Workers will be able to secure the accommodations they need in a timely manner, while employers will avoid costly litigation over allegations of discrimination. A significant advantage of using this same framework is that employers are already familiar with it—and have over 30 years' experience providing reasonable accommodations to people with disabilities already.

Over the years, I and my colleagues—along with supporters of the legislation—have worked carefully to ensure that the Pregnant Workers Fairness Act will both protect pregnant workers from discrimination and provide actionable, realistic parameters and guidance for employers. That is why, as I mentioned previously, the bill has the support of over 200 advocacy groups from all parts of the ideological spectrum.

Now, some have claimed that the Americans with Disabilities Act—ADA—already gives pregnant workers who truly need accommodations a right to accommodations. That is simply not true. It is not what we are seeing on the ground or what courts are deciding in their rulings.

First, the ADA does not protect pregnant workers who need accommodations to prevent complications from arising in the first place, such as extra restroom breaks to prevent a urinary tract infection or temporary light duty to prevent a miscarriage, which doctors sometimes advise.

Second, many courts have held that the ADA does not protect even those pregnant workers with serious pregnancy complications like a high-risk pregnancy, bleeding, or severe nausea. That has remained the case even after Congress expanded the ADA in 2008. Clearly, the ADA, while a vitally important law, is not adequate to keep pregnant workers healthy and on the job.

It is time to step up and protect pregnant workers who just need a little help—a water bottle, a stool, light duty—in order to keep working safely. This is the right thing to do. The Pregnant Workers Fairness Act is a reasonable and responsible bill that will help workers continue working safely during pregnancy and after childbirth. With broad support and a framework that is already familiar to employers, the Pregnant Workers Fairness Act is a commonsense, bipartisan bill that should be enacted without delay.

In closing, I would like to reiterate my thanks to Senator CASSIDY, who has been a true partner on this bill, along with our staffs; Senator SHAHEEN, for cosponsoring with me all these years; Senator MURRAY and Senator BURR for their work to shepherd the bill through the Committee on Health, Education, Labor, and Pensions; and the majority leader, Senator SCHUMER, for helping us to see this bill through the U.S. Senate.

ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS

Mr. MENENDEZ. Mr. President, the committee finished a report entitled, ''Enhancing Transparency on International Agreements and Non-Binding Instruments.'' I ask unanimous consent that a copy of that report be printed in the RECORD.

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

ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS

Report on section 5947, Enhancing Transparency on International Agreements and Non-Binding Instruments, of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, H.R. 7776.

I. PURPOSE

The Committee strongly supports robust diplomacy and international engagement, including efforts to advance U.S. interests through the negotiation and implementation of international agreements and nonbinding instruments with allies, partners, and other actors. These efforts must be conducted with accountability to Congress and, to the greatest extent appropriate, transparency for the public, as both are essential to our democracy.

The Case-Zablocki Act of 1972 (P.L. 92–403; also known as the ''Case Act'') was an important but highly-limited and long-outdated framework for reporting on binding international agreements. Section 5947 of H.R. 7776, Enhancing Transparency on International Agreements and Non-Binding Instruments, strengthens and modernizes the Case Act and makes it applicable, for the first time, to non-binding instruments. Even with this broadened scope, however, the Case Act is only the starting point—a basic notification and publication requirement. It does not replace consultation with Congress on the development of our foreign policy or substantive engagement with the public on commitments entered into on behalf of the American people.

II. COMMITTEE ACTION

Chairman Menendez and Ranking Member Risch first proposed an amendment to update the Case Act as part of the Committee's consideration of S. 1169, the Strategic Competition Act of 2021 (SCA). The bipartisan provision was included as section 310 of the SCA. On May 10, 2021, the Committee considered the SCA and ordered it reported, with an amendment in the nature of a substitute, by a vote of 21–1.

A modified version of the Case Act reform passed the Senate on June 8, 2021 as section 3310 of S. 1260, the United States Innovation and Competition Act of 2021 (USICA).

The House of Representatives passed a further modified version as section 5947 of H.R. 7776, the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (NDAA or FY 23 NDAA), on December 8, 2022. The Senate subsequently passed section 5947 as part of the NDAA on December 15, 2022.

