and evaluation is to be performed with representative or actual cargo in cargo operation; and

(3) designed to use a novel cargo loading, cargo unloading, or cargo retention method.

(c) USE OF DESIGNATED ENGINEERING REPRESENTATIVE FLIGHT TEST PILOTS.—The Secretary may authorize Designated Engineering Representative Flight Test Pilots to perform the function and reliability flight testing described in subsection (b).

(d) SAFETY PROCESSES.—The Secretary shall use FAA safety processes and procedures for performing certification flight tests under this section to ensure an adequate level of safety.

(e) DEFINITION OF UNIQUE COMMERCIAL CARGO.—For purposes of this section, the term ''unique commercial cargo'' means cargo—

(1) that cannot be carried or otherwise transported in a certified cargo airplane; and

(2) for which a person seeking certification under this section may receive financial benefit to carry or otherwise transport.

(f) EXPIRATION OF AUTHORITY.—The authority described in section shall expire on October 1, 2033.

SA 2057. Mr. WARNER (for himself, Mr. KAINE, Mr. VAN HOLLEN, Mr. CARDIN, and Mr. TILLIS) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr. MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 502, add the following:

(d) REQUIREMENT TO CONSIDER IMPACT ON FLIGHT DELAYS, CANCELLATIONS, AND PASSENGER SAFETY.—Subsection (i) of section 41718 of title 49, United States Code, as added by subsection (a), is further amended by adding at the end the following new paragraph:

''(6) REQUIRED DETERMINATIONS.—Notwithstanding the preceding provisions of this subsection, the Secretary may only grant any of the slot exemptions authorized under this subsection if the Secretary determines for each of the slot exemptions that the granting of the slot exemption will not increase flight delays, cancellations, or compromise passenger safety for existing flight service at Ronald Reagan Washington National Airport. In making this determination, the Secretary shall take into consideration—

''(A) current operational performance at Ronald Reagan Washington National Airport, as of the date on which the Secretary makes the determinations required under this paragraph prior to granting the slot exemption under paragraph (1);

''(B) the most recent projections based on the Annual Service Volume Delay Model , as of the date applicable under subparagraph (A); and

''(C) current landside and airside constraints, such as gate capacity, as of the date applicable under subparagraph (A).''.

SA 2058. Mr. OSSOFF (for himself, Mr. WARNOCK, Mrs. SHAHEEN, Mr. PADILLA, Ms. HASSAN, and Mr. WELCH) submitted an amendment intended to be proposed to amendment SA 1911 proposed by Ms. CANTWELL (for herself, Mr. CRUZ, Ms. DUCKWORTH, and Mr.

MORAN) to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. DISASTER RESPONSE.

(a) IN GENERAL.—For an additional amount for ''Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary'', there is appropriated, out of amounts in the Treasury not otherwise appropriated, $12,200,000,000, to remain available until expended, for necessary expenses related to losses of revenue, and quality or production losses of crops (including milk, peaches, apples, and crops prevented from being planted during calendar year 2023), trees, bushes, and vines, as a consequence of droughts, wildfires, hurricanes, floods, derechos, excessive heat, tornadoes, winter storms, frost, freeze, including a polar vortex, smoke exposure, and excessive moisture occurring during calendar year 2023, under such terms and conditions as determined by the Secretary of Agriculture.

(b) TERMS AND CONDITIONS.—The amount provided under this section shall be subject to the terms and conditions set forth in the first, second, and fourth through twelfth provisos under the heading ''Department of Agriculture—Agricultural Programs—Processing, Research, and Marketing—Office of the Secretary'' in title I of the Disaster Relief Supplemental Appropriations Act, 2022 (division B of Public Law 117–43), except that each reference to 2020 or 2021 in those provisos shall be deemed to be a reference to calendar year 2023.

(c) EMERGENCY DESIGNATION.—

(1) STATUTORY PAYGO.—This section is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) SENATE DESIGNATION.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2059. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill H.R. 3935, to amend title 49, United States Code, to reauthorize and improve the Federal Aviation Administration and other civil aviation programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) EXTENSION OF AUTHORITY FOR SECURE PAYMENTS.—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking ''2023'' each place it appears and inserting ''2026''.

(b) DISTRIBUTION OF PAYMENTS.—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking ''2023'' and inserting ''2026''.

(c) RESOURCE ADVISORY COMMITTEES.—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking ''December 20, 2023'' each place it appears and inserting ''December 20, 2026''.

(d) EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(1) in subsection (a), by striking ''2025'' and inserting ''2028''; and

(2) in subsection (b), by striking ''2026'' and inserting ''2029''.

(e) EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.—Section 305 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking ''2025'' and inserting ''2028''; and

(2) in subsection (b), by striking ''2026'' and inserting ''2029''.

(f) RESOURCE ADVISORY COMMITTEE PILOT PROGRAM EXTENSION.—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

''(g) PILOT PROGRAM FOR RESOURCE ADVISORY COMMITTEE APPOINTMENTS BY REGIONAL FORESTERS.—

''(1) IN GENERAL.—The Secretary concerned shall establish and carry out a pilot program under which the Secretary concerned shall allow the regional forester with jurisdiction over a unit of Federal land to appoint members of the resource advisory committee for that unit, in accordance with the applicable requirements of this section.

''(2) RESPONSIBILITIES OF REGIONAL FORESTER.—Before appointing a member of a resource advisory committee under the pilot program under this subsection, a regional forester shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

''(3) SAVINGS CLAUSE.—Nothing in this subsection relieves a regional forester or the Secretary concerned from an obligation to comply with any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

''(4) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2028.''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator RON WYDEN, intend to object to proceeding to the nomination of Col. David M. Church for appointment in the United States Army to the grade of brigadier general, dated May 8, 2024.

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Madam President, I have seven 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 COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 2:30 p.m., to conduct a closed briefing.

SUBCOMMITTEE ON AIRLAND

The Subcommittee on Airland of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 4:00 p.m., to conduct a hearing.

SUBCOMMITTEE ON PERSONNEL

The Subcommittee on Personnel of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 3 p.m., to conduct a hearing.

SUBCOMMITTEE ON STRATEGIC FORCES

The Subcommittee on Strategic Forces of the Committee on Armed Services is authorized to meet during the session of the Senate on Wednesday, May 8, 2024, at 4:45 p.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Ms. LUMMIS. Madam President, I ask unanimous consent that the following interns in my office be granted floor privileges until May 9, 2024. They are: Georgina Ringley, Jessica Yang, and Elizabeth Michael.

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

AUTHORIZING THE USE OF EMANCIPATION HALL IN THE CAPITOL VISITOR CENTER FOR AN EVENT TO CELEBRATE THE BIRTHDAY OF KING KAMEHAMEHA I

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 36.

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

The clerk will report the concurrent resolution by title.

The senior assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 36) authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha I.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SCHUMER. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be considered made and laid upon the

table with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 36) was agreed to.

(The concurrent resolution is printed in today's RECORD under ''Submitted Resolutions.'')

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. 677, S. Res. 678, S. Res. 679.

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

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. SCHUMER. 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.'')

DIESEL EMISSIONS REDUCTION ACT OF 2023

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 178, S. 2195.

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

The senior assistant legislative clerk read as follows:

A bill (S. 2195) to amend the Energy Policy Act of 2005 to reauthorize the diesel emissions reduction program.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works.

Mr. SCHUMER. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The bill (S. 2195) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Diesel Emissions Reduction Act of 2023''.

SEC. 2. REAUTHORIZATION OF DIESEL EMISSIONS REDUCTION ACT.

Section 797(a) of the Energy Policy Act of 2005 (42 U.S.C. 16137(a)) is amended by striking ''2024'' and inserting ''2029''.

AMERICA'S CONSERVATION ENHANCEMENT REAUTHORIZATION ACT OF 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 343, S. 3791.

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

The senior assistant legislative clerk read as follows:

A bill (S. 3791) to reauthorize the America's Conservation Enhancement Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''America's Conservation Enhancement Reauthorization Act of 2024''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

TITLE I—WILDLIFE ENHANCEMENT, DISEASE, AND PREDATION

SEC. 101. LOSSES OF LIVESTOCK DUE TO DEPREDATION BY FEDERALLY PROTECTED SPECIES.