III. SECTION-BY-SECTION SUMMARY

A summary of the provisions of section 5947 of H.R. 7776, follows:

Paragraph 5947(a)(1) amends 1 U.S.C. 112b as follows:

Subsection 112b(a): This subsection requires the Secretary of State not less frequently than once each month to provide to congressional leadership and the appropriate congressional committees a list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month, as well as those that entered into force or became operative. For such international agreements and qualifying non-binding instruments, the Secretary must provide the text and a detailed description of the legal authority relied on, as well as a description of any new or amended statutory or regulatory authority anticipated to be required to implement an agreement or qualified non-binding instrument. The required information must be provided in an unclassified form but may include a classified annex.

Subsection 112b(b): This subsection requires the Secretary of State to make public on the State Department website the text of newly-operative international agreements and qualifying non-binding instruments, with certain exceptions, as well as the information required to be reported to Congress under subsection 112b(a).

Subsection 112b(c): This subsection requires the Secretary of State to provide the text of implementing agreements or arrangements for international agreements or qualifying nonbinding instruments, or any other documents of similar purpose or function, whether binding or not binding, if not otherwise required to be submitted under subsection 112b(a)(1). The text must be provided within 30 days of receipt by the Secretary of a written communication from the Chair or Ranking Member of either appropriate congressional committee requesting the text.

Subsection 112b(d): This subsection requires any U.S. Government department or agency that enters into any international agreement or qualifying non-binding instrument to provide the text to the Secretary of State within 15 days of signature or conclusion, or otherwise being finalized, in addition to a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative after such instrument is signed. (With regard to international agreements, the Committee understands that the relevant agency would have already been obligated to submit the legal authority to the Department of State through the Circular-175 process.) This subsection further requires such department or agency to provide on an ongoing basis any implementing materials to the Secretary for transmittal to congressional leadership and the appropriate congressional committees to satisfy the requirements of subsection 112b(c).

Subsection 112b(e): This subsection requires each U.S. Government department or agency, including the Department of State, which enters into any international agreement or qualifying non-binding instrument to designate a Chief International Agreements Officer, with particular requirements. Further, it establishes an International Agreements Compliance Officer at the Department of State.

Subsection 112b(f): This subsection requires the substance of oral international agreements to be reduced to writing for purposes of meeting requirements of subsections 112b(a) and 112b(b).

Subsection 112b(g): This subsection provides that notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States, without prior consultation with the Secretary of State. Such consultation may encompass a class of agreements.

Subsection 112b(h): This subsection requires the Comptroller General to conduct an audit and submit the results to congressional leadership and appropriate congressional committees, at least every three years for nine years, assessing the Secretary of State's compliance with reporting requirements under this section, in addition to particular issues related to whether any failure

to comply resulted from failure or refusal by other departments and agencies to provide necessary information or material to the Department of State. The Comptroller General and Secretary of State are required to make the information publicly available.

Subsection 112b(i): This subsection requires the President and Secretary of State to promulgate rules and regulations that may be necessary for implementing this section.

Subsection 112b(j): This subsection expresses the sense of Congress that the executive branch should not prescribe or otherwise commit to specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

Subsection 112b(k): This subsection defines key terms including ''appropriate congressional committees''; ''appropriate department or agency''; ''qualifying non-binding instrument''; and ''text'' with respect to an international agreement or qualifying nonbinding instrument.

Subsection 112b(l): This subsection includes two rules of construction: first, that nothing in the section may be construed to authorize the withholding from disclosure to the public of any record if such disclosure is required by law (e.g. pursuant to the Freedom of Information Act, 5 U.S.C. 552). The second rule of construction provides that nothing in the section may be construed to require the provision to congressional leadership or the appropriate congressional committees of any implementing agreement, arrangement, or document of similar purpose or function, entered into by the Department of Defense, Armed Forces, or any element of the intelligence community, or any implementing material originating with the aforementioned agencies, if such agreement, arrangement, document, or material was not required to be provided to congressional leadership or the appropriate congressional committees prior to date of the FY 2023 NDAA.

Paragraph 5947(a)(4) requires the Secretary of State to establish within 270 days after enactment a mechanism for State Department personnel who become aware or have reason to believe that the requirements of the amended Case Act have not been fulfilled to report such instances to the Secretary.

Paragraph 5947(a)(5) calls on the President, through the Secretary of State, to promulgate within 180 days after enactment rules and regulations necessary to carry out the Case Act, as amended by this section.