Section 102(d) of the America's Conservation Enhancement Act (7 U.S.C. 8355(d)) is amended, in the matter preceding paragraph (1), by striking ''2025'' and inserting ''2030''.

SEC. 102. BLACK VULTURE LIVESTOCK PROTECTION PROGRAM.

Section 103 of the America's Conservation Enhancement Act (7 U.S.C. 8356) is amended—

(1) in the section heading, by inserting ''; black vulture livestock protection program'' after ''common ravens'';

(2) by redesignating subsections (a) through (c) as paragraphs (1) through (3), respectively, and indenting appropriately;

(3) in each of paragraphs (2) and (3) (as so redesignated), by striking ''subsection (a)'' and inserting ''paragraph (1)'';

(4) by inserting before paragraph (1) (as so redesignated) the following:

''(a) DEPREDATION PERMITS FOR BLACK VULTURES AND COMMON RAVENS.—''; and

(5) by adding at the end the following:

''(b) BLACK VULTURE LIVESTOCK PROTECTION PROGRAM.—

''(1) IN GENERAL.—The Secretary, in coordination with States, shall carry out, through fiscal year 2030, a black vulture livestock protection program (referred to in this subsection as the 'program') that allows 1 public entity or Farm Bureau organization per State to hold a statewide depredation permit to protect commercial agriculture livestock from black vulture predation.

''(2) REQUIREMENTS.—Each public entity or Farm Bureau organization that holds a depredation permit under the program—

''(A) shall—

''(i) demonstrate sufficient experience and capacity to provide government regulated services to the public, as determined by the Secretary;

''(ii) submit a complete depredation permit application, as determined by the Secretary, for review and approval according to procedures of the United States Fish and Wildlife Service;

''(iii) be responsible for complying with, and ensuring subpermittee compliance with, as applicable, all permit conditions; and

''(iv) be responsible for collecting, managing, and reporting required information under the permit; and

''(B) may subpermit to livestock producers to take black vultures for the purposes of livestock protection.

''(3) STUDY.—The Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall carry out a study on whether prescribed take levels of black vultures may be increased for subpermittees within a biologically sustainable take level for the population.

''(4) REPORT.—Not later than 1 year after the date of enactment of the America's Conservation Enhancement Reauthorization Act of 2024, the Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall submit to the Chair and Ranking Member of the Committee on Environment and Public Works of the Senate and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives a report on the status of the program, including the results of the study required under paragraph (3).''.

SEC. 103. CHRONIC WASTING DISEASE TASK FORCE.

Section 104(d)(1) of the America's Conservation Enhancement Act (16 U.S.C. 667h(d)(1)) is amended by striking ''2025'' and inserting ''2030''.

SEC. 104. PROTECTION OF WATER, OCEANS, COASTS, AND WILDLIFE FROM INVASIVE SPECIES.

Section 10(p) of the Fish and Wildlife Coordination Act (16 U.S.C. 666c–1(p)) is amended, in the matter preceding paragraph (1), by striking ''2025'' and inserting ''2030''.

SEC. 105. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)) is amended—

(1) by striking ''not to exceed $60,000,000'' and inserting the following: ''not to exceed—

''(1) $60,000,000'';

(2) in paragraph (1) (as so designated), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(2) $65,000,000 for each of fiscal years 2026 through 2030.''.

SEC. 106. NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT.

Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a)(1), in the matter preceding subparagraph (A), by striking ''2025'' and inserting ''2030''; and

(2) in subsection (b)(1)—

(A) in subparagraph (A), by striking ''and cooperative agreements,'' and inserting '', cooperative agreements, participating agreements, and similar instruments used for providing partnership funds,'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

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

''(B) FUNDING AGREEMENTS.—Federal departments, agencies, and instrumentalities may enter into a Federal funding agreement with the Foundation for a period of not less than 5 years and not more than 10 years.''; and

(D) in subparagraph (C) (as so redesignated), by inserting '', and should when possible,'' after ''may''.