Paragraph 5947(a)(6) requires the Secretary of State to consult with the Senate Foreign Relations Committee and House Foreign Affairs Committee on matters related to implementing this section before and after the effective date in subsection 5947(c). It further requires the Secretary to brief, every 90 days for one year after enactment of the FY 2023 NDAA, the Committees on Foreign Relations and Appropriations of the Senate and Committees on Foreign Affairs and Appropriations of the House of Representatives, on the status of efforts to implement the section and amendments made by it.

Paragraph 5947(a)(7) authorizes to be appropriated to the Department of State $1,000,000 for each fiscal year 2023 through 2027 for purposes of implementing the requirements of the Case Act, as amended by section 5947.

Paragraph 5947(b) retains and updates the requirement under Section 112a of title 1, United States Code, for the Department of State to provide, upon request copies of international agreements in its possession, but not published. This subsection also expands that requirement to apply to qualifying non-binding instruments.

Paragraph 5947(c) provides that amendments made by this section will take effect 270 days after the date of enactment of the FY 2023 NDAA.

IV. Discussion

Section 5947 of H.R. 7776 is a critical bipartisan reform of the Case Act. It reflects notable developments in practice over the past fifty years in how the U.S. Government engages in diplomacy through accords with other countries and international actors. Key aspects of section 5947 include:

expanding the Case Act publication and congressional reporting requirements to cover the text of qualifying nonbinding instruments (QNIs);

requiring more timely reporting to Congress and publication of the text of international agreements, and mandating that the executive branch provide to Congress and the public detailed information related to each particular agreement and QNI, including the legal basis that, in the view of the executive branch, provides authority to bring the instrument into force;

strengthening intra-executive branch organization and coordination on international agreements and QNIs, including through explicitly requiring that each agency of the federal government that enters into agreements or QNIs (1) provide text of agreements and nonbindings to the State Department, along with associated information, within 15 days of signature, and (2) appoint a Chief International Agreements Officer with responsibility for compliance with the Case Act;

providing a more complete and holistic understanding of agreements and QNIs for the entirety of the time in which they are in force or operational by ensuring ongoing access for Congress to implementing materials (subject to the rule of construction in 112b(l)(2)), and;

facilitating successful implementation of the amended Case Act by (1) requiring that the Department of State consult with the congressional foreign affairs committees on an ongoing basis on matters related to such implementation, (2) authorizing $1 million per year for fiscal years 2023 through 2027 for implementation, and (3) and mandating GAO audits of executive branch compliance.

An informal comparison of key features of the amended Case Act versus the law prior to enactment of section 5947 can be found in the chart on p.9. The discussion below focuses on one particular aspect: the expansion of the Case Act to nonbinding instruments.

Case Act Coverage of Nonbindings

Background

When it was enacted in 1972, the Case Act was a groundbreaking recognition of developments to that date in executive branch practice, namely a shift in conducting foreign policy and reaching accords with other countries, from Article II treaties, entered into with the Senate's advice and consent, to executive agreements. Since then, however, executive branch practice has shifted again, in the direction of nonbinding instruments.

Updating the Case Act now is critical to address this shift. Previously, there had been no uniform statutory approach to nonbinding instruments and no standing requirement that they be shared with Congress or, if appropriate, e.g., not involving classified information, shared with the public. Consequently, as such instruments have proliferated, there has been increasingly less visibility into the international commitments made on behalf of the United States.

Congressional oversight on nonbindings has depended in part on case-specific statutory requirements with respect to particular nonbinding instruments or, in the absence of any such law, requests from members of Congress for text and information on specific nonbindings. The most prominent example of a case-specific statute is the Iran Nuclear Agreement Review Act of 2015, P.L. 114–17 which ensured that Congress had access to the Joint Comprehensive Plan of Action (JCPOA).

This ad hoc approach is not sustainable or acceptable, especially given the increasing reliance on nonbindings. Passing case specific legislation is a difficult, uncertain, and time-consuming endeavor that devours scarce legislative resources, yet covers only the tiniest fraction of the executive branch's expansive nonbinding practice. On the other hand, when there is not a specific statutory mandate for the executive branch to engage Congress on a nonbinding, the Committee's experience demonstrates that it cannot expect to receive basic information in a timely manner or on a consistent basis. Further, there have been instances when the executive branch has simply denied or refused to take any action on basic requests to provide the final text of nonbindings signed with foreign governments. Expansion of the Case Act to cover nonbindings is intended to address this obvious gap in U.S. law.

Definition of Qualifying Non-Binding Instrument in Section 5947

The requirements of section 5947 apply to ''qualifying nonbinding instruments'' (QNI). That term is defined as those nonbindings that ''could reasonably be expected to have a significant impact on the foreign policy of the United States,'' as well as those that are the subject of a written communication from the Chair or Ranking Member of either of the congressional foreign affairs committees to the Secretary of State.

The Committee anticipates that the State Department will promulgate a regulation or share informal guidance for purposes of executive branch implementation and application of the ''significant impact'' standard. During the negotiation of section 5947, the Committee shared its view that the executive branch must ultimately assess the totality of the facts and circumstances in determining whether a particular nonbinding meets the significant impact standard. That view has not changed.

Factors the Committee expects to be considered as part of the analysis include, but are not limited to, whether a nonbinding is politically significant or if there is congressional or public interest in the instrument, as well as if implementation of the nonbinding (1) affects the rights or responsibilities of American citizens or individuals in the United States; (2) impacts State laws; (3) has budgetary or appropriations impact; (4) requires changes to U.S. law to satisfy commitments made therein, or; (5) presents a non-trivial degree of commitment or risk for the entire Nation. The Committee views the presence of any of those factors as relevant and militating in favor of treatment of an instrument as a QNI and urges the State Department to include them in the implementing regulations or interagency guidance for the amended Case Act.

The Committee notes that whether a nonbinding instrument could reasonably be expected to have a significant impact on the United States cannot be dictated by comparison to those highly publicized non-binding instruments that were shared with Congress prior to enactment of this legislation, e.g., the JCPOA and the U.S.-Taliban Agreement. Those instruments were profoundly and extraordinarily significant and therefore do not set the bar for what constitutes mere significance. Nor should significance be determined by the form or structure of an instrument or the number of participants involved—the Committee expects that both bilateral and multilateral nonbindings will meet the standard, as will nonbindings that share a form and structure similar to a binding agreement and those that do not. Finally, the Committee notes that while a non-

binding on a purely technical matter may not on its own rise to the level of ''significant impact,'' particular circumstances could lead to even technical nonbindings having a significant impact on foreign policy—e.g. if a nonbinding, although technical in nature, were of particular importance to a bilateral relationship.

The Committee appreciates that there will inevitably be close calls on whether a particular nonbinding meets the ''significant impact'' standard. In these situations, the Committee strongly encourages the executive branch to apply the standard liberally and err on the side of inclusion and engagement, treating the nonbinding as a QNI for purposes of the Case Act.

As noted above, the definition of QNI also includes any nonbinding that is the subject of a written communication from the chair or ranking member of either of the congressional foreign affairs committees to the Secretary of State. By design, a communication under this provision is not limited to a single nonbinding and does not require the chair or ranking member to specifically name or identify a nonbinding in the communication to the Secretary.

Finally, the definition of QNI includes an important carveout. At the urging of the executive branch, nonbindings that are signed, become operational, or are implemented with authorities relied upon by the Department of Defense, the U.S. Armed Forces, or any element of the intelligence community are excluded from the definition of QNI, and therefore from coverage under the amended Case Act. As with almost all legislation, section 5947 is the product of compromise: The Committee understood that this carveout was necessary in order for section 5947 to be enacted, and encourages the congressional armed services and intelligence committees to conduct oversight related to the nonbindings of those agencies.

V. Conclusion

The Committee looks forward to working with the Department of State and other executive branch agencies to ensure a smooth transition and ongoing successful implementation of the amended Case Act. At the request of the executive branch, the amendments in section 5947 do not take effect until 270 days after the date of enactment of H.R. 7776. This feature gives the executive branch ample time to prepare for and ensure full implementation of the Case Act reforms beginning on the effective date.

The Committee expects that this reform will provide a richer tapestry of information that allows for greater understanding of the use of international accords as a foreign policy tool. Greater congressional input and public insight will lead to a stronger and more sustainable foreign policy.

While an important starting point for executive branch engagement with Congress and the public, the Case Act is just that—a starting point—particularly with Congress. The State Department is required to keep the Committee fully and currently informed about its activities both so that the Committee may discharge its constitutional oversight responsibilities and as required by statute; other executive branch agencies and departments are required to provide information to the Committee upon request. Fulfilling those obligations requires the executive branch to proactively engage with the Committee at a stage well before the text of an agreement or nonbinding is signed and the amended Case Act obligations attach.