SEC. 107. MODIFICATION OF DEFINITION OF SPORT FISHING EQUIPMENT UNDER TSCA.

Section 108(a) of the America's Conservation Enhancement Act (15 U.S.C. 2601 note; Public Law 116–188) is amended by striking ''During the 5-year period beginning on the date of enactment of this Act'' and inserting ''During the period beginning on the date of enactment of the America's Conservation Enhancement Reauthorization Act of 2024 and ending on September 30, 2030''.

SEC. 108. CHESAPEAKE BAY PROGRAM.

Section 117(j) of the Federal Water Pollution Control Act (33 U.S.C. 1267(j)) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(6) for each of fiscal years 2026 through 2030, $100,000,000.''.

SEC. 109. CHESAPEAKE BAY INITIATIVE ACT OF 1998.

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (Public Law 105–312; 112 Stat. 2963; 134 Stat. 920) is amended by striking ''2025'' and inserting ''2030''.

SEC. 110. CHESAPEAKE WATERSHED INVESTMENTS FOR LANDSCAPE DEFENSE.

Section 111(e)(1) of the America's Conservation Enhancement Act (33 U.S.C. 1267 note; Public Law 116–188) is amended by striking ''2025'' and inserting ''2030''.

TITLE II—NATIONAL FISH HABITAT CONSERVATION THROUGH PARTNERSHIPS

SEC. 201. NATIONAL FISH HABITAT BOARD.

Section 203 of the America's Conservation Enhancement Act (16 U.S.C. 8203) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''26 members'' and inserting ''28 members'';

(B) by striking subparagraph (A) and inserting the following:

''(A) 2 shall be representatives of the Department of the Interior, including the United States Fish and Wildlife Service and the Bureau of Land Management;''; and

(C) by striking subparagraphs (G) and (H) and inserting the following:

''(G) 2 shall be representatives of Indian Tribes, of whom—

''(i) 1 shall be a representative of Indian Tribes in the State of Alaska; and

''(ii) 1 shall be a representative of Indian Tribes in States other than the State of Alaska;

''(H) 2 shall be representatives of—

''(i) the Regional Fishery Management Councils established by section 302(a)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852(a)(1)); or

''(ii) the Marine Fisheries Commissions;''; and

(2) in subsection (e)(1)(B), by striking ''all members'' and inserting ''the members present''.

SEC. 202. FISH HABITAT PARTNERSHIPS.

Section 204(e) of the America's Conservation Enhancement Act (16 U.S.C. 8204(e)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', subject to paragraph (3),'' after ''Act and''; and

(2) by adding at the end the following:

''(3) LIMITATION.—The Board shall only submit a report required under paragraph (1) in the fiscal years in which the Board is proposing modifications to, or new designations of, 1 or more Partnerships.''.

SEC. 203. FISH HABITAT CONSERVATION PROJECTS.

Section 205 of the America's Conservation Enhancement Act (16 U.S.C. 8205) is amended—

(1) in subsection (b), by striking ''for the following fiscal year''; and

(2) in subsection (e)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The non-Federal share of the total cost of all fish habitat conservation projects carried out by a Partnership each year shall be at least 50 percent.''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''Such non-Federal share of the cost of a fish habitat conservation project'' and inserting ''The non-Federal share described in paragraph (1)''.

SEC. 204. TECHNICAL AND SCIENTIFIC ASSISTANCE.

Section 206(a) of the America's Conservation Enhancement Act (16 U.S.C. 8206(a)) is amended by inserting '', the Bureau of Land Management,'' after ''the Forest Service''.

SEC. 205. ACCOUNTABILITY AND REPORTING.

Section 209 of the America's Conservation Enhancement Act (16 U.S.C. 8209) is amended—

(1) by striking subsection (b);

(2) in subsection (a)—

(A) by striking the subsection designation and heading and all that follows through ''Not later than'' in paragraph (1) and inserting the following:

''(a) IN GENERAL.—Not later than''; and

(B) by redesignating paragraph (2) as subsection (b) and indenting appropriately; and

(3) in subsection (b) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(B) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (5), respectively, and indenting appropriately;

(C) in paragraph (3) (as so redesignated), by striking ''and'' at the end;

(D) by inserting after paragraph (3) (as so redesignated) the following:

''(4) a description of the status of fish habitats in the United States as identified by Partnerships; and''; and

(E) in paragraph (5) (as so redesignated)—

(i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(ii) in subparagraph (C) (as so redesignated), by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively, and indenting appropriately.

SEC. 206. FUNDING.

Section 212 of the America's Conservation Enhancement Act (16 U.S.C. 8212) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting ''PARTNERSHIPS AND'' after ''HABITAT'';

(ii) by inserting ''and $10,000,000 for each of fiscal years 2026 through 2030'' after ''through 2025''; and

(iii) by inserting ''Partnership operations under section 204 and'' after ''to provide funds for'';

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''2025'' and inserting ''2030''; and

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''2025'' and inserting ''2030'';

(ii) by redesignating subparagraphs (B) through (E) as subparagraphs (C) through (F), respectively; and

(iii) by inserting after subparagraph (A) the following:

''(B) $400,000 to the Secretary for use by the Bureau of Land Management;''; and

(2) by adding at the end the following:

''(d) NATIONAL FISH HABITAT ASSESSMENT.—There is authorized to be appropriated for completion of the National Fish Habitat Assessment described in section 201(4), including the associated database of the National Fish Habitat Assessment described in that section, $1,000,000, to remain available until expended.''.

SEC. 207. TECHNICAL CORRECTION.

Section 211 of the America's Conservation Enhancement Act (16 U.S.C. 8211) is amended, in the matter preceding paragraph (1), by striking ''The Federal Advisory Committee Act (5 U.S.C. App.)'' and inserting ''Chapter 10 of title 5, United States Code (commonly known as the 'Federal Advisory Committee Act')''.

Mr. SCHUMER. I further ask that the committee-reported substitute amendment be agreed to.

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

The committee-reported amendment in the nature of a substitute was agreed to.

Mr. SCHUMER. I ask that the bill be considered read a third time.

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

Mr. SCHUMER. I know of no further debate on the bill, as amended.

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

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

The bill (S. 3791), as amended, was passed.

BILLIE JEAN KING CONGRESSIONAL GOLD MEDAL ACT

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate Committee on Banking, Housing, and Urban Affairs be discharged from further consideration and the Senate proceed to the immediate consideration of S. 2861.

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

The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2861) to award a Congressional Gold Medal to Billie Jean King, an American icon, in recognition of a remarkable life devoted to championing equal rights for all, in sports and in society.

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

Mr. SCHUMER. I ask unanimous consent that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table.

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

The bill (S. 2861) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2861

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Billie Jean King Congressional Gold Medal Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Billie Jean King, born Billie Jean Moffitt on November 22, 1943, in Long Beach, California, demonstrated athletic prowess from a young age. She was introduced to tennis at the age of 11, and soon after, Billie Jean purchased her first tennis racket using money she earned working various jobs in her neighborhood.

(2) Billie Jean broke numerous barriers to become a number one professional tennis player. She dominated women's tennis with 39 Grand Slam singles, doubles, and mixed doubles titles, including a record 20 championships at Wimbledon. She also was a member of 3 World TeamTennis championship teams.

(3) After growing in prominence, Billie Jean used her platform as a celebrity to fight for equal rights and opportunities for equality for all in sports, and society, in the United States.

(4) Billie Jean played an instrumental role in the passage of title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 et seq.), a law that mandates equal funding for women's and men's sports programs in schools and colleges. This legislation has unlocked a world of opportunities for girls and women in education and sports.

(5) During Billie Jean's career, the pay difference between prize money for men and women in tennis continued to expand. By the early 1970s, the pay gap in prize money reached ratios of as much as 12 to 1. Fewer and fewer tournaments were hosting women's events. Billie Jean harnessed the energy of the women's rights movement to create a women's tennis tour that would elevate women's tennis and establish pay equity within the sport. Along with 8 other women tennis players, she formed an independent women's professional tennis circuit, the Virginia Slims Series.