APPENDIX A.—COMPARISON OF KEY FEATURES OF THE CASE-ZABLOCKI ACT BEFORE AND AFTER BEING AMENDED BY SECTION 5947 OF H.R. 7776

Comparison of Key Features of the Case-Zablocki Act Before and After Being Amended by Section 5947 of H.R. 7776

Statutory Requirements	Case-Zablocki Act prior to enactment of Section 5947	Case-Zablocki Act as amended by Section 5947
Applies to all binding international agreements..	YES	YES
Applies to non-binding international arrangements..	NO	YES—Applies to qualifying nonbinding instruments (QNIs) (except for elements of the Intelligence community, Armed Services, and Department of Defense). QNI means those that: * Could reasonably be expected to have a significant impact on US foreign policy, or * Are the subject of a written communication from the chair or ranking member of either of the congressional foreign affairs committees to the Secretary of State.
Requires provision of text of agreements and QNIs to Congress upon conclusion of text with foreign partner..	NO—Only requirement is to submit text to Congress 60 days after entry into force..	YES—Text must be provided within one month of being finalized regardless of date for entry into force.
Requires provision to Congress of detailed explanation of executive branch legal authority to enter into agreement or QNI..	NO	YES—Also requires that the explanations of legal authority are made public as long as the agreement is not exempted from publication.
Requires publication of text of international agreements..	YES—within 180 days of entry into force unless applicable exception to publication in State Department regulations..	YES—shortens publication requirement to 120 days and mandates publication unless applicable statutory exception.
Requires publication of text of qualifying non-binding arrangements..	NO	YES—requires publication within 120 days after QNI becomes operative unless applicable statutory exception.
Requires that agencies negotiating international agreements or nonbindings provide the State Department with the information needed to satisfy congressional reporting requirements including on an ongoing basis..	NO	YES
Requires that each department or agency negotiating an international agreement or non-binding designate a Chief International Agreements Office with agency-wide responsibility for compliance with congressional reporting obligations..	NO	YES
Establishes GAO auditing mechanism to ensure compliance and identify needed improvements..	NO	YES—GAO audit required once every three years for first 9 years after enactment.
Requires the Secretary of State to establish a mechanism for State Department personnel who become aware or have reason to believe that the requirements of the Case Act have not been fulfilled to report such instances to the Secretary..	NO	YES
Authorizes funds to implement statutory requirements..	NO	YES—Authorizes $1 million/year for 5 years.
Requires the Secretary of State to consult with SFRC and HFAC on implementation of the Case Act on an ongoing basis..	NO	YES

APPENDIX B.—TEXT OF SECTION 5947 OF H.R. 7776

SEC. 5947. ENHANCING TRANSPARENCY ON INTERNATIONAL AGREEMENTS AND NON-BINDING INSTRUMENTS.

(a) Section 112B of Title 1, United States Code.—

(1) In general.—Section 112b of title 1, United States Code, is amended to read as follows:

''Sec. 112b. United States international agreements and non-binding instruments; transparency provisions

''(a)(1) Not less frequently than once each month, the Secretary shall provide in writing to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees the following:

''(A)(i) A list of all international agreements and qualifying non-binding instruments signed, concluded, or otherwise finalized during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i).

''(iii) A detailed description of the legal authority that, in the view of the Secretary, provides authorization for each international agreement and that, in the view of the appropriate department or agency, provides authorization for each qualifying non-binding instrument provided under clause (ii) to become operative. If multiple authorities are relied upon in relation to an international agreement, the Secretary shall cite all such authorities, and if multiple authorities are relied upon in relation to a qualifying non-binding instrument, the appropriate department or agency shall cite all such authorities. All citations to the Constitution of the United States, a treaty, or a statute shall include the specific article or section and subsection reference whenever available and, if not available, shall be as specific as possible. If the authority relied upon is or includes article II of the Constitution of the United States, the Secretary or appropriate department or agency shall explain the basis for that reliance.

''(B)(i) A list of all international agreements that entered into force and qualifying non-binding instruments that became operative for the United States or an agency of the United States during the prior month.

''(ii) The text of all international agreements and qualifying non-binding instruments described in clause (i) if such text differs from the text of the agreement or instrument previously provided pursuant to subparagraph (A)(ii).

''(iii) A statement describing any new or amended statutory or regulatory authority anticipated to be required to fully implement each proposed international agreement and qualifying non-binding instrument included in the list described in clause (i).

''(2) The information and text required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

''(b)(1) Not later than 120 days after the date on which an international agreement enters into force, the Secretary shall make the text of the agreement, and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to the agreement, available to the public on the website of the Department of State.

''(2) Not less frequently than once every 120 days, the Secretary shall make the text of each qualifying non-binding instrument that became operative during the preceding 120 days, and the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to each such instrument, available to the public on cheesier of the Department of State.

''(3) The requirements under paragraphs (1) and (2) shall not apply to the following categories of international agreements or qualifying non-binding instruments, or to information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1) relating to such agreements or qualifying non-binding instruments:

''(A) International agreements and qualifying non-binding instruments that contain information that has been given a national security classification pursuant to Executive Order 13526 (50 U.S.C. 3161 note; relating to classified national security information) or any predecessor or successor order, or that contain any information that is otherwise exempt from public disclosure pursuant to United States law.

''(B) International agreements and qualifying non-binding instruments that address military operations, military exercises, acquisition and cross servicing, logistics support, military personnel exchange or education programs, or the provision of health care to military personnel on a reciprocal basis.

''(C) International agreements and qualifying non-binding instruments that establish the terms of grant or other similar assistance, including in-kind assistance, financed with foreign assistance funds pursuant to the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or the Food for Peace Act (7 U.S.C. 1691 et seq.).

''(D) International agreements and qualifying non-binding instruments, such as project annexes and other similar instruments, for which the principal function is to establish technical details for the implementation of a specific project undertaken pursuant to another agreement or qualifying non-binding instrument that has been published in accordance with paragraph (1) or (2).

''(E) International agreements and qualifying non-binding instruments that have been separately published by a depositary or other similar administrative body, except that the Secretary shall make the information described in subparagraphs (A)(iii) and (B)(iii) of subsection (a)(1), relating to such agreements or qualifying non-binding instruments, available to the public on the website of the Department of State within the timeframes required by paragraph (1) or (2).

''(c) For any international agreement or qualifying non-binding instrument for which an implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, is not otherwise required to be submitted to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees under subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1), not later than 30 days after the date on which the Secretary receives a written communication from the Chair or Ranking Member of either of the appropriate congressional committees requesting the text of any such implementing agreements or arrangements, whether binding or non-binding, the Secretary shall submit such implementing agreements or arrangements to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees.

''(d) Any department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall—

''(1) provide to the Secretary the text of each international agreement not later than 15 days after the date on which such agreement is signed or otherwise concluded;

''(2) provide to the Secretary the text of each qualifying non-binding instrument not later than 15 days after the date on which such instrument is concluded or otherwise becomes finalized;

''(3) provide to the Secretary a detailed description of the legal authority that provides authorization for each qualifying non-binding instrument to become operative not later than 15 days after such instrument is signed or otherwise becomes finalized; and

''(4) on an ongoing basis, provide any implementing material to the Secretary for transmittal to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees as needed to satisfy the requirements described in subsection (c).

''(e)(1) Each department or agency of the United States Government that enters into any international agreement or qualifying non-binding instrument on behalf of itself or the United States shall designate a Chief International Agreements Officer, who shall—

''(A) be selected from among employees of such department or agency;

''(B) serve concurrently as the Chief International Agreements Officer; and

''(C) subject to the authority of the head of such department or agency, have department- or agency-wide responsibility for efficient and appropriate compliance with this section.

''(2) There shall be a Chief International Agreements Officer who serves at the Department of State with the title of International Agreements Compliance Officer.

''(f) The substance of oral international agreements shall be reduced to writing for the purpose of meeting the requirements of subsections (a) and (b).

''(g) Notwithstanding any other provision of law, an international agreement may not be signed or otherwise concluded on behalf of the United States without prior consultation with the Secretary. Such consultation may encompass a class of agreements rather than a particular agreement.

''(h)(1) Not later than 3 years after the date of the enactment of this section, and not less frequently than once every 3 years thereafter during the 9–year period beginning on the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the compliance of the Secretary with the requirements of this section.