(6) In 1973, Billie Jean founded the Women's Tennis Association, today's principal governing body for women's professional tennis.

(7) Billie Jean helped found womenSports magazine and founded the Women's Sports Foundation. Both have been at the forefront of advancing women's voice in sports.

(8) Billie Jean successfully lobbied for equal prize money for men and women at the 1973 US Open Tennis Championships. It would take another 34 years for the other 3 major tournaments to all offer equal prize money.

(9) In 1973, Billie Jean played a tennis match against Bobby Riggs, a former World Number 1 player who sought to undermine the credibility and prominence of women in sports. Billie Jean defeated Riggs in what became a firm declaration of women's role in sports and society.

(10) Billie Jean King was the first tennis player and woman to be named Sports Illustrated's Sportsperson of the Year, one of the ''100 Most Important Americans of the 20th Century'' by LIFE magazine, was the recipient of the 1999 Arthur Ashe Award for Courage, and has been admitted to the International Women's Sports Hall of Fame, the International Tennis Hall of Fame, and the National Women's Hall of Fame.

(11) In 2006, the United States Tennis Association recognized Billie Jean's immeasurable impact on the sport of tennis by renaming the site of the US Open in her honor as the USTA Billie Jean King National Tennis Center, which is located in Flushing Meadows Corona Park in Queens, New York. This was the first time a major sporting complex was named after a woman.

(12) In 2009, Billie Jean was awarded the Presidential Medal of Freedom, the highest civilian honor in the United States, by President Barack Obama for her impactful work advocating for the rights of women. She was the first female athlete to receive this honor.

(13) In 2014, Billie Jean King founded the Billie Jean King Leadership Initiative to empower companies and individuals to create inclusive work environments that celebrate and promote diversity and equality in the workplace.

(14) In 2020, Fed Cup, the world cup of women's tennis, was renamed the Billie Jean King Cup, making it the first global team competition to be named after a woman.

(15) Billie Jean King's extraordinary courage, leadership, and activism helped propel the women's movement forward, and open doors for countless people in the United States. On and off the court, Billie Jean has served as an inspiration to millions of people the world over. Few women and men have had a greater impact on their sport and on our society than Billie Jean King.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of Congress, of a gold medal of appropriate design to Billie Jean King, in recognition of her contribution to the United States and her courageous and groundbreaking leadership advancing equal rights for women in athletics, education, and our society.

(b) DESIGN AND STRIKING.—For purposes of the presentation described in subsection (a), the Secretary of the Treasury (referred to in this Act as the ''Secretary'') shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary. The design shall bear an image of, and inscription of the name of, Billie Jean King.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 at a price sufficient to cover the costs of the medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—Medals struck under this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 and section 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck under this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of Public Law 114–196, the appointment of the following individual to serve as a member of the United States Semiquincentennial Commission: Member of the Senate: The Honorable ALEX PADILLA of California.

APPOINTMENT CORRECTION

Mr. SCHUMER. Mr. President, I ask unanimous consent that a correction to an appointment made on April 30, 2024, be printed in the RECORD.

For the information of the Senate, the correction is clerical and does not change membership of the United States-China Economic Security Review Commission made by the appointment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of Public Law 106–398, as amended by Public Law 108–7, and in consultation with the Chairs of the Senate Committee on Armed Services and the Senate Committee on Finance, the reappointment of the following individual to serve as a member of the United States—China Economic and Security Review Commission: The Honorable Carte P. Goodwin of West Virginia for a term beginning January 1, 2024 and expiring December 31, 2025.

ORDERS FOR THURSDAY, MAY 9, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 12 noon on Thursday, May 9; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for use later in the day, and morning business be closed; that upon conclusion of morning business, the Senate resume consideration of Calendar No. 211, H.R. 3935.

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

Mr. SCHUMER. For the information of the Senate, Senators should expect a rollcall vote on cloture on the substitute amendment to the FAA bill at approximately 1 p.m.

ADJOURNMENT UNTIL 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 6:58 p.m., adjourned until Thursday, May 9, 2024, at 12 noon.