''(2) In any instance in which a failure by the Secretary to comply with such requirements is determined by the Comptroller General to have been due to the failure or refusal of another agency to provide information or material to the Department of State, or the failure to do so in a timely manner, the Comptroller General shall engage such other agency to determine—

''(A) the cause and scope of such failure or refusal;

''(B) the specific office or offices responsible for such failure or refusal; and

''(C) recommendations for measures to ensure compliance with statutory requirements.

''(3) The Comptroller General shall submit to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the appropriate congressional committees in writing the results of each audit required by paragraph (1).

''(4) The Comptroller General and the Secretary shall make the results of each audit required by paragraph (1) publicly available on the websites of the Government Accountability Office and the Department of State, respectively.

''(i) The President shall, through the Secretary, promulgate such rules and regulations as may be necessary to carry out this section.

''(j) It is the sense of Congress that the executive branch should not prescribe or otherwise commit to or include specific legislative text in a treaty, executive agreement, or non-binding instrument unless Congress has authorized such action.

''(k) In this section:

''(1) The term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Relations of the Senate; and

''(B) the Committee on Foreign Affairs of the House of Representatives.

''(2) The term 'appropriate department or agency' means the department or agency of the United States Government that negotiates and enters into a qualifying non-binding instrument on behalf of itself or the United States.

''(3) The term 'intelligence community' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

''(4) The term 'international agreement' includes—

''(A) any treaty that requires the advice and consent of the Senate, pursuant to article II of the Constitution of the United States; and

''(B) any other international agreement to which the United States is a party and that is not subject to the advice and consent of the Senate.

''(5) The term 'qualifying non-binding instrument'—

''(A) except as provided in subparagraph (B), means a non-binding instrument that—

''(i) is or will be under negotiation, is signed or otherwise becomes operative, or is implemented with one or more foreign governments, international organizations, or foreign entities, including non-state actors; and

''(ii)(I) could reasonably be expected to have a significant impact on the foreign policy of the United States; or

''(II) is the subject of a written communication from the Chair or Ranking Member

of either of the appropriate congressional committees to the Secretary; and

''(B) does not include any non-binding instrument that is signed or otherwise becomes operative or is implemented pursuant to the authorities relied upon by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community.

''(6) The term 'Secretary' means the Secretary of State.

''(7)(A) The term 'text' with respect to an international agreement or qualifying non-binding instrument includes—

''(i) any annex, appendix, codicil, side agreement, side letter, or any document of similar purpose or function to the aforementioned, regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument; and

''(ii) any implementing agreement or arrangement, or any document of similar purpose or function to the aforementioned regardless of the title of the document, that is entered into contemporaneously and in conjunction with the international agreement or qualifying non-binding instrument.

''(B) As used in subparagraph (A), the term 'contemporaneously and in conjunction with'—

''(i) shall be construed liberally; and

''(ii) may not be interpreted to require any action to have occurred simultaneously or on the same day.

''(l) Nothing in this section may be construed—

''(1) to authorize the withholding from disclosure to the public of any record if such disclosure is required by law; or

''(2) to require the provision of any implementing agreement or arrangement, or any document of similar purpose or function regardless of its title, which was entered into by the Department of Defense, the Armed Forces of the United States, or any element of the intelligence community or any implementing material originating with the aforementioned agencies, if such implementing agreement, arrangement, document, or material was not required to be provided to the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, or the appropriate congressional committees prior to the date of the enactment of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 1, United States Code, is amended by striking the item relating to section 112b and inserting the following:

''112b. United States international agreements and non-binding instruments; transparency provisions.''.

(3) TECHNICAL AND CONFORMING AMENDMENT RELATING TO AUTHORITIES OF THE SECRETARY OF STATE.—Section 317(h)(2) of the Homeland Security Act of 2002 (6 U.S.C. 195c(h)(2)) is amended by striking ''Section 112b(c)'' and inserting ''Section 112b(g)''.

(4) MECHANISM FOR REPORTING.—Not later than 270 days after the date of the enactment of this Act, the Secretary of State shall establish a mechanism for personnel of the Department of State who become aware or who have reason to believe that the requirements under section 112b of title 1, United States Code, as amended by paragraph (1), have not been fulfilled with respect to an international agreement or qualifying non-binding instrument (as such terms are defined in such section) to report such instances to the Secretary.

(5) RULES AND REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the President, through the Secretary of State, shall promulgate such rules and regulations as may be necessary to carry out section 112b of title 1, United States Code, as amended by paragraph (1).

(6) CONSULTATION AND BRIEFING REQUIREMENT.—

(A) CONSULTATION.—The Secretary of State shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on matters related to the implementation of this section and the amendments made by this section before and after the effective date described in subsection (c).

(B) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, and once every 90 days thereafter for 1 year, the Secretary shall brief the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding the status of efforts to implement this section and the amendments made by this section.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of State $1,000,000 for each of the fiscal years 2023 through 2027 for purposes of implementing the requirements of section 112b of title 1, United States Code, as amended by paragraph (1).

(b) SECTION 112A OF TITLE 1, UNITED STATES CODE.—Section 112a of title 1, United States Code, is amended—

(1) by striking subsections (b), (c), and (d); and

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

''(b) Copies of international agreements and qualifying non-binding instruments in the possession of the Department of State, but not published, other than the agreements described in section 112b(b)(3)(A), shall be made available by the Department of State upon request.''.

(c) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall take effect on the date that is 270 days after the date of the enactment of this Act.

IRAN

Mr. MENENDEZ. Mr. President,

Zan. Zendegi. Azadi.

Jin, Jiyan, Azadi.

''Women, life, freedom.''

These words of protest have echoed through Iran's streets and across the world for 4 months—because 4 months ago, the Iranian Morality Police arrested Mahsa Amini at a highway entrance in Tehran. Their charge? Not wearing her hijab ''properly.'' They stopped her. They forced her into their van. They beat this 22-year-old woman until she was brain dead. And when word of her death got out, the chanting and protests began.

I rise today to express my profound disappointment that the Senate has failed to pass S.Con. Res. 47, which commends the bravery of these Iranian protestors who have stood their ground against the Iranian regime for over 100 days—and counting. We have seen women defiantly burn their hijabs and cut off their hair in public. We have seen Iranian soccer players on the global stage at the World Cup risk everything to stand in solidarity with their brothers and sisters back home. We have seen famous Iranian actors and actresses, singers and other popular figures, refuse to back down, even as the regime has arrested them—like Amir Nasr-Azadani, Taraneh Alidoosti, Toomaj Salehi, Mona Borzouee, Mahmoud Shariari, and so many others that I could name. We have seen ordinary Iranians of all walks of life risk imprisonment and death to gather in squares and march through the streets to confront the misogyny of this regime—too many to name here—but we must remember their names.

How has the Iranian regime responded? With tear gas, with torture, with live gunfire and death. They have killed hundreds of protestors and arrested tens of thousands more. As someone who has been closely following the Iranian regime for over three decades since my time as a Representative in the House, their actions don't come as a surprise. We all know how brutal the Iranian regime has been both at home and abroad. We see it with Iranian drones that are killing Ukrainians. We see it in the missiles aimed at our Gulf partners and Americans in the region, in the threats to wipe Israel off the map. We see it in the assassination attempts on former U.S. officials.

For decades, the Iranian regime has repressed and tortured anyone who opposes them. They have massacred innocent political prisoners. And now—on full display across social media—we are seeing how ruthless and desperate they are to keep their grip on power. The only difference between their violent actions in the past and those unfolding this year is that, despite the internet shutdowns, today, the world is watching the events unfold in real time.

According to the organization Iranian Human Rights, the regime has killed over 600 people, including dozens of minors, and detained at least 18,500 people since protests began in September. Eighteen thousand—that is about the same as the population of Weehawken, NJ. In less than 1 week, the Iranian regime hanged two protestors without due process after sham trials alleged they ''waged war against God.'' Majidreza Rhanavard and Mohsen Shekari, they both were 23. The regime has sentenced at least 11 others to death, the majority of them in their 20s. Reports suggest at least 30 others are facing sham charges that could carry the death penalty as well.

The world sees clearly the depravity of this regime. That is due to the incredible bravery of the Iranians who are speaking out. And we need to stand shoulder to shoulder with them because, contrary to what some may say, it is not American meddling in internal Iranian politics to support the Iranian protestors. It is not American meddling when we raise up Iranian voices. These are voices coming from those inside Iran who are risking everything to pursue their basic human rights, when they know they are putting it all on